

BID 23-01
Outdoor Electronic Billboard Signs

SECTION 1. OVERVIEW AND BID PROCEDURES.

1.0 Introduction and Background. The Iowa Lottery (Lottery) is seeking bids for the replacement of outdoor electronic billboards. The Lottery currently leases seven (7) outdoor billboard locations that contain electronic display number signs in the state of Iowa from various outdoor advertising companies. The electronic display number sign portion of the billboard is owned by the Lottery and displays the Powerball jackpot amount that is frequently updated. The Lottery is seeking vendors interested in providing state-of-the-art equipment to replace the existing electronic display number signs and the continued maintenance of the signs.

The Vendor awarded the bid agrees to provide all material and labor to install, test the capabilities of uplink and programming, and provide training to Lottery staff.

2.0 Bid Proposal Timetable. The anticipated schedule for this bid is as follows:

<i>Event</i>	<i>Dates</i>
Bid Issued	September 28, 2022
Bid Proposals Due	12:00 p.m., October 14, 2022
Bid Award	On or before October 24, 2022
Services to begin	November 1, 2022

3.0 Submittal Procedure. One copy of the complete bid must be received at the Lottery office no later than **12:00 p.m. central time, October 14, 2022**. The bids may be delivered, mailed via USPS, e-mailed or faxed to the bid coordinator shown in Item 5.0 noted below.

4.0 Requests for Clarification or Inquiries. Vendors with questions concerning the bid may contact the Bid Coordinator for clarification.

5.0 Contact Information. All inquiries concerning the bid should be directed to Terry Brown, Bid Coordinator. Contact information follows:

<i>Contact</i>	<i>Contact Information</i>
Bid Coordinator	Terry Brown
Mail or hand delivery	Iowa Lottery Authority, 13001 University Ave. Clive, IA 50325-8225
Telephone	515-725-7877 Terry Brown
Facsimile Telephone	515-281-3182
E-mail address	tdbrown@ialottery.com

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

7.0 Addendum or Amendment to the Request for Proposal. In the event it becomes necessary to amend, addend, or delete any part of the Bid, any addendum or amendments shall be provided to all Vendors who received the original Bid and posted to www.ialottery.com under the "Vendor" tab.

8.0 Bid Terms and Conditions.

8.1 No bids will be accepted after the date and time specified in this section. A late bid shall NOT be accepted or considered.

8.2 The Bid must include a signed Proposal Compliance and Certification form, found as Appendix B, signed by an authorized individual or agent of the company.

8.3 Bids will be opened at 12:00 p.m. Central Time on the due date stated. The bids will remain confidential until the evaluation has been completed and a notice of intent to award a contract is

announced. See, Iowa Code Section 72.3. The bids will be available for inspection after the notice of intent to award a contract is announced. See, Iowa Code Chapter 22.

8.4 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.

8.5 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 which the Lottery deems pertinent to this bid and to consider such information in evaluating the Vendor's bid.

8.6 All bids shall be firm for a period of sixty (60) days to allow the evaluation committee to fully evaluate all bids and make awards deemed in the best interest of the Lottery and the State of Iowa.

8.7 By submitting a bid, the Vendor agrees to the terms and conditions contained within this bid document and the terms and conditions of the Contract or negotiate terms that are acceptable to both parties.

8.8 Following the contract award by the Lottery, each Vendor submitting a proposal will receive written confirmation of the Lottery's decision.

8.9 At any time prior to execution of a written contract, the Lottery or the Lottery Board reserve the right to reject any or all proposals received by reason of this bid document, in whole or in part for any reason.

8.10 The proposal shall be rejected outright and not evaluated for either of the following reasons:

- Failure of Vendor to deliver the proposal by 12:00 p.m. on the due date.
- Failure to include the required submittal form(s) signed by an officer of the company submitting the proposal.

