



CITY OF HOUSTON

Administration and Regulatory Affairs Department
Strategic Purchasing Division

Annise D. Parker
Mayor

Calvin D. Wells, Deputy Director
City Purchasing Agent
P.O. Box 1562
Houston, Texas 77251-1562

F. 832.393.8755
<https://purchasing.houstontx.gov>

November 18, 2011

Subject: Letter of Clarification No. 4
Office Supplies

Reference: Invitation to Bid (ITB) No.: S06-S24031

To All Prospective Suppliers:

This Letter of Clarification is issued for the following reasons:

- To revise the above referenced solicitation as follows:
 1. Page 4, Provision 9.1.2 the HHF Affidavit website has **changed** as listed below:
<http://www.houstontx.gov/onestop/hirehoustonfirstaffidavit.pdf>
 2. At the City's electronic website, Exhibit III and Exhibit VI have been **replaced** with Exhibit III and Exhibit VI marked Revised 11.18.11.
- To answer the following questions:
 1. *Question: "Would a driver delivering goods to the City of Houston fall into the "Safety Impact Position?"*
Answer: "Please read the reference documents and respond accordingly."
 2. *Question: "If so can the City provide guidance in determining the number of employees with safety impact positions since drivers are assigned to different locations and provide back up for each other when needed?"*
Answer: "Reference answer to question 1."
 3. *Question: "The Contractor's Certification of No Safety Impact Positions form references "employees". Would third party couriers need to be considered if the answer to #1 is Yes?"*
Answer: "No."
 4. *Question: "The bid contains competitor's house brands, as well as manufacturers that not all suppliers carry, yet you specifically forbid any substitutions. How do you suggest we respond to those line items?"*
Answer: "Give the line item number and Exhibit for the items that you're having a problem pricing."

Partnering to better serve Houston

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Jolanda "Jo" Jones Controller: **Ronald C. Green**

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5. Question: *"This is a Best Value Bid in accordance to Texas State Law" where can we find the state law or government code on this topic for review?"*

Answer: <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.252.htm#252.043>

6. Question: *"Will this award be a mandated program, in other words will all the city departments, HCC, and METRO and all end users be required (mandated) to order exclusively from the awarded vendor?"*

Answer: *"The City of Houston will have its own agreement if elected to enter into one with the awarded supplier(s). Metro has elected not to be a part of this solicitation."*

7. Question: *"In reference to LOC#41: The timeline to evaluate and award BVB p 42 does not state any date or timeframe in which the BVBs will be evaluated and awarded. As such, we ask again: What is the timeline and/or date(s) that the City intends to follow in evaluating and AWARDING the bid? All submitting parties would surely like to know when the City plans to evaluate and choose a supplier.*

Answer *"The timeline will be based on the City of Houston evaluation process and a date is not set at this time."*

8. Question: *"In reference to LOC#61-the question was not answered-we will re-state: Please define "Original, unaltered, manufacturer's price lists". Does the City believe that such a list exists? Please share an example of an "original, unaltered, manufacturers' price list."*

Answer: *"Manufactured Price list is a price list provided by the manufacturer of the products to be supplied."*

9. Question: *"5.3 Page 10 requests Original, unaltered, manufacturers' price lists and revisions are requested. If all originals cannot be obtained, at least one (1) original plus photocopies of the original price list may be furnished provided each photocopy is certified as a true and accurate unaltered reproduction of the original. Each reproduced price list must have a notarized signature of authority that is certifying on the face thereof that the copy is a true and accurate unaltered reproduction of the original. Although copies may be accepted, IT IS A MANDATORY REQUIREMENT TO SUBMIT AT LEAST ONE (1) ORIGINAL PRICE LIST, ACCESS TO THE MANUFACTURER'S INTERNET BASED CATALOG, OR A LETTER FROM THE MANUFACTURER STATING THE ELECTRONIC PRICE LIST IS AN UNALTERED ORIGINAL OR REVISION IN ORDER FOR YOUR BID TO BE CONSIDERED FOR AWARD RECOMMENDATION.*

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Please clarify what you are asking for here. Based on the request, , IT IS A MANDATORY REQUIREMENT TO SUBMIT AT LEAST ONE (1) ORIGINAL PRICE LIST, ACCESS TO THE MANUFACTURER'S INTERNET BASED CATALOG, OR A LETTER FROM THE MANUFACTURER STATING THE ELECTRONIC PRICE LIST IS AN UNALTERED ORIGINAL OR REVISION IN ORDER FOR YOUR BID TO BE CONSIDERED FOR AWARD RECOMMENDATION. Are you simply asking for our current catalog? Is it your intent to be able to access all of our manufacturer's websites? Or does the term manufacturer refer to the contractor's website? This is unclear.

