

BID 22-07
PURCHASE OF ELECTRIC REACH TRUCK
FORKLIFT

March 3, 2022

SECTION 1. BID INSTRUCTIONS AND CONDITIONS.

1.1 Purpose. The purpose of this Bid is to solicit proposals from dealers located in the state of Iowa interested in supplying one (1) new electric reach truck to the Iowa Lottery Authority (Lottery) to be used within the Iowa Lottery warehouse. (see Section 4 for more details).

1.2 Requests for Clarification or Inquiries. Vendors with questions concerning the bid may contact Terry Brown, RFP Coordinator. Contact information is as follows:

| Contact Method | Contact Information |
|-----------------------|--|
| Mail or hand delivery | Iowa Lottery Authority, 13001 University Ave. Clive, IA 50325-8225 |
| Telephone | 515-725-7877 |
| Facsimile Telephone | 515-281-3182 |
| E-mail address | tdbrown@ialottery.com |

1.3 Bid Conference. A bid conference will not be held.

1.4 Bid Disclosure Prohibition. In the event that a vendor or someone acting on the vendor's behalf attempts to discuss this bid orally or in writing with any Lottery Board member or any employee of the Lottery, or any employee or elected official of the State of Iowa, other than the bid coordinator designated above, the vendor may be disqualified.

1.5 Submission of Bids.

1.5.1 Bids must be received at the Lottery no later than 1:00 p.m. central time, March 11, 2022. The bids shall be delivered, mailed, faxed, or e-mailed to the bid coordinator at the address shown in Section 1.2.

1.5.2 Bids shall contain the information required in Appendix A and Appendix B.

1.5.3 Bid can't exceed \$60,000 total of the purchase price.

1.5.4 No bids will be accepted after the date and time specified in this section. A late bid shall be returned to the vendor. Only one bid will be accepted from each vendor. **This is a mandatory requirement and will not be waived by the Lottery as a minor deficiency.**

1.5.5 Bids will be opened at 2:00 p.m. central time on March 11, 2022. The bids will remain confidential until all bids submitted in response to the bid have been reviewed. See Iowa Code Section 72.3. The bids will be available for inspection after the award is announced. See Iowa Code Chapter 22.

1.5.6 Failure to supply any information requested to accompany the bid is cause for rejection of the bid as non-compliant.

1.5.7 The Lottery reserves the right to request additional information from any vendor to assist in understanding or clarifying the terms of any bid. Such additional information may be considered by the Lottery in the evaluation of a bid so long as the information does not materially alter the content of the vendor's bid. A vendor will not be permitted to modify or amend its bid if contacted by the Lottery for this reason.

1.5.8 The Lottery reserves the right to obtain from any and all sources information concerning a vendor or a vendor's product, services, personnel or subcontractors that the Lottery deems pertinent to this bid and to consider such information in evaluating the vendor's bid.

1.5.9 All bids shall be firm for a period of thirty (60) days to allow adequate time to fully evaluate all the bids received and make awards deemed in the best interest of the Lottery and the State of Iowa.

1.5.10 Because the requested delivery date is June 30, 2022, it is our intent to evaluate the bids and issue a notice of award within three (3) days of bid submission.

1.6 Rejection of Bids.

1.6.1 At any time prior to execution of a written contract, the Lottery and the Lottery Board reserve the right to reject any or all bids received, in whole or in part for any reason. The Lottery shall not pay for any information herein requested.

1.6.2 The bid shall be rejected outright and not evaluated for any one (1) of the following reasons:

1.6.2.1 Failure of vendor to deliver the proposal by 1:00 p.m. on the due date.

1.6.2.2 Failure to include the required submittal form(s) signed by an officer of the company submitting the bid.

1.6.3 Failure to comply with or respond to any part of this bid requiring a response may result in rejection of the bid response as not responsive.

1.6.4 Issuance of the bid in no way constitutes a commitment by the Lottery to award the contract. This bid is designed to provide vendors with the information necessary for the preparation of competitive bid responses. This bid process is for the Lottery's benefit and is intended to provide the Lottery with competitive information to assist in the selection of goods and services. It is not intended to be comprehensive and each vendor is responsible for determining all factors necessary for submission of a comprehensive bid.

