

STATE OF NEW YORK

JUDICIARY

—REQUEST FOR BID/PROPOSAL—

(This is not an order)
**BID MUST BE MADE ON THIS SHEET
 OR AS OTHERWISE SPECIFIED**

Floyd Stewart
NYS Office of Court Administration
25 Beaver Street, R-840
New York, NY 10004
 (Agency Name and Address)

Direct Inquiries to: **Floyd Stewart**
 Telephone No.: **212-428-2519**
 Email: **Fstewart@courts.state.ny.us**

Price to include delivery to (describe exact location and method of delivery)

Per attached RFB/RFP Specifications

Bid Number: OCA/JM-131	Commodity Group:
Issue Date: 06/18/2007	
Opening Date: 07/10/2007	Commodity Name:
Time: 3:00 PM	Custom Vinyl Pad Folders

OFFICE OF GENERAL SERVICES "GENERAL SPECIFICATIONS" ARE FULLY INCORPORATED HEREIN.

Agency's Specification of item(s) Required (include quantities)	Bidder's Quotation and Specific Description of Item Offered
<p><u>UCS ATTACHMENTS I, III AND ITS ATTACHMENT A, AND IV ATTACHED & INCORPORATED HEREIN.</u></p>	<p>Respondents are to submit all required documentation and pricing in the format prescribed by the attached RFB/RFP Specifications.</p>

NOTICE TO BIDDERS

Pursuant to the Rules and Regulations of the Chief Administrator for the Courts, sealed responses for furnishing the item(s) in this Solicitation will be received at the above address. When submitting a response, you must:

1. Complete this form in its entirety using ink or typewriter and return with all other documents.
2. Explain any deviations or qualifications if your response deviates from the specifications. If necessary, attach a separate sheet setting forth such explanations.

3. Sign the Solicitation Forms. The Bid/Proposal response must be completed in the name of the respondent (corporate or other) and must be fully and properly executed by an authorized person.

4. INDICATE THE SOLICITATION NUMBER, THE OPENING DATE AND TIME ON THE ENVELOPE CONTAINING THE SEALED RESPONSE.

5. Mail the bid/proposal response to the above agency address in sufficient time for it to be received before the specified bid opening. **LATE RESPONSES WILL BE REJECTED.**

BIDDER HEREBY CERTIFIES THAT THE ABOVE QUOTED (OR OTHERWISE NOTED) PRICES ARE APPLICABLE TO ALL CUSTOMERS FOR COMPARABLE QUANTITIES, QUALITY, STYLES OR SERVICES.

RESPONSES MUST BE SIGNED

Bidder's Firm Name		Employer's Federal Identification Number	
Address Street	City	State	Zip
Bidder's Signature		Official Title	
Printed or Typed Copy of Signature		Area Code/ Telephone Number Email Address	

Bid Opening: 07/10/07
3:00 PM

DOCUMENT ENCLOSURE CHECKLIST

All of the following documents and information must be fully executed and returned as specified. Failure to include any of the required documents or information may result in rejection of the bidder's proposal:

1. UCS Request for Bid Form with original signature
2. Non-Collusive Bidding Certificate with original ink signature - Attachment I, p.3
3. Corporate Acknowledgment with original ink signature - Attachment I, p.4
4. Attachment III : Vendor Responsibility Questionnaire with its Attachment A
5. Attachment IV: Disclosure of Prior Non-Responsibility Determination (UCS 420), Affirmation of Understanding and Agreement (UCS 421) and Termination Clause (UCS 423), pursuant to the Procurement Lobbying Act, 4 pages
6. List of at least three (3) references (names, contacts, addresses, phone numbers)
7. Bid Response Form (Bid Sheet)
8. Folder samples (3)
9. Bidder's full and complete original bid response with signature
10. Five (5) complete copies of the original bid response, including all the above

Note: All documents requiring original signature must bear the signature of the same authorized individual. Signatory notarization must be that of the person whose signature is affixed to required documents

