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Attachments:

Attachment A: MAGIC Self-Service Reference Guide

Attachment B: Live Reverse Auction Instructions

Attachment C: E-Verify Agreement

Attachment D: Quotation Page for Guard End Terminal Supplies

Attachment E: MDOT Contract Terms and Conditions

1.0 NOTICE AND INSTRUCTIONS TO VENDORS OF GUARD RAIL END TERMINAL SUPPLIES

RFX No. 3140001714

The Mississippi Transportation Commission (MTC) intends to use the Reverse Auction process to award an agency contract for the purchase of Guard Rail End Terminal Supplies for the Mississippi Department of Transportation (MDOT). The contract period shall be **Commission Approval through March, 31, 2020**. This Request for Quotes Formal (RFQF) is the first step in the Reverse Auction Process. The purpose of the RFQF is to solicit qualifications from interested parties meeting bid requirements and Specifications, in order to determine the qualified vendors to participate in the Live Reverse Auction.

2.0 STATEMENT OF QUALIFICATION

2.1 SOQ SUBMITTAL DEADLINE

Statements of Qualifications (SOQs) in response to this RFQF will be accepted until **2:30 P.M. Friday, March 1, 2019**. An SOQ may be submitted in hard copy form at the William J. "Billy" McCoy Building, (Department of Transportation Building), Procurement Division, 5th Floor, 401 N. West, Jackson, Mississippi, 39201 or electronically into the MAGIC Procurement Portal as described herein.

2.2 REVERSE AUCTION NOTIFICATION

The Reverse Auction process will be restricted and limited to qualified vendors that meet the bid requirements and Specifications of the RFQF. MDOT will notify all vendors submitting an SOQ of whether they have been pre-qualified to bid or not. Successful RFQF respondents will receive an e-mail that they have pre-qualified to bid in the Live Reverse Auction. The email will contain the time and date of the Live Reverse Auction. Vendors not meeting the bid requirements and specifications of the RFQF will not be allowed to participate in the Live Reverse Auction.

2.3 BASE LINE STARTING PRICE OF REVERSE AUCTION

SOQs submitted by qualified vendors will be evaluated in conjunction with other market research to determine the base line starting price for the Reverse Auction.

2.4 RESPONSE TO RFQF

When submitting the SOQ, the vendor must ensure all questions have been answered within the RFQF and all proposed items in the RFQF have a response.

2.5 ELECTRONIC SOQ SUBMITTAL

SOQs are encouraged and are preferred to be submitted electronically through the State of Mississippi's MAGIC system at the following websites:

<https://portal.magic.ms.gov> (Preferred)

or [https://www.ms.gov/dfa/contract bid search/Contract](https://www.ms.gov/dfa/contract_bid_search/Contract).

Please use the websites above to search for RFX No. 3140001714

Attachments C and D need to be submitted with the SOQ.

2.6 ELECTRONIC SOQ SUBMITTAL ASSISTANCE

You must have the RFQF number listed in the advertisement. 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 issues

2.7 VENDOR REGISTRATION IN MAGIC

Vendors must be registered in MAGIC when submitting an SOO and to participate in the Live Reverse Auction.

If the vendor is not registered as a vendor 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 Mississippi Suppliers (Vendors) on left side of the webpage. Arrow to bottom of page and select Supplier Self Service and click the link "MAGIC Supplier Self-Service Reference Guide" (**Attachment A**). This has information to help you register as a vendor for the State of Mississippi and **information pertaining to the electronic RFQF process.** Should you need assistance, please contact the MMRS help desk at 601-359-1343.

2.8 SURROGATE SOQ SUBMITTAL

If the vendor is unable to submit an SOQ electronically through the MAGIC System, a sealed paper SOQ can be submitted by the vendor and entered manually by an MDOT representative on behalf of the vendor into the MAGIC System.

