

# NOTICE AND INSTRUCTIONS

RFX No. **3160005552**

## 1.0 GENERAL

The Mississippi Department Corrections (MDOC) intends to utilize the Sealed Bid Process to award an agency contract for the purchase of **Fork Lifts**. The contract period is estimated to be **December 6, 2022 through December 5, 2023.**

## 2.0 BID SUBMITTAL

### 2.1 SUBMITTAL DEADLINE

Sealed competitive bids will be received until **Friday December 2, 2022 at 10:00 AM CST** at the Robert Clark Building, (Department of Corrections Building), Procurement Division, 301 N. Lamar Street, Jackson, Mississippi, 39201 or electronically into the MAGIC Procurement Portal as described herein and shortly thereafter publicly opened.

### 2.2 RESPONSE TO RFX (BID)

When submitting the bid, the bidder must ensure all questions have been answered within the RFX and all proposed items in the RFX have a response.

### 2.3 ELECTRONIC BID SUBMITTAL

**Sealed Competitive Bids may be submitted electronically through the State of Mississippi's MAGIC system at the following websites:**

<https://portal.magic.ms.gov> or [https://www.ms.gov/dfa/contract\\_bid\\_search/Bid?autoloadGrid=False](https://www.ms.gov/dfa/contract_bid_search/Bid?autoloadGrid=False)

Please use the websites above to search for **RFX No. 3160005552**

**Attachments C and D must be submitted with bid**

### 2.4 ELECTRONIC COMPETITIVE SEALED BID SUBMITTAL ASSISTANCE

You must have the Bid number listed in the advertisement. Please refer to **Attachment A** for instructions for RFX responses in MAGIC. If you need assistance, please call the Mississippi Management and Reporting System (MMRS) help desk at 601-359-1343, select Option 2 for MAGIC functionality. Please allow a day or two for assistance with your issue.

**Bidders must be registered in MAGIC when submitting an electronic bid proposal.**

If the bidder is not registered as a bidder for the State of Mississippi, please go to the following website: <http://www.dfa.ms.gov/dfa-offices/mmrs/mississippi-suppliers-vendors/> and click on [Vendor Registration](#) on right side of the webpage and select [Vendor](#)

[Registration/Self Service](#) and click the link "[State of Mississippi Supplier Self Registration](#)" (**Attachment B**). This website has information to help you register as a vendor for the State of Mississippi. Should you need assistance, please contact the MMRS help desk at 601-359-1343.

## 2.5 SEALED PAPER COMPETITIVE BID SUBMITTAL

If the bidder cannot submit an electronic bid proposal, a sealed paper competitive bid will be received by the MDOC at its offices in the Robert Clark Building, (Department of Corrections Building), Procurement Division, 301 N. Lamar Street, Jackson, Mississippi, 39201 until **Friday, December 02, 2022 at 10:00 AM CST.**

## 2.6 SEALED PAPER COMPETITIVE BID SUBMITTAL INSTRUCTIONS

Proposals must be made on forms furnished by the Mississippi Department of Corrections or they will not be considered. Letters will NOT be considered a part of your proposal and **any alteration of the bid forms in any manner shall be considered non-conforming and bid shall be rejected.**

**If you are submitting an ALTERNATE BID, YOU MUST MAKE COPIES OF ORIGINAL FORMS AND SUBMIT AS SEPARATE BID.**

Facsimile transmissions or email submissions **will not be accepted for Bid Submittals.**

**Conditional or qualified bids will not be considered.**

## 3.0 RFX (BID) SPECIFICATIONS

### 3.1 SPECIFICATIONS

Bidder shall submit *Attachment C, Bid Form* quoting purchase including delivery. Price includes delivery, FOB at any MDOC location inside the State of MS.

**\*Attachment C needs to be submitted with Bid.\***

All items must be NEW and of CURRENT make and model. Any and all equipment for which bids are submitted must have been produced, or replaced earlier makes of the same model that is submitted, for a minimum of the last three (3) years.

The Mississippi Department of Corrections reserves the right to request samples of equipment for inspection and evaluation at any time in the bid process up until the time of award.

The Mississippi Department of Corrections reserves the right to reject any bid that, in the opinion of the Mississippi Department of Corrections, does not meet the intent of the RFX proposal, or does not appear to have been manufactured with materials or labor workmanship to produce an acceptable standard of quality.

