

**STATE OF DELAWARE**



***DELAWARE HEALTH  
AND SOCIAL SERVICES***

DIVISION OF MANAGEMENT SERVICES  
1901 N. DuPont Highway  
New Castle, DE 19720

**"DMS Serving Those Who Serve Delaware"**

**SPECIFICATIONS AND CONTRACT DOCUMENTS NO. #HSS-10-093**

**FOR**

**NUTRITIONALLY COMPLETE FOODS**

**Required for Use By**

**VARIOUS DELAWARE STATE AGENCIES**

**CONTRACT PERIOD:**

**JANUARY 1, 2011 THROUGH DECEMBER 31, 2011**

<b>Deposit</b>	<b>WAIVED</b>
<b>Performance Bond</b>	<b>WAIVED</b>
<b>Date Due</b>	<b>AUGUST 30, 2010</b>
<b>Time</b>	<b>11:00 A.M LOCAL TIME</b>

**DELAWARE HEALTH AND SOCIAL SERVICES  
DIVISION OF MANAGEMENT SERVICES  
PROCUREMENT BRANCH- MAIN BLDG, ROOM 260  
HERMAN M. HOLLOWAY SR. HEALTH AND SOCIAL SERVICES CAMPUS  
1901 N. DUPONT HIGHWAY  
NEW CASTLE, DELAWARE 19720**

## INVITATION TO BID # HSS-10-093

Sealed bids for **NUTRITIONALLY COMPLETE FOODS** for various Delaware State Agencies must be received by the Department of Health & Social Services, Procurement Branch, Main Administration Building, Second Floor, Room 260, 1901 North DuPont Highway (Sullivan Street), Herman M. Holloway Sr. Health & Social Services Campus, New Castle, Delaware 19720, until 11:00 **AM local time** on **AUGUST 30, 2010**, at which time they will be opened, read and recorded.

Specifications may be obtained at the above office. (302) 255-9295.

**PLEASE NOTE:** The following paragraphs hereby become part of the General Terms and Conditions of this bid.

**1, 2, 3, 4, 5, 6, 7, 8, 10, 16, 25, and 27**

**CONTACT PERSON: ANNETTE OPALCZYNSKI ( 302) 255-9295 NOTE:**

### **SPECIAL TERMS AND CONDITIONS.**

**Please review the General Rules and Conditions and the General Requirements for Food Only, which appear on the DHSS website. The following forms must be included with your bid: 1) the Bidder Signature Form, 2) the Vendor Certification Form and 3) the Office of Minority and Women Business Enterprise Forms. All of these documents can be accessed on the DHSS website:**

**<http://www.dhss.delaware.gov/dhss/rfp/dhssrfp.htm>**

**NOTE TO VENDORS:** Your bid **must** be signed and all information on the signature page completed.

If you do not intend to submit a bid, please send an e-mail to the buyer, stating that you do not intend to bid on this contract and would like to remain on the mailing list.

**IMPORTANT:**

**ALL BIDS MUST HAVE ON THE OUTSIDE ENVELOPE OUR EIGHT (DIGIT) BID NUMBER. IF THIS NUMBER IS OMITTED, YOUR BID WILL IMMEDIATELY BE REJECTED.**

**ALL BIDS MUST BE DELIVERED TO THE ADDRESS ON THE BID ENVELOPE. UNDER NO CIRCUMSTANCES WILL A BID BE ACCEPTED THAT IS :**

- LATE**
- DELIVERED TO THE WRONG BUILDING.**
- SIGNED FOR BY A PERSON OTHER THAN A MEMBER OF THE PROCUREMENT STAFF.**

**DELIVERY INSTRUCTIONS:**

**IT IS THE RESPONSIBILITY OF THE BIDDER TO ASSURE THAT THE BID HAS BEEN RECEIVED BY THE DEPARTMENT OF HEALTH & SOCIAL SERVICES BY THE DEADLINE. TO INSURE THAT YOUR BID IS IN THE ABOVE OFFICE ON THE DATE AND THE TIME SPECIFIED, THERE ARE THREE (3) RECOMMENDED METHODS OF DELIVERY LISTED BELOW:**

