

PART III

NOTICES, GENERAL INFORMATION, INSTRUCTIONS AND CONDITIONS FOR OFFERORS

SECTION

TITLE

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K	General Conditions for Offerors



SECTION I

GENERAL INFORMATION ABOUT THE RFP

I.1 PROPOSAL PREPARATION COSTS

This RFP does not commit VRE to an award, nor to pay any costs associated with the preparation and/or submission of any proposal. VRE shall not reimburse any costs incurred by Offerors in responding to this RFP or in competing for Contract award.

I.2 MODIFICATION OF PROPOSAL CLOSING DATE

VRE reserves the right to modify the proposal closing date and/or time. If Offerors have already submitted their proposals to VRE when the proposal closing date and/or time are modified, VRE will afford those Offerors the opportunity to revise or withdraw their proposals.

I.3 ADDENDA

VRE may issue addenda to the RFP. Addenda, if any, will be issued at least five (5) calendar days prior to the proposal closing date. Any addendum issued less than five (5) days prior to the closing date will, if necessary, contain a provision modifying the proposal closing date to a date that will provide Offerors adequate time to respond to the addendum.

I.4 CANCELLATION/WITHDRAWAL OF RFP

VRE reserves the right to cancel or withdraw in whole or in part this RFP at its sole discretion. Offerors will be notified in the event the RFP is cancelled via the VRE website.

I.5 WAIVER OF INFORMALITIES

VRE reserves the right to waive informalities and minor irregularities in proposals.

I.6 DISPOSITION OF PROPOSALS

Offerors' proposals will not be returned. VRE will retain the original proposal for the contract file and destroy the remaining copies.



SECTION J

GENERAL INSTRUCTIONS FOR OFFERORS

J.1 AVAILABILITY OF SOLICITATION DOCUMENTS

The electronic versions of our solicitation documents are intended to provide convenience to you. Be advised that it is the responsibility of the prospective Offerors to monitor the VRE website for any addenda, notices or postings. Failure to submit signed addenda may be grounds to declare your offer non-responsive. The RFP can be downloaded from the website and submitted the same as if a hard copy of the solicitation had been requested from VRE.

J.2 WRITTEN COMMUNICATIONS

- A. VRE will assume no responsibility for any understanding or representations concerning conditions made by any of its officers or agents prior to the execution of the Contract, unless included in this RFP, the specifications, or related documents or addenda thereto.
- B. Oral explanations or instructions given before the award of the Contract will not be binding.

J.3 WITHDRAWAL OF PROPOSAL PRIOR TO CLOSING DATE

The Offeror may request withdrawal of its proposal under the following circumstances:

- A. Proposals may be withdrawn by written notice from the Offeror to VRE's Contract Administration Manager, prior to RFP closing date and time. The withdrawal shall be made by the person signing the proposal or by an individual(s) who is authorized by the Offeror. The Offeror must provide written evidence of the individual's authority to withdraw the proposal if the individual withdrawing the proposal is other than the person signing the proposal. Proposals may be withdrawn no later than two (2) business days prior to the closing date.
- B. Requests for withdrawal of proposals after opening of such proposal but prior to award shall be transmitted to VRE's Contract Administration Manager, in writing, accompanied by full documentations supporting the request. If the request is based on a claim of error, documentation must show the basis of the error.



- C. Proposals may be withdrawn for good cause after the closing date and prior to award. No Offeror who is permitted to withdraw a proposal shall, for compensation, supply any material or labor to or perform any subcontract or other work agreement for the person or firm to whom the Contract is awarded or otherwise benefit, directly or indirectly, from the performance of the project for which the withdrawn proposal was submitted.

J.4 LATE PROPOSALS

Proposals received after the proposal closing date and time shall not be considered. Late proposals will be returned to the Offeror UNOPENED, if the solicitation number, closing date and Offeror's return address is shown on the package.

J.5 WITHDRAWAL OF PROPOSALS AFTER PROPOSAL OPENING

- A. An Offeror may withdraw his proposal from consideration if the price/cost proposal was substantially lower than the other proposals due solely to a mistake therein, provided the proposal was submitted in good faith, and the mistake was a clerical mistake as opposed to a judgment mistake, and was actually due to an unintentional arithmetic error or an unintentional omission of a quantity of work, labor or material made directly in the compilation of a proposal, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of original work papers, documents and materials used in the preparation of the proposal sought to be withdrawn.
- B. The Offeror shall give notice in writing of his claim of right to withdraw his proposal along with his original work papers, documents, and materials used in the preparation of the proposal to the VRE Contract Administration Manager, within two (2) days of the conclusion of the proposal opening procedure.
- C. If VRE denies the withdrawal of a proposal within ten (10) calendar days after receiving notice from the Offeror under the provisions of this section, VRE shall notify the Offeror in writing stating the reasons for its decision and award the Contract to such Offeror at the proposed price, provided such Offeror is a responsible and responsive Offeror.

J.6 REJECTION OF PROPOSALS

- A. Proposals which fail to meet the solicitation requirements, or which are incomplete, conditional or obscure, or which contain additions not called for, erasures, alterations or irregularities of any kind or in which errors occur, or which contain abnormally high or abnormally low prices, for any class or item of work, may be rejected as invalid at VRE's discretion.