1.7 Cost of Bid. The Lottery is not responsible for any costs incurred by a vendor that are related to the preparation or delivery of the bid or any other activities carried out by the vendor related to this bid.

1.8 Waiver of Deficiencies. The Lottery reserves the right to waive minor deficiencies in a bid. The decision as to whether a deficiency will be waived or will require the rejection of a bid will be solely within the discretion of the Lottery and the Lottery Board. Vendors are specifically notified that the failure to comply with or respond to any part of this bid that requires a response may result in rejection of its bid.

1.9 Copyrights. By submitting a bid the vendor agrees that the Lottery may copy the bid for purposes of facilitating the evaluation or to respond to requests for public records. Regardless of any copyright notification which may appear in the bid, the vendor consents to such copying by submitting a bid and warrants that such copying will not violate the rights of any third party.

1.10 Bids Property of the Lottery. All proposals become property of the Lottery and shall not be returned to the vendor unless all bids are rejected and no award is made. At the conclusion of the selection process, the contents of all bids will be placed in the public domain and be opened to inspection by interested parties.

1.11 Public Records and Requests for Confidentiality. All information submitted by a vendor may be treated as a public record by the Lottery unless the vendor properly requests that the information be treated as confidential information at the time its bid is submitted. Public records will

be copied by the Lottery as necessary to comply with Iowa's public record laws. The release of information by the Lottery to the public is subject to Iowa Code chapters 22 and 99G. Vendors are encouraged to familiarize themselves with these provisions prior to submitting a bid.

1.12 Restrictions on Gifts and Activities. Iowa Code chapters 68B and 99G contain laws that restrict gifts that may be given or received by state employees and requires certain individuals to disclose information concerning their activities with state government. Vendors are responsible for determining the applicability of this chapter to their activities and for complying with these requirements. In addition, Iowa Code Section 722.1 provides that it is a felony offense to bribe a public official.

1.13 Construction of Bid with Laws and Rules. This bid is to be construed in light of pertinent legal requirements, including Iowa Code chapter 99G and 531 Iowa Administrative Code. Changes in applicable laws and rules may affect the award process or the resulting contract. Vendors are responsible for ascertaining pertinent legal requirements and restrictions.

1.14 Release of Claims. With the submission of a bid, each vendor agrees that it will not bring any claim or have any cause of action against the Lottery or the State of Iowa based on any misunderstanding concerning the information provided herein or concerning the Lottery's failure, negligent or otherwise, to provide the vendor with pertinent information as intended by this bid. Additionally, each vendor releases each source of information of all claims, whether known or unknown, consulted by the Lottery to obtain information regarding the vendor's criminal history, credit data, the vendor, the vendor's product, services, personnel or subcontractors which the Lottery deems pertinent to this bid.

1.15 News Release Prohibition. Vendors shall not issue any news releases or make any statement to the news media pertaining to this bid or a proposal or contract or work resulting from this bid without the prior written approval of the Lottery.

SECTION 2. GENERAL TERMS AND CONDITIONS OF THE CONTRACT.

2.1 PURCHASE AGREEMENT. After the bid award has been made, a purchase agreement contract must be signed. The Lottery reserves the right to either award this purchase agreement contract without further negotiation with the selected vendor or to negotiate contract terms with the selected vendor if the best interests of the Lottery would be served. All costs associated with complying with these requirements should be included in the prices quoted by the vendor. Any exception to the purchase agreement by a vendor must be noted as part of the vendor bid response found as Appendix B.

2.2 TERM. The term of this purchase contract will be for a period of four (3) months beginning upon execution of resulting contract through the month of June.

2.3 COMPENSATION.

2.3.1 Set-Off. The contract will contain a set off provision which allows the Lottery to set-off any sum owed by the vendor to the State of Iowa from any payment made by the Lottery to the vendor in the State of Iowa's sole discretion, unless otherwise required by law.