### 3.2 **REQUIRED LITERATURE**

Bidders must furnish all information requested in the bid specifications. Further, when required, bidder must submit for bid evaluation, descriptive literature and specifications covering the product offered. Reference to literature submitted with a previous bid or on file with MDOC will not satisfy this provision.

## 4.0 PROTEST PROCEDURE

### 4.1 PROTEST INFORMATION

It is the intent of the Specifications to obtain a product that will adequately meet the needs of the user while promoting the greatest extent of competition that is practicable. It is the responsibility of the prospective bidder to review the entire Notice and Instructions and proposal packet and to notify MDOC Procurement Division if the Specifications or Instructions are formulated in a manner which would unnecessarily restrict competition. Any protest or question concerning the specifications or bidding procedures must be received in writing by the Mississippi Department of Corrections Procurement Division by **December 12, 2022 at 10:00 AM CST**. The Mississippi Department of Corrections may be reached at telephone number 601-359-5304, or [CStatham@mdoc.state.me.us](mailto:CStatham@mdoc.state.me.us)

Protest of the award of this bid shall be done in accordance with Chapter VI of the Procurement Manual of the Office of Purchasing, Travel and Fleet Management of the Mississippi Department of Finance and Administration.

## 5.0 GENERAL INSTRUCTIONS

### 5.1 INSTRUCTIONS FOR BIDDERS

Detailed information may be obtained from the PROCUREMENT DIVISION by calling (601) 359-5304.

The MDOC reserves the right to reject any or all bids and to accept all or only certain units of any bid. The MDOC reserves the right to award one or more of the items in the various proposals to one or more companies.

It is understood that all proposals are submitted on the basis of complying with the provisions, terms and specifications set out herein, and in the proposal forms PROVIDED THAT YOU CAN DO SO UNDER THE VARIOUS GOVERNMENT RULINGS AND DIRECTIVES NOW IN EFFECT OR WHICH MAY BE ISSUED DURING THE PERIOD OF CONTRACT. In the event you bid on furnishing any materials which are prohibited from being manufactured by a Government ruling or directive and are awarded such materials, you will not be required to make such shipment of said prohibited materials so long as Government directive is in effect. However, any change in specifications or provisions of the quotation should be discussed with MDOC promptly upon your being advised of the Government ruling or directive necessitating a change.

The MDOC reserves the right to waive minor technicalities on bid proposals and specifications when it is in the best interest of the Mississippi Department of Corrections. The MDOC reserves the right to waive minor technicalities when it is in the best interest of the State.

Unless otherwise specified, all formal bids shall be binding for a minimum of sixty (60) days after opening. If a bid is withdrawn after opening, bidder will be removed from the list of eligible bidders for a period of (6) six months.

Failure to respond on three contract advertisements will result in removal from the prospective bidders list.

bidder must be duly qualified to do business and in good standing in the State of Mississippi and remain duly qualified and in good standing throughout the term of the contract and for as long thereafter as any obligations may remain outstanding under the contract.

To register or check your status with the State of Mississippi, visit <https://corp.sos.ms.gov/corp/portal/c/page/login/portal.aspx>

## **5.2 OFFICE CLOSURE**

If the location of the bid opening to the public 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 disasters, (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 location shall be open to the public 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 closure 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 bid opening.

## **6.0 AWARD INSTRUCTIONS**

### **6.1 AWARD CRITERIA**

Award will be made based on the lowest bid submitted meeting the Mississippi Department of Corrections specifications and bid requirements.

### **6.2 AWARDED BIDDER INSTRUCTIONS**

If award is made by the MDOC, a contract will be forwarded to the successful bidder. Purchase Orders will be issued on as needed basis by MDOC. A Purchase Order will only be issued by MDOC when there is an executed contract between the agency and bidder. Any action by a bidder prior to the receipt of a Purchase Order will be at the bidder’s “**OWN RISK**” and the Mississippi Department of Corrections will not be held liable for such action.

### **6.3 AGENCY CONTRACT TERM**

The contract is estimated to begin on **December 6, 2022**. If an agency contract is awarded and executed in connection with this proposal, the MDOC reserves the right to extend the agency contract for this proposal for up to six (6) months at one time, upon written acceptance of both parties. The total amount of extensions will be two (2). The contract extension shall begin on the original termination date or the extension termination date.