Sealed SOQs will be received by the MTC at its offices at the William J. "Billy" McCoy Building, (Department of Transportation Building), Procurement Division, 5th Floor, 401 N. West, Jackson, Mississippi, 39201 until **2:30 P.M., Friday, March 1, 2019**

Vendors requesting the manual entry of an SOQ by an MDOT representative must complete **Section 9.0** below, which indicates that the vendor allows MDOT to enter the sealed paper SOQ manually into the MAGIC System on behalf of the vendor.

3.0 RFQF SPECIFICATIONS

3.1 GUARD RAIL END TERMINAL SUPPLIES

All materials must conform to the Mississippi Standard Specifications for Road and Bridge Construction of 2017 and any amendments thereto, where applicable

4.0 LIVE REVERSE AUCTION

4.1 LIVE REVERSE AUCTION INTRODUCTION

The items in Section 4.0 apply for vendors who are prequalified to participate in the Live Reverse Auction. The Live Reverse Auction process will be restricted and limited to qualified vendors that meet the bid requirements and Specifications of the RFQF.

4.2 LIVE REVERSE AUCTION TECHNICAL REQUIREMENTS

The technical requirements for participating in the Live Reverse Auctions are:

Acceptable Internet Browser(s)

- Microsoft Internet Explorer (IE) version 11
- Google Chrome with a Chrome extension called "IE Tab Extension" installed/enabled

Note: Pop-up blocker must be turned off

Java

Live Reverse Auction requires Java version 6.30 or higher. Java can be downloaded from the following website:

<https://www.java.com/en/download/>

For information pertaining to the technical requirements for Live Reverse Auctions in the MAGIC System see **Attachment B**.

4.3 VENDOR PARTICIPATION IN THE LIVE REVERSE AUCTION

If a vendor is unable to participate in a Live Reverse Auction through the MAGIC System, the vendor may request technical assistance from MDOT for the Live Reverse Auction. Technical assistance may include use of equipment for accessing the bidding system or an MDOT representative to enter the bid manually (surrogate bidding). The vendor must be physically present at the location of the Live Reverse Auction when seeking technical assistance from MDOT.

4.4 ERRONEOUS PRICE IN LIVE REVERSE AUCTION

If a vendor is participating electronically in a Live Reverse Auction, the vendor can notify MDOT in the event of an erroneous price submittal via the chat message feature. Erroneous price submittals, where the mistake is apparent to MDOT, may be deleted during the live auction.

4.5 LIVE REVERSE AUCTION EXTENSION OF TIME

The auction time may be extended at the discretion of MDOT. Examples of reasons to extend an auction include, but are not limited to, technical difficulties experienced by MDOT or vendor, the need to pause the Live Reverse Auction, or the level of bidding activity within the last few moments of the auction.

4.6 VENDOR COMMUNICATION DURING LIVE REVERSE AUCTION

Communication with vendors participating electronically during the Live Reverse Auction may be done via the Live Chat Feature. MDOT has the ability to send messages to particular vendors or broadcast to all vendors. Vendors can ONLY communicate with MDOT, not other vendors.

4.7 VENDOR REMOVAL DURING LIVE REVERSE AUCTION

Vendors may be removed from a Live Reverse Auction for improper conduct, including, but not limited to, profanity, threats, consistently entering erroneous or frivolous bids, or other disruptive behavior.

5.0 PROTEST PROCEDURE

5.1 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 MDOT Procurement Division if the RFQF, the Specifications or Instructions are formulated in a manner which would unnecessarily restrict competition. Any question concerning the Specifications or RFQF/Reverse Auction procedures must be received in writing by the MDOT Procurement Division by **10:00 A.M., Friday, February 22, 2018**. Questions may be submitted to facsimile number 601-359-7302, or email at reverseauctions@mdot.ms.gov

The MDOT Procurement Division will prepare a written response to all timely inquiries and

forward a copy of same to all persons/companies that have been provided the RFQF by MDOT. Respondents shall rely only on this RFQF and any written communications from the MDOT Procurement Division in submitting proposals. MDOT shall not be bound by any oral communications; respondents who rely upon any oral communications regarding this RFOF do so at their own risk.

Protest of the award of this RFQF/Reverse Auction process 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.