- 1. HAND DELIVER**
- 2. FEDERAL EXPRESS**
- 3. UPS**

**FOR FURTHER BIDDING INFORMATION PLEASE CONTACT:**

**BUYER: ANNETTE OPALCZYNSKI  
DEPARTMENT OF HEALTH & SOCIAL SERVICES  
PROCUREMENT BRANCH  
MAIN ADMIN. BLDG., ROOM 260  
1901 NORTH DUPONT HIGHWAY  
HERMAN M. HOLLOWAY SR.,  
HEALTH & SOCIAL SERVICES CAMPUS  
NEW CASTLE, DELAWARE 19720**

**PHONE: (302) 255-9295**

## SPECIAL TERMS & CONDITIONS

- 1) **Prices are to be valid from JANUARY 1, 2011 THROUGH DECEMBER 31, 2011. Price increases will not be accepted.**
  
- 2) **VENDORS MUST SUBMIT A COPY OF THEIR DELAWARE BUSINESS LICENSE WITH THEIR BID. TO APPLY FOR A LICENSE, CALL 302-744-1085 or access the following website:  
<https://onestop.delaware.gov/osbrlpublic/Home.jsp>**
  
- 3) **UNSPS CODE**: The State of Delaware has implemented a new financials system. Bidders must supply the United Nations Products and Services Code (UNSPSC) for each item in their bid proposal. Failure to include the UNSPSC may be grounds for rejection of your bid. **The UNSPSC can be accessed at the following website: [www.top500.de/lexikon/unspsc.php](http://www.top500.de/lexikon/unspsc.php)**
  
- 4) **Bids will be accepted on the brands that are listed. Substitutions are not acceptable.**
  
- 5) **Requirement quantities shall be unlimited. The State of Delaware will not be required to buy a specified amount.**
  
- 6) **Minimum case requirements of more than one case will not be accepted. The State of Delaware will not accept minimum orders over \$50.00.**
  
- 7) **Deliveries must be F.O.B. destination to all state agencies that are under the jurisdiction of Delaware Health & Social Services.**
  
- 8) Purchase orders will be issued as needed by various agencies.
  
- 9) Upon delivery, product shall be inspected by an authorized representative of Delaware Health & Social Services, and if found defective or if it fails in any way to meet specifications as indicated in the bid quotation section, it may be rejected. The decision(s) of the Chief of Procurement of the Department of Health & Social Services shall be final. All rejected material will be replaced by the supplier within seven (7) days.

- 10) Only one price per item will be accepted. Multi bracket pricing will be disallowed.
- 11) The state reserves the option to extend the bid/contract for a one (1) year period if all parties agree.
- 12) **If the awarded vendor cannot supply an item they must get approval to submit an alternate item at the same price, from the Delaware Health & Social Services Procurement Department. This must be done prior to delivery. If the vendor fails to supply an item, Delaware Health & Social Services has the right to authorize an agency to order an equivalent product on the open market and charge the awarded vendor the price difference.**
- 13) This contract can be utilized by any state or facility or agency in the State of Delaware.
- 14) The vendor is required to "Bill as Shipped" to the respective ordering agencies. Ordering agencies shall provide at a minimum the contract number, ship to and bill to address, contract name and phone number.
- 15) **The agencies or school districts involved will authorize and process for payment each invoice within thirty days (30) days after the receipt. The contractor or vendor must accept full payment by procurement credit card or conventional check and/or other electronic means at the State's option, without imposing any additional fees, costs or restrictions.**
- 16) All items delivered during the life of the contract shall be of the same type and manufacture as specified unless specific approval is given by DHSS-DMS Procurement to do otherwise. Substitutions may require the submission of written specifications and product evaluation prior to any approvals being granted.
- 17) Vendors are required to have either a local telephone number or a toll free number. Each agency is responsible for placing their orders either by written purchase order, telephone, fax or computer. The vendor must accept full payment by **credit card and/or conventional check and/or other electronic means at the State's option without imposing any additional fees, costs, or conditions.**

- 18) Force Majeure: Neither the vendor/contractor nor the ordering agency shall be liable for non-performance under the terms and conditions of this contract due to but not limited to government restriction, strike, flood, fire or an unforeseen catastrophe beyond either party's control. Each party shall notify the other in writing of any situation that may prevent performance under the terms and conditions of this contract.
- 19) The vendor/contractor agrees that it shall indemnify and hold the State of Delaware and all its agencies harmless from and against all claims for injury, loss of life or damage or loss of use of property caused or alleged to be caused by acts or omissions of the contractor, its employees and invitees on or about the premises and which arises out of the contractor's performance or failure to perform as specified in this agreement.