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***** GENERAL SPECIFICATIONS *****

I. The RFB/RFP Process

Note to Bidders:

In addition to such other specifications and criteria as are presented herein, the **NYS Unified Court System Attachment I - Standard Request for Bid Clauses & Forms, Attachment III - Vendor Responsibility Questionnaire with its Attachment A, and Attachment IV - Disclosure of Prior Non-Responsibility Determination (UCS 420) Affirmation of Understanding and Agreement (UCS 421) and Termination Clause (UCS 423) pursuant to the Procurement Lobbying Act**, which must be downloaded or printed from the UCS Contract & Procurement website under **AAAddenda@** for the appropriate solicitation, are incorporated and made a part hereof.

Online RFB/RFP Package : Disclaimer:

Bidders accessing any Unified Court System/Office of Court Administration (hereafter **AUCS/OCA@**) solicitations and related documents from the New York State UCS website www.nycourts.gov/admin/bids under **ACurrent Solicitations@** shall remain solely and wholly responsible for reviewing the respective solicitation & bid documents on the internet regularly, up to the scheduled date and time of the bid/proposal due date, to ensure their knowledge of any amendments, addenda, modifications or other information affecting the solicitation or bid documents in question.

Questions:

Questions may be addressed **in writing** only, by e-mail or by fax, to:

Floyd Stewart
Senior Court Analyst
NYS Office of Court Administration
25 Beaver Street, R-840
New York, NY 10004
Fax: 212-428-2819 Email: Fstewart@courts.state.ny.us

The **deadline** to submit questions is **June, 29 /2007 at 5:00 pm**. No questions will be entertained after this deadline. All questions will be answered individually in writing and a Questions & Answers (Q&A) sheet with all the questions received and their answers will be posted on the UCS website.

IMPORTANT: All communications and questions regarding this solicitation must be directed solely to the attention of the above-designated person. Contact by any prospective bidder, or any representative thereof, with any other personnel of the UCS/OCA in connection with this RFB/RFP may violate the Procurement Lobbying Act of 2005 (see Attachment IV), will jeopardize the respective bidder's standing and may cause rejection of its proposal.

Bid Response/Proposal: Original and Copies:

Bidders shall submit all the following required **original RFB/RFP documents**: Bid/Proposal; Executed RFB/RFP Form; Attachment I - pages 3 and 4 of 10; Attachment III - Vendor Responsibility Questionnaire with its Attachment A; Attachment IV - Disclosure of Prior Non-Responsibility Determinations (UCS 420) Affirmation of Understanding and Agreement (UCS 421) and Termination Clause (UCS 423); and any other required documentation, brochures, samples, etc. listed on the Document Enclosure Checklist.

Failure to provide all original documents or the failure to provide the requested number of copies may result in disqualification of a bidder's response.

Binding Nature of Bid/Proposal on Bidders:

All bids/proposals shall remain binding on bidders until such time as the Office of Court Administration (hereafter **OCA**) provides written notification of its intent to award the contract to a specific bidder or until the bidder withdraws its bid/proposal in writing, whichever occurs first.

Packaging, Identifying and Delivering of Bids/Proposals:

Bidders may **not** submit their bid/proposal responses online.

All bid/proposal submissions must be securely contained in a **sealed package or carton** and **clearly labeled** on two sides as follows:

**Deliver immediately to Floyd Stewart R-840"
Sealed bid - Do not open
OCA/JM-131 due July, 10 /2007 at 3:00 p.m.**

Bids/Proposals must be **clearly addressed and submitted** to:

**Floyd Stewart
Senior Court Analyst
NYS Office of Court Administration
25 Beaver Street, R-840
New York, NY 10004**

Failure to seal and mark the bid/proposal as prescribed may result in non-delivery and/or rejection of the bid/proposal. Please note that bids/proposals must be received by the above-named OCA-designated person by July, 10 /2007 at 3:00 pm at the latest or bids will be declared a **late bid** and they will be disqualified. It is recommended that bidders allow several extra days for shipping in order to meet the deadline.

