

Questions and Answers from June 13, 2005 Pre-proposal Conference
RFP Number: FIN-0520TC – Addendum No. 1
Statewide Toner Cartridge Program

Q1: Will the contract be awarded on an all or none basis?

A1: The solicitation allows the AOC to make a single award or multiple awards, as stated in section 1.3.

Q2: Do we have to bid both OEM and remanufactured?

A2: No, vendors can bid only OEM or only remanufactured or both. The solicitation allows the AOC to make a single award or multiple awards, as stated in section 1.3. The award will be based on best value to the AOC and members of the Purchasing Group, as stated in the Evaluation Criteria set forth in section 2.7.

Q3: Without statewide usage, how will the evaluation be calculated?

A3: The cost proposals will be evaluated based on best value, as stated in the Evaluation Criteria set forth in section 2.7. Although the AOC does not have statewide data for the courts' actual purchases, the cost proposals will be evaluated based on purchasing data provided from a selection of courts and from the AOC's data, looking at various purchasing scenarios. The specific purchasing scenarios and criteria will be established by the Evaluation Committee prior to the opening of the cost proposals.

Q4: How will DVBE be applied?

A4: As stated in the RFP, the DVBE program is an Executive Branch program. As stated in Addendum No. 1, response to question no. 3, the evaluation criterion does not include consideration for DVBE or small business enterprises; award will be made to the vendor who provides the best overall value based on the evaluation criteria. In the unlikely event that two vendors tie with identical scores, the DVBE participation may be used as a tie-breaker.

Q5: If we do not bid as a DVBE can we bid as a prime or as a subcontractor?

A5: As long as the prime contractor vendor submitting the proposal is present and registered at the pre-proposal conference under the name of the company submitting the proposal, the proposal can be accepted whether or not the vendor is a DVBE. Section 3.4.2 of the RFP, addresses the use of subcontractors.

Q6: Is the AOC decentralized totally?

A6: Although the AOC's primary office is in San Francisco, the Statewide Toner Cartridge Program is for the non-mandatory use by the Judicial Branch and the public law libraries ("Purchasing Group"). At a minimum, the AOC plans on using the contract resulting from this solicitation. In some instances, the Superior Courts have separated from their counties and are making their own purchases but in other instances, some Superior Courts have not separated from their counties and may be required to purchase through their counties. Note that the courts (both Superior and Appellate) and the other members of the Purchasing Group are separate entities that are responsible for their own purchasing decisions and payments.

Q7: Is desktop delivery a requirement?

A7: Many courts or other Purchasing Group members do not have truck loading docks and have limited staff available to accept and stock receivables. Consequently, the Purchasing Group member may require the delivery to be made at a specific floor or area within their facility. The RFP and contract requires that the vendor provide “Inside Delivery”, when requested. Inside Delivery is defined as a delivery to other than a loading dock, front lobby or reception area.

Q8: Will we need to provide a set of test cartridges?

A8: No, the AOC will rely on the vendors’ third party certifications regarding yield and quality, as required in sections 3.6.2 and 4.1.2.2.

Q9: How do you determine a defective cartridge?

A9: If a Purchasing Group member claims that the cartridge is not functioning per the requirements, it would initially be considered “defective” until further research validates that the cartridge is not defective and is functioning per the requirements of the manufacturer. The AOC can agree to include language in the final contract that requires the purchasing party to advise the vendor why the cartridge is considered to be defective and provide the vendor an opportunity to correct the problem.

Q10: Based on the fact that the toner RFP is not mandatory, will the winning supplier be able to be proactive and contact the courts directly?

A10: The AOC will work with the winning vendor or vendors to announce the program to the members of the Purchasing Group and create an implementation plan and contact strategy.

Q11: What are the marketing procedures for the awardees?

A11: As stated in response to the previous question, the AOC will work with the winning vendor or vendors to announce the program to the members of the Purchasing Group and create an implementation plan and contact strategy.

Q12: Do the awardees get the list of locations?

A12: A list of locations and specific addresses is included in the solicitation as Attachment B, Purchasing Group Address List.

Q13: Can courts pay with credit cards?

A13: If Purchasing Group members utilize credit cards for payment of individual purchases, they may elect to use a credit card for payment; however, many Purchasing Group members issue a blanket purchase order for a fiscal year (which ends on June 30th for the Judicial Branch). After receipt of the vendor’s invoice, payment is made with a check issued through a Purchasing Group member’s financial program on a regular payment cycle. Note that the Executive Branch’s State Controller’s Office issues checks for the AOC and the Appellate Courts.

Q14: Without a budget, can the AOC pay the accounts payable?

A14: None of the Purchasing Group members will make orders without funds being available. The AOC anticipates a contract award in August. If the State Budget Act is not passed before the contract is executed, the AOC and any Appellate Court purchase will be delayed until after the Budget Act is passed. Superior Courts may or may not have sufficient funding to make purchases until after the Budget Act is passed.

Q15: Is the reference is section 3.7.1 (b) correct?

A15: The reference to the required certification from a third party regarding the vendor's remanufacturing process meeting the latest standards adopted by ASTM should be corrected to reference section 4.1.2.2.