### **6.4 CANCELLATION OF AGENCY CONTRACT**

Any contract or item award may be canceled with or without cause by the MDOC upon 30 days written notice of intent to cancel. Cause for the MDOC to cancel may include, but is not limited to: cost exceeding current market prices for comparable purchases; request for increase in prices during the period of the contract; or, failure to perform to contract conditions. The bidder will be required to honor all purchase orders prepared and dated prior to the date of expiration or cancellation if received by the bidder within a period of 30 days following the date of expiration or cancellation. Cancellation by the MDOC does not relieve the bidder of any liability arising out of a default or nonperformance. If a contract is canceled by the MDOC due to the request for increase in prices or failure to perform, bidder may be removed from the bidders list for a period of twelve (12) months. Protests of said removal from the bidders list shall be in accordance with Chapter VI of the Procurement Manual of the Office of Purchasing and Travel of the Mississippi Department of Finance and Administration.

**7.0 SUBMITTAL INSTRUCTIONS FOR A SEALED PAPER COMPETITIVE BID**

**The bidder has chosen not to submit the Sealed Competitive Bid electronically into the MAGIC System.**

**Bids must be submitted in sealed envelope(s).**

**\*\* RFX IDENTIFICATION INFORMATION ON THE OUTSIDE OF THE ENVELOPE MUST BE AS SHOWN BELOW.\*\***

**STREET DELIVERY:**

RFX NO. 3160005552  
PROCUREMENT DIVISION  
ROBERT CLARK BUILDING  
MS DEPT. OF CORRECTIONS  
301 NORTH LAMAR STREET  
JACKSON MS 39201

\_\_\_\_\_ 1. I/We certify that we have read and understand the "**NOTICE AND INSTRUCTIONS**" which is a part of this bid.

COMPANY: \_\_\_\_\_ NAME: \_\_\_\_\_  
(Print or type)

ADDRESS: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

TITLE: \_\_\_\_\_

PHONE: \_\_\_\_\_ DATE: \_\_\_\_\_

FAX: \_\_\_\_\_

EMAIL: \_\_\_\_\_

Sign your bid and return it, as shown above.

The "**NOTICE AND INSTRUCTIONS**" are a part of your bid, sign and return with your bid.

## **8.0 COMPETITIVE SEALED BID ELECTRONIC SUBMITTAL INSTRUCTIONS**

**The instructions in Section 8.0 are for the electronic submittal of the bids by the bidder in the MAGIC System.**

Please refer to sections **2.3 and 2.4 on page 1** of the bid packet for further information on the electronic submittal of the bid in the MAGIC System.

The **"NOTICE AND INSTRUCTIONS"** is a part of your bid, and by submitting an electronic bid, the bidder acknowledges and certifies that it has read and understands the **"NOTICE AND INSTRUCTIONS"** which is a part of this bid.

MISSISSIPPI DEPARTMENT OF CORRECTIONS

## 9.0 PROPOSAL

### **FORK LIFTS, MINIMUM OF FOUR (4) AND UP TO EIGHT (8).**

**RFX NO. 3160005552**

Mississippi Department of Corrections, Procurement  
Mississippi Department of Corrections Building  
Jackson, MS. 39201

Pursuant to your advertisement to be received until **Friday, November 2, 2022 at 10:00 AM CST**

I/We \_\_\_\_\_ residing at \_\_\_\_\_ do submit our bid furnishing the following in accordance with any amendment made thereto where applicable, your Specifications and the "NOTICE AND INSTRUCTIONS". This proposal is made without collusion on the part of any person, firm or corporation.

Our prices quoted in **FIGURES ONLY** for furnishing **Fork Lifts** (minimum of four (4) and up to eight (8)). delivered statewide, F.O.B. to any Mississippi Department of Corrections location.

Delivery Requirements: MDOC is aware of supply chain issues and longer than normal delivery times. Please submit your bid with the best delivery time and MDOC will determine if an issue exists with using the required fiscal year funds.

NOTE: IF NO BIDS RECEIVED CAN MEET THE DELIVERY REQUIREMENT, AWARD MAY BE MADE TO THE LOWEST BIDDER MEETING SPECIFICATION. THE MDOC RESERVES THE RIGHT TO CANCEL AND/OR READVERTISE THIS PROCUREMENT.