- B. More than one proposal from the same Offeror, whether or not the same or different names appear on the signature page, shall result in none of the Offeror's proposal being considered.
- C. Reasonable proof for believing that any Offeror has an interest in more than one proposal for the work contemplated will cause the rejection of all proposals made by him directly or indirectly.
- D. Any or all proposals shall be rejected if there is reason for believing that collusion exists among the Offerors.

J.7 TRADE SECRETS OR PROPRIETARY INFORMATION

- A. Trade secrets or proprietary information submitted by an Offeror in connection with a procurement transaction submitted pursuant to Code of Virginia, subsection B of §2.2-4317 shall not be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).
- B. However, the Offeror shall:
 - 1. Invoke the protections of this section prior to or upon submission of the data or other materials;
 - 2. Identify the data or other materials to be protected; and
 - 3. State the reasons why protection is necessary.
- C. Except for the foregoing limitation, VRE may duplicate, use, and disclose in any matter and for any purpose whatsoever and have others so do, all data furnished in response to this RFP. VRE has the right to release trade secret or proprietary information to a third party which may assist VRE in the review and evaluation of the proposals.



SECTION K

GENERAL CONDITIONS FOR OFFERORS

K.1 BRAND NAME OR EQUAL

- A. If items called for by this RFP have been identified in the scope of work, project drawings, or technical specifications by a "brand name or equal" description, such identification is intended to be descriptive, but not restrictive, and to indicate the quality and characteristics of products that will be satisfactory. (As used in this clause, the term "brand name" includes identification of products by make or model.)
- B. A proposal offering "equal" products will be considered for award if such products are clearly identified and are determined by VRE to be equal in performance and all material respects to the brand name products referenced.
- C. There shall be no substitution for any accepted material, component, design or fabrication unless and until the proposed substitute has received written acceptance from VRE. VRE may require the removal of this substitute at no additional cost to VRE or unaccepted item, which is installed without the written acceptance of VRE.
- D. If proposing other than the "brand name" manufacturer or specifications, the proposal must show manufacturer, brand or trade name, catalog number, etc. of the article offered.

K.2 DESCRIPTIVE LITERATURE

- A. The Offeror shall clearly and specifically identify the product being offered even if offering the exact brand name, make or manufacturer specified.
- B. The Offeror shall provide sufficient descriptive literature, technical detail, etc. only if the product being offered is other than what is specified herein, to enable VRE to determine if the product offered meets the requirements of the solicitation.
- C. Descriptive literature is not required if offering the exact brand, make or manufacturer specified. Only the information furnished with the proposal shall be considered in the evaluation.
- D. Unless the Offeror clearly indicates in its proposal that the product offered is an equal product, such proposal will be considered to offer the brand name product referenced in the solicitation. By submission of a proposal, the Offeror certifies that the items meet or exceed the specifications described herein.



K.3 DEBARMENT STATUS

By submitting its proposal, the Offeror certifies that it is not currently debarred from submitting proposals on contracts by any agency of the Commonwealth of Virginia or the U.S. Government nor are they an agent of any person or entity that is currently debarred from submitting proposals on contracts by an agency of the Commonwealth of Virginia or the U.S. Government.

K.4 DISADVANTAGED BUSINESS ENTERPRISES

- A. The VRE is committed to an active effort to involve Disadvantaged Business Enterprises (DBE) in contracting opportunities and encourages participation in procurement activities. Where it is practicable for any portion of the awarded Contract to be subcontracted to other suppliers, the Offeror/Contractor is encouraged to offer such business to minority and/or women-owned businesses.
- B. Disadvantaged business enterprise or DBE means a for-profit small business concern:
 - 1. That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged, or, in the case of a corporation, 51 percent of the stock of which is owned by one or more such individuals; and
 - 2. Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
- C. Offerors must state any plans to utilize such businesses and the manner in which they may be utilized under the resultant contract.

K.5 PROPOSAL ACCEPTANCE PERIOD

The proposal shall be binding upon the Offeror for one hundred and twenty (120) calendar days following the proposal closing date. Any proposal in which the Offeror shortens the acceptance period shall be rejected, although the acceptance period may be extended by mutual agreement between VRE and the Offeror.



K.6 QUALIFICATION OF OFFERORS

- A. VRE may make such reasonable investigations as deemed proper and necessary to determine the ability of the Offeror to furnish the item(s) required in the performance of this Contract. The Offeror shall furnish to VRE all such information and data for this purpose as may be requested. VRE further reserves the right to reject any proposal if the evidence submitted by, or investigations of, such Offeror fails to satisfy VRE that such Offeror is properly qualified to carry out the obligations of the Contract and to furnish the item(s) contemplated therein.
- B. VRE reserves the right to reject any offer if the evidence submitted by, or investigations of, such Offeror fails to satisfy VRE, that such Offeror is properly qualified to carry out the obligations of the Contract and to provide the services and/or goods contemplated herein.

K.7 PRE-AWARD SURVEY

- A. After the due date and prior to contract award, VRE shall have reviewed and evaluated all data submitted by the Offeror.
- B. VRE reserves the right to perform or have performed a financial review of the successful Contractor's resources, and to require the submission of a statement of work in progress by the Contractor.