6.0 RFQF/SOQ PROPOSAL GENERAL INFORMATION

6.1 SEALED PAPER SOQ SUBMITTAL

Sealed paper SOQs must be submitted on forms furnished by MDOT or they will not be considered. Letters will NOT be considered a part of your SOQ and any alteration of the RFQF forms in any manner (INCLUDING THE RFQF REQUIREMENTS AND SPECIFICATIONS) shall be considered non-conforming and the SOQ shall be rejected.

Attachments C and D need to be submitted with the SOQ.

Facsimile transmissions or email submittal of the SOQ will not be accepted.

6.2 SEALED PAPER ALTERNATE SOQ

If you are submitting an **ALTERNATE SOQ** as a sealed paper SOQ, YOU MUST MAKE COPIES OF THE ORIGINAL FORMS AND SUBMIT AS A SEPARATE SOQ.

7.0 GENERAL VENDOR INSTRUCTIONS

7.1 INSTRUCTIONS FOR VENDORS

Detailed information may be obtained from the MDOT Procurement Division by calling (601) 359-7300.

The MTC reserves the right to reject any and all SOQs. The MTC further reserves the right in the Reverse Auction process to reject any or all bids and to accept all or only certain units of any bid.

Vendor, if selected to participate in the Live Reverse Auction, acknowledges and affirms that the item being bid will be the same in all respects as the item described and submitted in the vendor's SOQ.

It is understood that all SOQs are submitted on the basis of complying with the provisions, terms, and Specifications set out in the RFQF, **PROVIDED THAT YOU CAN DO SO UNDER THE VARIOUS GOVERNMENT RULINGS AND DIRECTIVES NOT 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 MDOT promptly upon your being advised of the Government ruling or directive necessitating a change.**

The MTC reserves the right to waive minor technicalities when it is in the best interest of the State.

Unless otherwise specified, the successful bid shall be binding for a minimum of sixty (60) days after the date of the Live Reverse Auction. If a bid is withdrawn after the close of the Live Reverse Auction, vendor will be removed from the list of eligible bidders for a period of one (1) year.

Failure to respond on three contract advertisements will remove your name from the prospective bidders list.

Vendor 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>

7.2 DISCLAIMER

MDOT makes no claims, promises, or guarantees about the accuracy, completeness, and timeliness of the manual entry of the SOQ or the Technical Assistance provided during a Live Reverse Auction. MDOT provides manual entry of the SOQ and Technical Assistance as a service to vendors who do not have access to the electronic bidding through MAGIC. Each vendor will be required to be present and be required to verify the accuracy of each bid entered for the vendor by Technical Assistance. No warranty of any kind, implied, expressed, or statutory, including, but not limited to, the warranties of non- infringement of third party rights, is given with respect to the content of the MAGIC website or the electronic bidding section of the MAGIC website. In no event shall the State of Mississippi, its agencies and/or its employees be liable for any damages related to the access and use of the MAGIC website – regardless of the cause and/or the theory of liability pursued.

7.3 OFFICE CLOSURE

If the location of the sealed SOQ submittal or the Live Reverse Auction 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”), vendors will be notified of the new SOQ submittal deadline or qualified vendors will be notified of the new Live Reverse Auction date and time, as is appropriate. MTC and/or MDOT shall not be held responsible for the rescheduling of any deadlines or Live Reverse Auction.

8.0 VENDOR AWARD INSTRUCTIONS

8.1 AWARD CRITERIA

Award will be made, based on the lowest and best total bid, PER LINE ITEM FOR PARTS, meeting Mississippi Department of Transportation Specifications based on the results of the **Live Reverse Auction**. See **ATTACHMENT D**.

Only vendors meeting the MDOT Specifications and RFQF requirements will be allowed to participate in the Live Reverse Auction. Please refer to section **2.2 on page 1** for information on the qualification process of the Live Reverse Auction.

No award will automatically result from a Live Reverse Auction, and MTC will review the results of the Live Reverse Auction and make a determination of award, if any, in a timely manner.