8.11 Issuance of the bid document in no way constitutes a commitment by the Lottery to award the contract. This bid document is designed to provide Vendors with the information necessary for the preparation of competitive proposals. 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.

8.12 The Lottery is not responsible for any costs incurred by a Vendor which are related to the preparation or delivery of the bid proposal or any other activities carried out by the Vendor related to this bid document.

8.13 The Lottery reserves the right to waive minor deficiencies in a bid proposal. 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. Vendors are specifically notified that the failure to comply with or respond to any part of this bid document that requires a response may result in rejection of its bid.

8.14 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.

9.0 Construction of BID with Laws and Rules. This bid document is to be construed in light of pertinent legal requirements including Iowa Code 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.

10.0 Award Preferences. By virtue of statutory authority, a preference will be given to products and provisions grown and coal produced within the state of Iowa. Preference application: Tied responses to solicitations, regardless of the type of solicitation, are decided in favor of Iowa products and Iowa-based businesses per 11 IAC 105.5(1)-(2), 105.12(4).

11.0 Copyrights. By submitting a bid proposal, the Vendor agrees that the Lottery may make copies of the bid proposal for purposes of facilitating the evaluation or to respond to requests for public records, regardless of any

copyright notification that may appear in the bid. The Vendor consents to such copying by submitting a bid proposal and warrants that such copying will not violate the rights of any third party. The Lottery will have the right to use ideas or adaptations of ideas that are presented in the bid proposals.

12.0 Proposals Property of the Lottery. All bid proposals become property of the Lottery and shall not be returned to the Vendor unless all bid proposals are rejected and no award is made. At the conclusion of the selection process, the contents of all bid proposals, including financial statements, if required, will be placed in the public domain and be open to inspection by interested parties unless restricted by a designation of confidentiality.

13.0 Public Records and Requests for Confidentiality.

13.1 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(s) are submitted. Public records will be copied by the Lottery as necessary to comply with Iowa's public record laws. By submitting a bid proposal, the Vendor grants the Lottery the right to make the required copies of the bid proposal.

13.2 Any request for confidential treatment of information must be included with the bid proposal and must enumerate the specific grounds in Iowa Code Chapter 22 and 99G which support treatment of the material as confidential and must indicate why disclosure is not in the best interests of the public. The request must also include the name, address, and telephone number of the person authorized by the Vendor to respond to any inquiries by the Lottery concerning the confidential status of the materials.

13.3 In the event the Lottery receives a request for the release of information that a Vendor has marked as confidential, the Lottery will provide a written notice via fax and first class mail to the Vendor regarding the request as soon as practicable. Unless otherwise directed by a court of competent jurisdiction, the Lottery will release the requested information pursuant to Iowa Code Chapter 22.

13.4 Once a contract has been executed, the contract and all supporting documents in the Vendor's bid proposal including pricing shall be considered public and subject to disclosure pursuant to Iowa Code Chapter 22. All items marked as confidential except the pricing information shall be treated as confidential in accordance with Iowa Code Chapter 22.

13.5 The Vendor's failure to request confidential treatment of material pursuant to this section and the relevant laws and administrative rules will be deemed by the Lottery as a waiver of any right to confidentiality that the Vendor may have had.

13.6 The release of information by the Lottery to the public is subject to Iowa Code Chapter 22. Vendors are encouraged to familiarize themselves with these provisions prior to submitting a bid proposal.

14.0 Restrictions on Gifts and Activities. Iowa Code chapter 68B and 99G contains laws which restrict gifts which 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 Chapter 722.1 provides that it is a felony offense to bribe a public official.

15.0 Release of Claims. With the submission of a proposal, 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, which the Lottery received while evaluating the bid proposal. This information could include but is not limited to the Vendor's criminal history, credit data, products, services, personnel or subcontractors.

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

SECTION 2. SCOPE OF SERVICES

The purpose of this bid is to solicit proposals from qualified Vendors interested in providing a quote must be able to design, supply, install and maintain electronic number signs within the current space available on each billboard. The sign must be no smaller than the available space which is approximately 5' 6" high x 10' 6" wide, with 5' tall digit.