All items must be NEW and of CURRENT make and model. Any and all equipment for which bids are submitted must have been produced, or replaced earlier makes of the same model that is submitted, for a minimum of the last three (3) years.

The Mississippi Department of Corrections reserves the right to request samples of equipment for inspection and evaluation at any time in the bid process up until the time of award.

The Mississippi Department of Corrections reserves the right to reject any bid that, in the opinion of the Mississippi Department of Corrections, does not meet the intent of the RFX proposal, or does not appear to have been manufactured with materials or labor workmanship to produce an acceptable standard of quality.

**AGENCY CONTRACT TO PURCHASE : Fork Lifts** (minimum of four (4) and up to eight (8)).  
**ANTICIPATED THROUGH DECEMBER 5, 2023.**

TERM: THE TERM OF THIS CONTRACT SHALL BE FOR A PERIOD OF TWELVE (12) MONTHS, WITH AN EXPECTED END DATE OF DECEMBER 5, 2023. NO PERFORMANCE BOND WILL BE REQUIRED FOR THIS AGENCY CONTRACT.

**VOLUME: THE TOTAL QUANTITY OF UNITS TO BE PURCHASED BY MDOC IS NOT KNOWN. THE MINIMUM PURCHASE SHALL BE FOUR (4) UNITS AND THE MAXIMUM PURCHASE SHALL BE EIGHT (8) UNITS.**

\$ \_\_\_\_\_/EA. DELIVERY: \_\_\_\_\_ DAYS

MAKE: \_\_\_\_\_ MODEL: \_\_\_\_\_

COMPANY: \_\_\_\_\_ NAME: \_\_\_\_\_  
(Print or type)

ADDRESS: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

\_\_\_\_\_ TITLE: \_\_\_\_\_

PHONE: \_\_\_\_\_ DATE: \_\_\_\_\_

FAX: \_\_\_\_\_

EMAIL: \_\_\_\_\_

**10.0 MISSISSIPPI DEPARTMENT OF CORRECTIONS  
CONTRACT TERMS AND CONDITIONS**

\_\_\_\_\_ I/We certify that we have read and understand the "**MISSISSIPPI DEPARTMENT OF CORRECTIONS TERMS AND CONDITIONS**" (**ATTACHMENT D**) and if awarded the proposed bid the "**TERMS and CONDITIONS**" will be followed accordingly. I/we understand that the "NOTICE AND INSTRUCTIONS" and any attachments, as well as my/our responses to this solicitation will be fully incorporated by reference in the "TERMS and CONDITIONS" of any contract that may be executed as a result of this solicitation.

**ATTACHMENT D** does not need to be completed. The bidder shall acknowledge by initialing the blank in the paragraph above that the terms and conditions have read and understood. A contract will be sent to the bidder after the contract is awarded.

Please complete the following:

COMPANY: \_\_\_\_\_ NAME: \_\_\_\_\_  
(Print or type)

ADDRESS: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_  
\_\_\_\_\_ TITLE: \_\_\_\_\_

PHONE: \_\_\_\_\_ DATE: \_\_\_\_\_

FAX: \_\_\_\_\_

EMAIL: \_\_\_\_\_

## 11.0 INVOICING AND PAYMENT

Please complete the section below.

**This section pertains to invoicing and payment. The bidder name and address below is what will appear on the invoice submitted by the bidder to MDOC for the purchase of Fork Lifts (minimum of four (4) and up to eight (8)). if a contract is awarded to the bidder.**

BIDDER  
NAME:

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ADDRESS:

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## 12.0 CHECKLIST INFORMATION

**Failure to submit all items that are checked (X) below may cause your bid to be considered irregular and be rejected:**

- (X) “NOTICE AND INSTRUCTIONS” – signed and enclosed (Section 7.0, Sealed Bid Submittal)
- (X) Correct RFX number is used in address – (final portion of Section 7.0,”) )
- (X) “PROPOSAL” – completed and enclosed (Section 9.0)
- (X) Acknowledgement of MDOC “CONTRACT TERMS AND CONDITIONS” – (Section 10.0)
- (X) Invoicing and Payment- (Section 11.0)
- (X) “SPECIFICATIONS” – completed and enclosed (Attachment C)
- (X) Detailed literature to prove compliance with “SPECIFICATIONS”