If award is made by the MTC, a contract will be forwarded to the successful bidder. Upon receipt of the properly executed contract by MDOT, a Purchase Order will be issued. Any action by the bidder, prior to the receipt of the Purchase Order will be at the bidder's **"OWN RISK"** and the Mississippi Department of Transportation will not be held liable for such action.

Purchases and deliveries will be on as needed basis.

8.3 AGENCY CONTRACT TERM

If an agency contract is awarded and executed in connection with this proposal, the MTC reserves the right to extend the agency contract for this proposal for up to **twenty-four (24) months**, twelve (12) months at one time, upon written acceptance of both parties.

8.4 CANCELLATION OF AGENCY CONTRACT

Any contract or item award may be canceled with or without cause by the MTC upon 30 days written notice of intent to cancel. Cause for the MTC 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 vendor will be required to honor all purchase orders prepared and dated prior to the date of expiration or cancellation if received by the vendor within a period of 30 days following the date of expiration or cancellation. Cancellation by the MTC does not relieve the vendor of any liability arising out of a default or nonperformance. If a contract is canceled by the MTC due to the request for increase in prices or failure to perform, vendor 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.

9.0 RFQF SUBMITTAL INSTRUCTIONS FOR A SEALED PAPER SOQ

The instructions in Section 10.0 are for the submittal of the SOO to be entered manually by an MDOT representative. The vendor has chosen not to submit the SOO electronically into the MAGIC System.

Please refer to section **2.8 on page 2** of the RFQF packet for further information on the manual entry of the SOQ by an MDOT Representative on behalf of the vendor in the MAGIC System.

SOOs must be submitted in sealed envelope(s).

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

STREET DELIVERY:

RFXNO. 3140001714
PROCUREMENT DIVISION (5TH FLOOR)
WILLIAM J. "BILLY" MCCOY BUILDING
MS DEPT. OF TRANSPORTATION
401 NORTH WEST STREET
JACKSON MS 39201

Sign your SOQ and return it, as shown above.

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

MELINDA L. MCGRATH, P.E., EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT OF TRANSPORTATION

DEPENDING ON APPLICABILTY INITIAL ITEMS 1, 2, or 3 BELOW:

- _____ 1. I/We certify that we have read and understand the **"NOTICE AND INSTRUCTIONS"** which is a part of this RFQF.
- _____ 2. I/We certify that we request MDOT to enter my sealed written SOQ on my behalf into the MAGIC System.
- _____ 3. I/We certify that we are requesting technical assistance from MDOT during the Live Reverse Auction and understand the technical assistance by MDOT will be located at the William J. "Billy" McCoy Building (Mississippi Department of Transportation Building), 401 N. West Street, 5th Floor, Procurement Division, Jackson, MS 39201, or other designated location.

Company: _____ Title: _____

Signed By: _____ Date: _____

Name: _____ Email: _____

(Print or Type)

10.0 SOQ ELECTRONIC SUBMITTAL INSTRUCTIONS

The instructions in Section 10.0 are for the electronic submittal of the SOOs by the vendor in the MAGIC System.

Please refer to sections **2.5 on page 1** of the RFQF packet for further information on the electronic submittal of the RFQF in the MAGIC System.

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

MELINDA L. MCGRATH, P.E., EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT OF TRANSPORTATION

11.0 PROPOSAL

PROPOSAL FOR FURNISHING
GUARD RAIL END TERMINAL SUPPLIES
RFX NO. 3140001714

Sir/Madam: Please complete the item below for furnishing a quote pursuant to the RFQF : Pursuant to

your RFQF to be received until **2:30 P.M., Friday, March 1, 2019**, I/We _____ residing at _____ do submit our SOQ for furnishing the following in accordance with the "Standard Specifications for Road and Bridge Construction" adopted 2017, and 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 **U.S. DOLLARS ONLY** for furnishing **GUARD RAIL END TERMINAL SUPPLIES**, FOB, Mississippi Department of Transportation-Statewide.

