



Government Support Services – Contracting
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June 17, 2011

TO: ALL OFFERORS

FROM: PETER KOROLYK
STATE CONTRACT PROCUREMENT OFFICER

SUBJECT: ADDENDUM TO INVITATION TO BID – CONTRACT NO. GSS11002-GASOLINE

ADDENDUM #1

This addendum has been issued to the Invitation to Bid (ITB) to clarify and amend the State's instructions for the use of subcontractors and to provide a summary of the questions submitted to the State.

The ITB for Contract No. GSS11002-GASOLINE does not exclude the use of subcontractors, but the State does ask for disclosure of subcontractors that a vendor intends to utilize. For reference, please see Appendix B – Pricing, tab #2, titled as Delivery Capabilities.

For each and any subcontractor that a vendor intends to utilize, the vendor is **REQUIRED TO** provide the State of Delaware with a signed, and subcontractor countersigned paper copy of the Subcontractor Information Form, which is attached at the end of this addendum. **THIS IS A CHANGE TO THE ITB REQUIREMENTS.**

- ❖ The State will accept electronic copies of original signatures on the Subcontractor Information Form. (For example, a form that is personally signed and then sent by fax, or a personally signed form which is then scanned and emailed will be acceptable). A physical, paper copy must still accompany the bid package submission for each subcontractor listed.

PLEASE NOTE: The original signature(s) and notary seals required for the Non-Collusion Statement **MUST BE ORIGINALS**, signed in ink. For the Non-Collusion Statement, electronic signatures will NOT be accepted. Deviation from this requirement will deem any corresponding proposal UNRESPONSIVE.

The Vendor(s) shall be responsible for compliance by the subcontractor with all terms, conditions and requirements of the Invitation to Bid (ITB) and with all local, State and Federal Laws. The Vendor shall be liable for any noncompliance by any subcontractor. Further, nothing contained herein or in any subcontractor agreement shall be construed as creating any contractual relationship between the subcontractor and the State.

Part II of this addendum provides questions have been submitted by prospective vendors and the corresponding answers. None of the questions asked have changed the scope of work or technical specifications of this ITB.

Q1. Can I see current contract pricing and awarded vendors?

A1. The current Award Notice, which will supply a list of current vendors and their current pricing can be found at the following site:

http://contracts.delaware.gov/contracts_detail.asp?i=31

Q2. How are payments made by the State?

A2. Invoice payments are by the ordering agency. See ITB Item #24, listed as "bill to shipped".

Q3. Can I see the bid tabulation from the last bid?

A3. The bid tabulation from the last bid may be made accessible by a formal FOIA (Freedom of Information Act). However, any such request must first be reviewed by the State's legal team to ensure no proprietary information is conveyed. A review of the Award Notice and the posted pricing can be obtained at the site referenced in Question #1 with no FOIA required, and will provide a snapshot of the contract pricing structure.

Q4. Have any fuel suppliers discussed how they deal with the risk created by the State of Delaware's Gross Receipts Tax (GRT)?

A4. None of the vendors have expressed or explained how they project for the risk associated with the GRT.

Q5. Do samples need to be submitted for this bid?

A5. Gasoline samples do not need to be submitted for the bid. An OPIS 'snapshot' report sample does have submitted as one of the requirements.

Q6. Do insurance certificates need to be submitted with a bid or only if awarded?

A6. Insurance certificates will only need to be provided by the awarded vendor(s).

Q7. The bid mentions a MWBE report. Are vendors required to use a MWBE in this contract?

A7. Vendors are not required to utilize MWBE vendors.

Q8. We use local common carriers to complete deliveries; would they be considered subcontractors?

A8. Haulers or carriers that are not operated by the contract vendor would be considered subcontractors. The contract vendor must comply with the requirements of the ITB and disclose all subcontractors that you intend to utilize. Additionally, vendors must provide signed the Subcontractor Information Form(s) as listed above.

Q9. Are subcontractors acceptable?

A9. There are no prohibitions to utilizing subcontractors. However, subcontractors must be properly disclosed and all appropriate forms provided.

Q10. Will margins be read aloud at the bid opening? If not, may attendees review the bids at the opening?

A10. Only vendor names will be read at the bid opening. No pricing or margins will be provided. Bid opening attendees will not be offered the opportunity to review the submissions by the other vendors.

Q11. Have any addenda or corrections been released?

A11. Prior to the release of this addendum, no other addenda or corrections have been made.

Please Note: Vendors should periodically check the State of Delaware's bid portal site for any additional addenda or corrections. The State of Delaware's bid portal site is located at:

<http://bids.delaware.gov/>

Q12. What is the anticipated award date?

A12. The State is required to select a vendor(s) within 30 days of bid opening. However, an award will not become official until it is signed and executed by the prospective vendor and the State. The contract is scheduled to begin as of September 1, 2011.

Q13. May we have a list of bidders that received a copy of this bid?

A13. This bid has been made available to the vendors currently on contract. Additionally, the State has posted the bid to its bid portal which is available to the public at large. Accordingly, there is no way to determine what vendors are interested in the bid or have downloaded the required bid documentation.

Q14. Would the State of Delaware consider a firm fixed price?

A14. As stated in the ITB, the State of Delaware seeks a floating price contract that is tied to daily average rack price of regular unleaded fuel as quoted in the Wilmington, DE market. The State believes that a floating price best protects the interests of the State, and a firm fixed price will not be considered.

Q15. How soon will bid tabulations be available?

A15. Bid tabulations will not be available until a contract is signed and executed by the State and its selected vendor(s).

Please see next page for the Subcontractor Information Form.

All other terms and conditions of the ITB remain the same.

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