The locations of the billboards that require updated equipment are:

Council Bluffs – display size 14' x 48' located at 9th & West Broadway
Waterloo – display size 14' x 48' located at University Ave & Greenhill
Davenport – display size 14' x 48' located at Kimberly & Spring
Davenport – display size 14' x 48' located at US 61 (Brady) and 59th
Davenport – display size 14' x 48' located at West River & Warren
Sioux City – display size 14' x 48' located at 4001 Gordon Drive
Dubuque – display size 14' x 48' located at US 20 / W end Julien Bridge

The sign proposed should be based on the following requirements set forth by the Iowa Lottery:

The sign must be a three digit LED, single face, and freestanding sign, with digital electronic numbers.

All communications to the sign must be wireless transmission. If vendor quote includes wireless communication that requires a monthly fee, the Vendor must include those monthly costs as part of their monthly maintenance quote.

All seven electronic number displays must be capable of being reset within minutes in an accurate, efficient, and timely manner with only one transaction or phone call.

All signs must be powered by a battery charged solar unit to avoid additional electrical expenses.

The sign must be encased in a black weather-resistant box style frame that will fit the available space.

The electronic number sign must be installed on the billboard in a secure manner that will safeguard against future problems or damage.

The electronic number sign must also be installed in such a manner that no visible daylight should be seen between the electronic numbers sign and billboard.

2.1 MONTHLY SIGN MAINTENANCE

The Lottery would like to enter into a maintenance agreement with the awarded Vendor for a period of five (5) years plus a two (2) year option period. As part of the bid response, the Vendor must provide a price for the monthly maintenance service for the seven (7) signs. When service is required, the Lottery must be able to place a service call to one source, the Vendor, for all seven (7) sign locations. After receiving a call for service, the Vendor agrees to provide service within 24 hours. The monthly maintenance fee should include the repair and/or replacement of all communication fees are required, the Vendor must include the ongoing fees in their bid response.

The Lottery expects to negotiate with the awarded Vendor a service agreement that will provide a full replacement for any of the seven electronic sign displays that have reoccurring service issues.

SECTION 3. TERMS AND CONDITIONS OF THE CONTRACT.

3.1 Contract Terms and Conditions. The contract that the Lottery expects to award as a result of this bid will be based upon the bid proposals submitted by the Vendors to this solicitation. The Lottery reserves the right to either award a 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. The standard terms and conditions of Lottery contracts may be reviewed on the Iowa Lottery website at <https://www.ialottery.com/Pages/Vendors/VendorsMain.aspx> . The contract terms provided on the website are not intended to be a complete listing of all contract terms but are provided only to enable the Vendor to better evaluate the Vendor's costs associated with the bid and resulting contract.

In addition to the standard terms and conditions, the following special terms shall be a part of the resulting contract. Vendors should plan on the following special terms being included in any contract awarded as a result of this bid. All costs associated with complying with these requirements should be included in the prices quoted

by the Vendor. The Lottery reserves the right to either award a contract(s) without further negotiation with the successful Vendor or to negotiate contract terms with the selected Contractor if the best interests of the Lottery would be served.

3.2 Term of the Contract. The term of the resulting contract will be from November 1, 2022 through June 30, 2024 plus five (5) one-year option periods being exercised at the sole discretion of the Lottery.

3.3 Special Contract Terms. In addition to the standard terms and conditions, the following special terms shall be a part of the resulting contract. Vendors should plan on the following special terms being included in any contract awarded as a result of this bid. All costs associated with complying with these requirements should be included in the prices quoted by the Vendor.

Cost Adjustments. The costs in this Agreement shall allow for an adjustment (increase or decrease) of the Vendor's price for any contract extensions that may be exercised by the Lottery.

