GENERAL CONDITIONS – REVERSE AUCTIONS

ALL BIDS SUBMITTED SHALL BE IN COMPLIANCE WITH ALL CONDITIONS SET FORTH HEREIN. THE BID PROCEDURES FOLLOWED BY THIS OFFICE WILL BE IN ACCORDANCE WITH THESE CONDITIONS. THEREFORE, ALL BIDDERS ARE URGED TO READ AND UNDERSTAND THESE CONDITIONS PRIOR TO SUBMITTING A BID.

1. PREPARATION OF BIDS
   1. Bids may be submitted through the State of Mississippi’s e-procurement system (MAGIC or in person to the Mississippi Bureau of Narcotics. Paper bids are allowed. All prices and notations must be printed in ink or typewritten. No erasures permitted. Errors may be crossed out and corrections printed in ink or typewritten adjacent and must be initialed, in ink, by the person signing the bid.
   2. To submit bids electronically, bidders must ensure they are registered in the MAGIC system and have received a login, password, and supplier number and that all technical requirements have been met. Please visit the following website <http://www.dfa.ms.gov/dfa-offices/mmrs/mississippi-suppliers-vendors/> for complete instructions.
   3. If a bidder is unwilling or unable to participate through MAGIC, please contact Ellen Jenkins, 601-371-3657 or e-mail at [ejenkins@mbn.ms.gov](mailto:ejenkins@mbn.ms.gov) to have the Vendor’s bid manually entered into the MAGIC system (i.e. Surrogate bidding).
   4. Bidders participating in person by surrogate bidding must so indicate in their response to the initial Request for Quote-Formal (RFQF).
   5. Failure to examine any specifications, and instructions will be at the bidder’s risk.
   6. Price each item separately. Unit prices shall be shown. Bid prices must be net.
   7. It is understood that reference to available specifications shall be sufficient to make the terms of such specifications binding on the bidder.
   8. Bidders must furnish information requested in the bid specifications such as descriptive literature and technical specifications.
2. BID SUBMISSION
   1. When submitting a bid electronically, the authorized signature may be typed or be an electronic signature.
   2. Bids and modifications or corrections received after the closing time specified will not be considered.
   3. When submitting the response to the RFQF in MAGIC, bidder must ensure all questions have been answered within the RFQF and all proposed items in bid have a response.
   4. Bidders submitting paper responses should submit responses to the MS. Bureau of Narcotics by the response deadline.
   5. **Each bidder must submit for bid evaluation descriptive literature and technical specifications covering the product offered**.
3. ACCEPTANCE OF BIDS

MBN reserves the right to reject any and all bids, to waive any informality in bids and unless otherwise specified by the bidders, to accept any items on the bid. MBN reserves the right to modify or cancel in whole or part it’s Invitation for Bids.

If a bidder fails to state the time within which a submitted bid will expire, it is understood and agreed that MBN shall have 60 days to accept.

1. ERROR IN BID

If a vendor is participating in a Live Auction, the vendor can notify MBN in the event of an erroneous bid via the chat message feature. Erroneous bids, where the mistake is apparent to MBN, may be deleted during the live auction.

1. AWARD
   1. Purchases will be made or entered into with the lowest responsible bidder meeting specifications, except as otherwise specified in the bid specifications.
   2. A written purchase order or contract award furnished to the successful bidder within the time of acceptance specified in the Invitation for Bid results in a binding contract without further action by either party. The contract shall consist solely of these General Conditions, the Instructions and Special Conditions, the successful bidder’s bid, and the written purchase order.
2. TAXES

The Bureau of Narcotics is exempt from federal excise taxes and state and local or use taxes. Bidders must quote prices which do not include such taxes. An exemption letter will be furnished upon request.

1. GIFTS, REBATE, GRATUITIES
   1. Acceptance of gifts from bidders is prohibited. No officer or employee of MBN shall accept or receive, directly or indirectly, from any person, firm or corporation to whom any contract for the purchase of materials, supplies or equipment may be awarded, by rebate, gifts, or otherwise, any money or anything of value whatsoever, or any promise, obligation or contract for future rewards or compensation.
   2. Bidding by state employees is prohibited. It is unlawful for any state official or employee to bid on, or sell, or offer for sale, any merchandise equipment or material, or similar commodity to the State during the tenure of his or her office or employment, or for the period prescribed by law thereafter, or to have any interest in the selling of the same to MBN.
2. BID INFORMATION

Bid information and documents may be examined pursuant to the Mississippi Public Record Act of 1983, MS. Code 25-61-1 et seq.

1. PRE-QUALIFICATION PROCESS
   1. The purpose of the RFQF is to advertise the competitive procurement for solicitation of formal quotes from potential bidders to participate in the Reverse Auction. MBN will be responsible for defining product categories, adding bidders, and publishing all bid related documents to the procurement portal. Once the responses have been received and Opening Date has been reached, MBN will review the submissions to qualify bidders and determine a starting price for reverse auction items.
   2. The Invitation for Bids/RFQF shall be advertised in accordance with Section 3.106.05.4 of the Mississippi Procurement Manual. MBN shall advertise for 14 consecutive days in accordance with Section 31-7-13(c)(i)(1) of the Miss. Code Ann. Reponses to the RFQF will be due on the 8th working day after the last day of advertisement.
   3. Responses to the RFQF will be reviewed by MBN for responsiveness to specifications. Price quotes received will be evaluated in conjunction with other market research to determine the starting price for the Auction.
   4. MBN will accept bidders responses in MAGIC who have qualified meeting RFx specifications. Bidders not meeting specifications will not be allowed to participate in the Auction.
   5. Once qualified, MBN will notify the vendor of Qualification and the date of the Live Auction via email. After receiving the confirmation email, bidders should review/ensure technical requirements for MAGIC have been met or confirm participation in person.
2. LIVE AUCTION
   1. Notification of Auction Start date and time will be sent via email to qualifying bidders. If a bidder is unwilling or unable to participate through MAGIC, a representative from MBN can enter the Vendor’s bid manually (i.e. Surrogate Bidding). If a bidder elects to participate via Surrogate Bidding, the bidder must be physically present at the public bidding location, with the means to submit written bids for each offer made and signed by an authorized agent of the Vendor. A Bid Form will be provided to the Vendor at the start of the auction. This form will not be returned to the bidder but will become part of the Bid Documentation for Evaluation by MBN.
   2. The Auction time may be extended at the discretion of MBN. Example of reasons to extend an auction include, but are not limited to, technical difficulties, experienced by MBN or the bidder, the need to pause the Auction or bids placed within the last few moments of bidding.
3. If the agency is closed for any reason, including but not limited to : acts of God, strikes, lockouts, riots, acts of war, epidemics, governmental regulations superimposed after the fact, fire, earthquakes, floods, or other natural disaster “the “Force Majeure Events”), which closure prevents the opening of bids at the advertised date and time, all bids received shall be publicly opened and read aloud on the next business day that the agency shall be open and at the previously advertised time. The new date and time of the bid opening, as determined in accordance with this paragraph, shall not be advertised, and all bidders, upon submission of a bid proposal, shall be deemed to have knowledge of and shall have agreed to the provisions of this paragraph. Bids shall be received by the agency until the new date and time of the bid opening as set forth herein. The agency shall not be held responsible for the receipt of any bids for which the delivery was attempted and failed due to the closure of the agency as a result of a Force Majeure Event. Each bidder shall be required to ensure the delivery and receipt of its bid by the agency prior to the new date and time of the live auction or bid opening.