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No-Bids:

Bidders are requested to send a no-bid letter to OCA, Attn: Floyd Stewart, at the above address, should they decide not to answer this solicitation. The envelope shall be clearly marked in the lower left corner as follows: OCA/JM-131.

Rejected and Unacceptable Bids/Proposals:

The OCA reserves the right to reject any and all proposals or bids submitted in response to this solicitation. In addition, OCA may reject any bids/proposals from any bidders who are in arrears to the State of New York upon any debt or contract; or who have previously defaulted on any contractual obligations, (as surety or otherwise), or on any obligation to the State of New York; or who have been declared not responsible or disqualified by any agency of the State of New York; or who have any proceeding pending against them relating to the responsibility or qualification of the bidders to receive public contracts.

References:

Each bidder must provide at least three (3) references including the company/agency name, complete address, contact name, title, telephone number and email address, for whom the bidder has provided similar services at any time during the past three (3) years.

Communications and Changes:

Under no circumstances should awarded vendor act on any verbal communications of the UCS/OCA with regard to orders. **Any and all communications or changes are to be in writing only. The awarded vendor assumes all risk in acting otherwise.**

II. RFP # OCA/JM-131

Purpose and Scope:

The Office of Court Administration (hereafter OCA), is soliciting sealed bids for the purpose of establishing an estimated quantity term contract covering the procurement of custom vinyl pad folders.

Estimated Quantities:

Any quantity specified in this RFB/RFP constitutes an **estimate only** and accordingly, no commitment or guarantee to reach any specified volume of business is made or implied. Accordingly, the award shall be for an **estimated quantity term contract**.

Term of Award:

A single contract will be awarded for an initial two (2) - year period, effective on or about September 1, 2007. The UCS reserves the right to renew for three (3) one-year periods, **upon the same terms and conditions, except pricing** .

Price:

All prices are to be net f.o.b. destination, and include full inside delivery to the exact locations listed in Exhibit I or on additional purchase order(s) that the UCS may place during the term of the contract.

Bidder shall quote its price for the production of 100,000 custom vinyl pad folders as well as for 5,000 and 10,000 custom vinyl pad folders (See Bid Sheet).

Price Increases:

All prices shall remain firm through the initial contract period. Reasonable, necessary and documented cost increases to the contractor for any renewal period will be considered subject to the following:

1. Only those increases applicable to materials and supplies, as the result of increases levied by the manufacturers, will be reviewed. No increases associated with labor costs will be considered.
2. The price increase must not exceed the change in CPI from the twelve (12) months preceding the renewal period starting date.
3. The awarded contractor must submit written request for allowable increase(s) forty-five (45) days prior to the end of the initial contract period accompanied by any/all supporting documentation showing price increases at the manufacturers level including manufacturers invoices at the time of the beginning of the awarded contract and at the time of the awarded contractor's request for a price increase.

The awarded contractor shall send its request for a price increase in writing only to:

Floyd Stewart
Senior Court Analyst
NYS Office of Court Administration
25 Beaver Street, R- 840
New York, NY 10004

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CUSTOM VINYL PAD FOLDERS**

Method of Award:

A single contract will be awarded to the bidder scoring the highest point total for the cost of pads.

Cost of pads

- Lowest cost for 100,000 custom vinyl pad folders = 70 points
- Lowest cost for 10,000 custom vinyl pad folders = 15 points
- Lowest cost for 5,000 custom vinyl pad folders = 15 points

Bidders will be awarded points according to the following formula:

Lowest \$ cost divided by 2nd, 3rd, etc. lowest \$ cost multiplied by the maximum points = points for 2nd, 3rd, etc. bidder.