Insurance. The Successful Vendor shall purchase and maintain insurance providing coverage for the claims set forth below which may arise out of or result from the Successful Vendor operations under the Contract, whether such operations be by the Successful Vendor or by any subcontractor or by anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable. Dollar amounts defined below are minimums and the Successful Vendor must purchase and maintain this minimum insurance coverage. Statements of self-insurance to cover these obligations will be considered non-responsive.

a. Property Insurance. Insurance on all buildings, fixtures and equipment provided or used in the production of product must be maintained in the amount of actual replacement cost thereof. This policy must insure personal property including contents and equipment against fire, flood, and all other insurable hazards.

b. General Liability Insurance. Commercial General Liability and Property Damages Insurance with limits of not less than \$1,000,000 combined single limit for Bodily Injury and Property Damage per occurrence and \$1,000,000 Aggregate.

d. Automobile Bodily Injury and Liability Insurance. Insurance with a combined single limit of not less than \$1,000,000.

e. Workers' Compensation Insurance. To cover all of Successful Vendor employees during the term of the contract in accordance with Iowa statutes, or other applicable worker's compensation laws.

All insurances required by this section must be effective upon execution of the Contract and continue in full force and effect throughout the term of the Contract. The Lottery must receive thirty (30) days advance written notice of cancellation, termination, or failure to renew any policy.

Certificates of Insurance. Certificates of insurance must be furnished to the Lottery no later than thirty (30) days following Contract execution, with renewal certificates provided each year thereafter. The Lottery will be named as an additional insured on all Certificates of Insurance as allowable.

SECTION 4. EVALUATION PROCEDURE.

4.1 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 contract to the vendor submitting the best proposal. The lowest priced proposal is not necessarily the best proposal.***

4.2 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.

5. VENDOR RESPONSE

All Vendors submitting a bid must provide the following information as part of their bid response.

General Information:

- **5.1** The Vendor must describe other technology requirements that the Lottery must provide to operate or change the sign such as a PC with Windows software, modem, etc.
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- **5.2** Describe the viewing distance and the viewing angle of the sign proposed.
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- **5.3** Indicate the height and width of the display numbers being proposed.

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- **5.4** Describe the process or procedure required to complete a sign update.
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- **5.5** Provide a general description of the proposed sign technology or a marketing pamphlet that describes the sign.
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- **5.6** Describe the service and/or items to be included in the proposed monthly maintenance service.
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Vendor must provide three (3) reference for signs produced that are networked together for updating purposes and that require frequent updating; signs that are updated at least weekly such as gas stations, hotels, etc. Vendor must also provide a photo of these previously produced signs.

Acknowledgements:

5.7 Vendor must submit the completed Bid Proposal, found as Appendix A and Appendix B.

5.8 The Vendor shall review the terms and conditions stated for this bid which may be found on the Iowa Lottery website, refer to section 3.1. If the Vendor objects to any term or condition, the Vendor must specifically take exception to the applicable term or condition and state the reason for the exception. The Lottery reserves the right to either award a contract without further negotiation with the successful Vendor or to negotiate contract terms with the selected Vendor if the best interests of the Lottery would be served.

**Appendix A
BID PROPOSAL 23-01**

ALL BIDs must include this cost proposal and responses to Section 5.

NOTICE TO VENDORS: All BIDs will be received at the Iowa Lottery until 12:00 p.m., October 14, 2022. Any deviation from the specifications must be identified. Vendors must submit this cost proposal and responses to Section 5. Vendors may submit additional information if desired and/or additional pages. By submitting this bid, the Vendor agrees to provide the goods/services as described in the bid document as Scope of Services.

- **Vendors must respond to information requested in Section 5.1 through 5.8.**
- **Vendors must provide pricing for the following items**

SIGNS:

By submitting this bid, the Vendor agrees to provide all materials and labor to install seven (7) electronic display signs, test the capabilities of uplink and programming, and provide training to Lottery staff.