Award will be made, based on the lowest and best total bid, PER LINE ITEM FOR PARTS, meeting Mississippi Department of Transportation Specifications based on the **Live Reverse Auction**. See **ATTACHMENT D**.

Quotation for furnishing Guard Rail End Terminal Supplies will be done on **Attachment D**. This attachment must be submitted with SOQ. The quotations on Attachment D will **not be used to award the contract**. The quotations will be used to help determine the starting price for the reverse auction. **The results from the Reverse Auction will award the contract.**

COMPANY: _____ NAME: _____
(Print or Type)

ADDRESS: _____ SIGNED BY: _____

_____ TITLE: _____

PHONE : _____ DATE : _____

FAX : _____

EMAIL : _____

12.0 COOPERATIVE PURCHASE

FINAL ACCEPTABLE DELIVERY, AS PER CONTRACT.

TO: GUARD RAIL END TERMINAL SUPPIES

FROM: PROCUREMENT DIVISION, MDOT

DATE: FEBRUARY 2019

We agree to extend the prices quoted for the Mississippi Department of Transportation Procurement Division in RFQF No. 3140001714 for the period of **DFA-OPTFM approval through March 31, 2020**, to the governmental entities indicated below.

Please indicate by checking the appropriate blank for the following:

Governing Authorities _____

Other State Agencies _____

COMPANY: _____

NAME: _____

ADDRESS: _____

SIGNED BY: _____

TITLE: _____

PHONE: _____

DATE: _____

**13.0 MISSISSIPPI DEPARTMENT OF TRANSPORTATION
CONTRACT TERMS AND CONDITIONS**

_____ 1. I/We certify that we have read and understand the "**MISSISSIPPI DEPARTMENT OF TRANSPORTATION CONTRACT TERMS AND CONDITIONS**" (ATTACHMENT E) and if awarded the proposed bid the "**TERMS and CONDITIONS**" will be followed accordingly.

COMPANY: _____

NAME: _____

(Print or Type)

ADDRESS: _____

SIGNED BY: _____

TITLE: _____

PHONE : _____

DATE: _____

FAX : _____

EMAIL : _____

14.0 CHECKLIST INFORMATION

PLEASE BE SURE THE ITEMS CHECKED BELOW ARE SUBMITTED WITH YOUR SOQ. FAILURE TO DO SO MAY CAUSE YOUR SOQ TO BE CONSIDERED IRREGULAR AND BE REJECTED.

- (X) "NOTICE AND INSTRUCTIONS" SIGNED AND ENCLOSED FOR PAPER SUBMITTAL (SECTION 9.0)
- (X) CORRECT RFQF NUMBER IS USED IN ADDRESS (FROM PROPOSAL PAGE)
- (X) "PROPOSAL" COMPLETED AND ENCLOSED (SECTION 11.0)
- (X) COOPERATIVE PURCHASING AGREEMENT (SECTION 12.0)
- (X) ACKNOWLEDGEMENT OF MDOT CONTRACT TERMS AND CONDITIONS (SECTION 13.0)
- () DETAILED LITERATURE TO PROVE COMPLIANCE WITH SPECIFICATIONS
- () FIVE PERCENT (5%) RFQF BOND ENCLOSED (5% OF THE TOTAL BID)
- () ONE HUNDRED PERCENT (100%) BID BOND ENCLOSED (100% OF THE TOTAL BID)
- (X) LIVE REVERSE AUCTION REQUEST FOR TECHNICAL ASSISTANCE INITIALED (SURROGATE BIDDING ASSISTANCE, IF NEEDED, SECTION 8.0)
- () SPECIAL RFQF BOND \$ _____ ENCLOSED
- (X) QUATION PAGE (ATTACHMENT D)
- (X) EEV CERTIFICATION AND AGREEMENT (ATTACHMENT C)
- () MISSISSIPPI CONTRACTOR CERTIFICATE OF RESPONSIBILITY NUMBER
- () CONTRACT DOCUMENT SIGNED AND RETURNED
- () SPECIFICATIONS
- () OTHER: CERTIFICATIONS AS FOLLOWS