Example:

Lowest cost = \$100 Second lowest cost = \$125
(\$100/\$125) x 50 = 0.8 x 50 = 40 points for 2nd lowest bidder

Delivery:

Awarded contractor must be able to accept and produce any order placed within the contract period. The UCS shall place orders on an as-needed basis. An initial order of an estimated one hundred thousand (100,000) custom vinyl pad folders shall be delivered to the locations indicated in Exhibit I. In case additional orders are placed by the UCS, they shall be delivered to the exact address(es) indicated on the purchase orders. Deliveries shall be made at the latest twelve (12) weeks a/r/o or deliveries may be rejected.

Purchase Orders:

Purchase Orders will be issued directly to awarded contractor by the Office of Court Administration or other court offices. They shall be binding upon the contractor when placed in the mail to the address noted in the award. Under no circumstances is awarded contractor to perform any work prior to the receipt of a purchase order. Contractor accepts all risks in acting otherwise.

UCS Seal, Plates and Negatives

At bidders request the UCS seal, a copy of which is attached as Exhibit II, may be sent to bidders in electronic format. All artwork, plates and negatives which may be necessary to print the seal on the custom vinyl pad folders are considered the property of the New York State Judiciary and, at OCA's request, shall be relinquished without cost upon completion of all work and deliveries.

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Samples:

Bidder must include in its bid submission three (3) samples of similar custom vinyl pad folders. Samples shall be clearly marked with bidder's name and RFB number (OCA/JM-131). Failure to submit and properly identify samples may result in bid rejection. Samples shall be provided free of charge to OCA and shall not be returned.

Subcontracting:

Subcontracting or outsourcing is not allowed.

Independent Contractor Status:

It is expressly understood and agreed that the awarded contractor's status shall be that of an independent provider of services and that no officer, employee, servant or subcontractor of the contractor is an employee of the UCS, OCA or State of New York. The awarded contractor shall be solely responsible for the work, assignment, compensation, benefits and personal conduct and standards of all such persons assigned to the provision of services. Nothing herein shall be construed to impose any liability or duty on the UCS, OCA or State of New York to persons, firms, consultants or corporations employed or engaged by the awarded contractor either directly or indirectly in any capacity whatsoever, nor shall the UCS, OCA or State of New York be liable for any acts, omissions, liabilities, obligations or taxes of any nature including, but not limited to, unemployment and Workers' Compensation insurance of the awarded contractor or any of its employees or subcontractors.

Compliance with Laws:

Awarded contractor must be compliant with all applicable federal, state and local laws, rules and regulations prior to and during the provision of all services under the contract resulting from this RFB/RFP.

Financial Stability:

Upon request by OCA, each bidder shall provide a copy of its financial filings as audited by a certified auditing firm for the past three consecutive years, as well as copies of the bidder's last three (3) annual reports.

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Termination:

If awarded bidder fails to fulfill any term of the contract, OCA shall have the right to terminate said contract, except that OCA shall allow awarded bidder a period of thirty (30) days to rectify the problem(s), after which OCA will notify contractor in writing of contract termination should problem(s) not be rectified to OCA's satisfaction or performance deemed unsatisfactory. Termination for non performance may subject contractor to further penalties.

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CUSTOM VINYL PAD FOLDERS

Detailed Specifications

Size: The custom vinyl pad folders should be made to size 9" wide by 12" long.

Color: The pad folder's color will be navy blue with 1 color (gold) for the USC seal.

Features: Cover material should match the pad folder's lining. The pad folder should include a ruled (white writing) pad on the right side, a pen slit in the center, a slash pocket on the left side and a card slot also on the left side.

RFB # OCA/JM-131

BID OPENING: 07/10/2007
3:00PM

BID SHEET

CUSTOM VINYL PAD FOLDERS

Custom vinyl pad folders Quantity	Price
100,000	\$ _____
10,000	\$ _____
5,000	\$ _____

Company Name _____

Authorized Officer's Name and Title _____

Signature _____ Date _____