Total price for 7 signs \$ _____

MONTHLY MAINTENANCE:

By submitting this bid, the Vendor agrees to provide, at a minimum, the items described under Section 1.7, for a period of five (5) years.

Monthly maintenance fee \$ _____

Business Name: _____

Business Name: _____

Address: _____

Authorized Signature: _____

Printed Name: _____

E-mail address: _____

Telephone: _____

Fax: _____

Date: _____

Federal ID # _____

Appendix B PROPOSAL COMPLIANCE AND CERTIFICATION STATEMENT

I certify that the contents of the Bid Proposal are true and accurate. I also certify that no false statements have knowingly been made in this Bid Proposal.

Certification of Independence

By submitting a Bid Proposal in response to this Bid, I certify the following:

1. The Bid Proposal has been developed independently, without consultation, communication or agreement with any employee or consultant to the Lottery who has worked on the development of this Bid, or with any person serving as a member of the evaluation committee.
2. The Bid Proposal has been developed independently, without consultation, communication or agreement with any other Vendor or parties for the purpose of restricting competition.
3. Unless otherwise required by law, the information found in the Bid Proposal has not been knowingly disclosed and will not be knowingly disclosed prior to the award of the contract, directly or indirectly, to any other Vendor.
4. No attempt has been made or will be made to induce any other Vendor to submit or not to submit a Bid Proposal for the purpose of restricting competition.
5. No relationship exists or will exist during the contract period between the Vendor and the Lottery that interferes with fair competition or as a conflict of interest.

Certification Regarding Debarment

6. I certify that, to the best of my knowledge, the Contractor/Company (shown in signature box) and all of its principals: (a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by a Federal Agency or State Agency; (b) have not within a ten-year period preceding this Bid Proposal been convicted of, or had a civil judgment rendered against them for commission of fraud, or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction, violation of antitrust statutes or commission of embezzlement, theft, forgery, falsification or destruction of records, making false statements, or receiving stolen property; (c) are not presently indicted for or other criminally or civilly charged by a government entity (federal, state, or local) with the commission of any of the offenses enumerated in (b) of this certification; and (d) have not within a three year period preceding this Bid Proposal had one or more public transactions (federal, state, or local) terminated for cause.

This certification is a material representation of fact upon which the Lottery has relied upon when this transaction was entered into. If it is later determined that the undersigned knowingly rendered an erroneous certification, in addition to other remedies available, the Lottery may pursue available remedies including suspension, debarment, or termination of the contract.

Certification Regarding Registration, Collection, and Remission of Sales and Use Tax

7. Pursuant to Iowa Code sections 423.2(10) & 423.5(8) (2011) a retailer in Iowa or a retailer maintaining a business in Iowa that enters into a contract with a state agency must register, collect, and remit Iowa sales tax and Iowa use tax levied under Iowa Code chapter 423 on all sales of tangible personal property and enumerated services. The Act also requires Contractors to certify their compliance with sales tax registration, collection, and remission requirements and provides potential consequences if the certification is false or fraudulent.

By submitting a Bid Proposal the undersigned certifies the following: (check the applicable box)

_____ is registered with the Iowa Department of Revenue, collects, and remits Iowa sales and use taxes as required by Iowa Code chapter 432; or

_____ is not a "retailer" or a "retailer maintaining a place of business in this state" as those terms are defined in Iowa Code subsections 423.1(42) & (43).

By submitting a Bid Proposal and signing this statement, Contractor indicates understanding and acknowledges that the Lottery may declare the bid or resulting contract void if the above certification is false. The Contractor

also understands that fraudulent certification may result in the Lottery or its representative filing for damages for breach of contract.

I have the authority to bind the Contractor indicated below to the specific terms and conditions and technical specifications required in this Bid and offered in the Bid Proposal.

Business Name:	
Authorized Signature:	
Printed Name:	
Title:	
Date:	