

REQUEST FOR PROPOSAL INSTRUCTIONS

1. EXPLANATION TO PROSPECTIVE OFFEROR

- (a) Any prospective offeror desiring an explanation or interpretation of Solicitation, drawings, specifications, or other solicitation provisions, must request it in writing soon enough to allow a reply to reach all prospective offerors before the submission of their proposals. Inquiries should be directed to Buyer's Representative identified in Solicitation.
- (b) Any information given to a prospective offeror concerning this solicitation will be furnished promptly to all other prospective offerors as an amendment of the Solicitation, if that information is necessary in submitting proposals or if the lack of it would be prejudicial to any other prospective offerors. Oral explanations or instructions given before the award of the purchase order/contract will not be binding.

2. AMENDMENTS

- (a) If this solicitation is amended, then all terms and conditions which are not amended remain unchanged.
- (b) Offerors shall acknowledge receipt of any amendments to this solicitation by (1) signing and returning the amendment, or (2) identifying the amendment number and date in the space provided for this purpose on Solicitation, or (3) by letter, facsimile, or e-mail. Buyer must receive the acknowledgment by the time specified for receipt of proposals.

3. PREPARATION OF PROPOSALS

- (a) It is desirable that proposals be submitted on the forms furnished by Buyer. However, a proposal submitted on stationery of offeror is acceptable provided it contains the same information that would have been furnished using the forms provided by Buyer. All proposals must be dated and signed by an authorized agent of offeror. Changes, erasures, or other corrections made to proposal must be initialed by the person signing proposal.
- (b) Please indicate in the spaces provided, your payment terms, FOB point, price(s) (including any price breaks) and delivery schedule for the quantities shown. If this solicitation is for services or construction, it may require

submission of proposed prices for one or more items on various bases, including:

- (1) Lump sum proposal;
- (2) Alternate prices;
- (3) Units of construction; or
- (4) Any combination of subparagraphs (b)(1) through (b)(3) of this provision.

- (c) If Solicitation requires a proposal on all items, failure to do so may disqualify proposal from award consideration. If a proposal on all items is not required, Offerors should insert the words "no offer" in the space provided for any item on which no price is submitted.
- (d) Alternate proposals will be considered unless forbidden elsewhere in this solicitation. Any proposed changes in materials or processes described in Buyer's specifications must fully explain how a product of equal quality will result from the alternate proposal. Each proposal submitted will be evaluated separately.
- (e) Whenever a brand name followed by the term "or equal" is recited for the description of a product in Buyer's solicitation, products other than the brand name specified will be considered if they meet the needs of Buyer in essentially the same manner as the brand name specified. However, if Offeror proposes to furnish an "or equal" item, its proposal must clearly identify the proposed item as an "or equal." Failure to identify "or equal" items in this manner shall result in Buyer having the right to require delivery of the brand specified in Buyer's solicitation under any resultant purchase order/contract.
- (f) Buyer is not liable for any costs incurred by offerors in preparation of proposals.

4. SUBMISSION OF PROPOSALS

- (a) Proposals and modifications thereof shall be submitted via the electronic solicitation site or in sealed envelopes or packages: (1) addressed to Buyer's Representative specified in Solicitation, and (2) showing Solicitation number, and name and address of Offeror.

- (b) Unless otherwise stated in Solicitation, proposals may be submitted physically, electronically, or transmitted by facsimile. This includes amendments to proposals, withdrawal of proposals, and acknowledgement of solicitation amendments.
- (c) Item samples, if required, must be submitted within the time specified for receipt of proposals. Unless otherwise specified in Solicitation, these samples shall be: (1) submitted at no expense to Buyer, and (2) returned at sender's request and expense, unless they are destroyed during preaward testing.
- (d) Any proposed charges for packing, crating, cartage, or returnable drums must be shown on your proposal.
- (e) Charges for special tooling or special test equipment must be itemized and fully explained if offeror proposes to charge their total cost to Buyer.
- (f) If Offeror proposes to use Buyer or Government-owned equipment/facilities to perform the proposed purchase order/contract, your proposal must also show the price/cost differential for performing the proposed purchase order/contract without use of Buyer or Government-owned equipment/facilities.