2.3.2 Termination Due to Lack of Funds or Change in the Law. The contract will contain a provision regarding termination due to the lack of funds or a change in the law. The Lottery shall have the right to terminate the contract without penalty by giving 60 days notice if any of the following contingencies occur:

- If the Lottery's authorization to operate is withdrawn or there is a material alteration in the programs the Lottery administers.
- If the Lottery's duties are substantially modified.

2.3.3 Lottery Funds. The funds of the State of Iowa, as opposed to the funds of the Lottery, are not available to meet the Lottery's obligations. The vendor shall provide an invoice to the Lottery with payment to be made in arrears.

SECTION 3. EVALUATION PROCEDURE.

3.1 Evaluation committee. An evaluation committee composed of Lottery employees will review the bids submitted. The committee will consider all information provided when making its recommendation and may consider relevant information from other sources. ***The Lottery will award the contracts to the vendor submitting the best proposal. The lowest priced proposal is not necessarily the best proposal.***

3.2 Evaluation process. All bids received by the specified date and time will be reviewed for compliance with the requirements of the bid. If a bid fails to meet a mandatory requirement, the bid proposal will be eliminated from further consideration.

SECTION 4. SCOPE OF SERVICES

4.1 Background. The Lottery expects to purchase one (1) new model year electric reach truck forklift to use at Iowa Lottery warehouse for operational use. This forklift will be driven by a lottery employee throughout the time of ownership at the Iowa Lottery warehouse located in Ankeny, Iowa. The Lottery would like to take delivery of the vehicle on or about June 1, 2022 if possible. Forklift title to be transferred to the Iowa Lottery upon delivery.

4.2 Basic Limited Warranty. Contractor shall guarantee that all manufacturer/dealer new forklift warranties will transfer from dealer to Lottery.

- 12-months / 2,000 key-on operating hours whichever occurs first limited warranty.
- 36-month / 6,000 hours whichever occurs first Powertrain limited warranty.

4.5 Forklift Color and Options. The electric reach truck forklift may be any color exterior and interior package with all standard options and automatic transmission. Mast MUST have a lift height of 280" and a capacity lift of a minimum of 3,000 LBS. Spotlight, key-on, both directions, fire extinguisher (Dry Chemical), Power hook-up for on-board terminal and reverse travel alarm.

APPENDIX A BID COMPLIANCE AND CERTIFICATION FORM

VENDORS MUST SIGN AND SUBMIT CERTIFICATION WITH BID

1. I certify that I have the authority to bind the vendor indicated below to the specific terms and conditions and technical specifications required in this BID and offered in the vendor's proposal.
2. I understand that by submitting this proposal the vendor indicated below agrees to the following:
 - 2.1 The vendor will provide services that meet the requirements of this BID.
 - 2.2 The vendor will provide any additional terms offered by the vendor.
 - 2.3 The vendor will provide the services at the prices quoted by the vendor in the bid proposal.
3. I certify that in making this bid proposal that the vendor has not consulted with others for the purpose of restricting competition.
4. I certify that the information contained in the bid proposal is true and accurately portrays all aspects of the vendor's ability to provide the services described in the bid. Vendor has not made any knowingly false statements in its bid proposal.
5. I am aware that any substantive misinformation or misrepresentation may disqualify the bid from further consideration.
6. Vendor hereby certifies total compliance with all terms, conditions and specifications of this bid except as expressly stated below. Add a separate page if necessary.

Bid Item Number

Comments

Business Name: _____

Address: _____

Authorized Signature: _____

Printed Name: _____

Title: _____

Email Address: _____

Telephone: _____

Fax Number: _____

Date: _____

Federal Employer Identification Number: _____

**APPENDIX B
COST PROPOSAL
BID 22-07**

Bids will be received until 1:00 p.m., Friday, March 11, 2022. The Lottery is a state agency and sales tax exempt entity. Payment will be made in arrears after delivery of the forklift.

Forklift: The new electric reach truck may be any color exterior and interior package with all standard options and automatic transmission with electrical operational. .

Cost: Total cost: \$_____

Purchase Agreement: As noted in Section 2.1, all exceptions to the purchase agreement must be stated here.

Dealership Name

Authorized Signature

Date