5. LATE SUBMISSIONS, MODIFICATIONS, AND WITHDRAWALS OF PROPOSALS

- (a) Any proposal received after the exact time specified for receipt in Solicitation will not be considered unless it is received before award is made and it:
 - (1) Was mailed not later than two working days (work day is any day other than Saturday, Sunday, or a Federal holiday) before the date specified for receipt of proposals; or
 - (2) Was transmitted through an electronic commerce method authorized by the solicitation, it was received at the initial point of entry to the Buyer's infrastructure not later than 5:00 p.m. one working day prior to the date specified for receipt of bids; or
 - (3) Is determined by Buyer that late receipt was due solely to mishandling by Buyer after receipt at Buyer's office; or

(4) Is the only proposal received.

- (b) Any modification of a proposal, except a modification resulting from Buyer's request for "best and final offer," is subject to the same conditions as in subparagraphs (a)(1), (2), and (3) of this provision.
- (c) A modification resulting from Buyer's request for "best and final offer" received after the time and date specified in the request for proposal will not be considered unless received before award and Buyer determines that late receipt is due solely to mishandling by Buyer after receipt at Buyer's office.
- (d) The only acceptable evidence to establish the date of mailing of a late proposal, proposal modification, or proposal withdrawal is the U.S. or Canadian Postal Service postmark on the envelope or wrapper containing proposal.
- (e) Notwithstanding paragraph (b) of this provision, a late modification of an otherwise successful proposal that makes its terms more favorable to Buyer will be considered at any time it is received and may be accepted.
- (f) Proposals may be withdrawn by written notice, including letter, facsimile, or e-mail, received by Buyer at any time before award. Proposals may be withdrawn in person by offeror, or an authorized representative, if their identity is made known and they sign a receipt for proposal before award.

6. PURCHASE ORDER/CONTRACT AWARD

- (a) Buyer intends to award a purchase order/contract resulting from this solicitation to the responsible offeror whose proposal, conforming to Solicitation, will be most advantageous to Buyer, cost or price and other factors considered.
- (b) Buyer may: (1) reject any or all proposals if such action is in Buyer's or the Government's interest, (2) accept other than the lowest proposal, and (3) waive informalities and minor irregularities in proposals received.
- (c) Buyer may award a purchase order/contract on the basis of initial proposals received, without discussions. Therefore, each initial proposal should contain Offeror's best terms from a cost or price and technical standpoint.

(d) Unless doing so is precluded by a restrictive limitation in the Solicitation or Offeror's proposal, Buyer reserves the right to accept and make award at unit price(s) offered in the proposal for any item, group or combination of items, or less than the full quantity of any item.

(e) Buyer may accept a proposal (or part of a proposal, as provided in paragraph (d) above), whether or not there are negotiations after its receipt, unless a written notice of proposal withdrawal is received from Offeror before award. Negotiations conducted after receipt of a proposal do not constitute a rejection or counteroffer by Buyer.

(f) Buyer may determine that a proposal is unacceptable if the prices proposed are materially unbalanced between line items. A proposal is materially unbalanced when it is based on prices significantly less than cost for some work and prices which are significantly overstated in relation to cost for other work, and if there is a reasonable doubt that proposal will result in the lowest overall cost to Buyer, even though it may be the low evaluated proposal, or it is so unbalanced as to be tantamount to allowing an advance payment.

7. RESTRICTION ON DISCLOSURE AND USE OF DATA

Offerors who include data in their proposals that they do not want disclosed to the public for any purpose or used by Buyer or the Government except for evaluation purposes, shall:

(a) Mark the title page with legend below:

"This proposal includes data that shall not be disclosed outside Buyer's organization or the Government and shall not be duplicated, used, or disclosed -- in whole or in part -- for any purpose other than to evaluate this proposal. If, however, a purchase order/contract is awarded to this offeror as a result of -- or in connection with -- the submission of this data, Buyer or the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting purchase order/contract. This restriction does not limit Buyer's or Government's right to use information contained in this data if it is obtained from another source without

restriction. The data subject to this restriction are contained in sheets [insert numbers or other identification of sheets]"; and

(b) Mark each sheet of data it wishes to restrict with the following legend:

"Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this proposal."