Answer: *"It refers to the contract price list that will be provided to the City to purchase from."*

10. Question: *"9.0 Page 31 Regarding Audits OfficeMax proposes the following: OfficeMax would request at least 10 days' prior written notice to review certain records or conduct an audit under this section. Only those records directly relating to the charges paid for the products as determined by OfficeMax, and necessary to support the amounts charged to City. The City will not be permitted to review/audit the confidential information of OfficeMax's suppliers. The City of Houston and related parties is responsible for all costs associated with the audit, and may exercise this right only once in any calendar year, and must limit the audit to the prior 12-months of records only. If any audit discloses an overcharge or an undercharge by OfficeMax, the party receiving the benefit of the mistake shall promptly reimburse the other party once the audit has concluded. The audit must be conducted during normal business hours and in a manner that does not disrupt OfficeMax's business operations. The City of Houston agrees to keep information disclosed in the course of the review confidential from all third parties, except for any third party participating in the review with OfficeMax's consent. OfficeMax has sole discretion to approve any outside third party auditor (such approval not to be unreasonably withheld). Prior to performing an audit, the outside auditors shall execute a written confidentiality agreement acceptable to OfficeMax in which the auditor agrees to keep in strict confidence and not to use or disclose to any third party any pricing, volume or other information obtained by the auditor in the course of the audit. Will the City of Houston agree to this provision?"*

Answer: *"The provision shall remain as stipulated."*

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11. Question: *"Regarding the answer to Question 72 Answer C, it was indicated in the pre-bid conference that the purpose of the sample Exhibit VI was to be able to identify a non core item, look up that non core item in the current catalog submitted, identify the MSRP and take the percentage discount from that MSRP and make sure the price submitted on the spreadsheet is consistent with what the COH calculates should be the price. Is this accurate? Please clarify also in Exhibit VI what "your lowest price column before applied percentage" means. To clarify, is there where you would like to see the MSRP of the non core items and then the column next to it, "city's cost after percentage" where we would apply discount and show what the non core price will be?"*

Answer: a) "Yes
b) *"The lowest price column is the lowest price column located in the manufactured price list. To clarify, the discount bid is what will be reviewed for award. Sample pricing items is to compare apples to apples."*

12. Question: *"Page 20 Section 2.1 Indemnity and Release: The City is asking not be held liable and be released from any responsibility for a negligent act on the City's behalf. OfficeMax would request the provision stated here in, should an award be made, be subject to additional negotiation."*

Answer: *"No, the provision shall remain as stipulated."*

13. Question: *"Would the City agree to allow additional questions to be asked until November 18, 2011. With 13 pages of clarifications we respectfully request additional time to evaluate all responses and subsequent clarifications resulting from the current revisions?"*

Answer: *"Not at this present time."*

14. Question: *"In regards to question # 59 and the answer to question # 59, I still don't understand how the City can't give us a scorecard or bid tabulations from the contract the City awarded to OfficeMax in January 2011. The City's answer references Office Depot through U.S. Communities but in August 2010, Office Depot lost that contract to Independent Stationers (IS. Group). So how is the City in an Intergovernmental Agreement with Office Depot through U.S. Communities? Unless the City is using the old contract or a new one from Office Depot but Office Depot lost the U.S. Communities in Schools contract in August 2010. So again, we ask where is the scorecard or the bid tabulation recap for the OfficeMax contract that the City awarded OfficeMax in January 2011? The original question doesn't make any reference to Office Depot but to OfficeMax. Please clarify?"*

Answer: *"The City entered into an Intergovernmental Agreement with OfficeMax through the State of Texas; therefore the City does not have scorecard information."*

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15. Question: *"In regards to question #56 and the answer to question #56 which states, "Exhibit IV (METRO's list) has been deleted in its entirety." Why has METRO'S list of items been removed? Are they not planning on entering into this Interlocal agreement with the City?"*

Answer: *"Metro decided not to participate in this solicitation."*

16. Question: *"In response to the City asking for suppliers to bring to their attention proprietary items which are not available to all suppliers (from the city's answer to the original question 30). Items where the manufacturer is Foray or Realspace, those are Office Depot's house brand, therefore is it impossible for any other supplier to get them."*

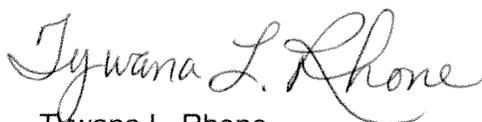
Answer: *"Please identify Exhibit and item number(s) for the City to provide a response."*

17. Question: *"In regards to questions #34 & #39 and the answers to questions # 34 & #39, how does the city suggest it is leveraging spends if they do not know whether or not the other entities will but entering into this agreement. In other words, it works both ways, the supplier has to leverage their buying power to offer the best price, but the supplier cannot leverage buying power if the separate entities do not purchase. Does that make sense"*

Answer: *"No response required by the City. This is a business decision."*

This Letter of Clarification will be considered part of the solicitation referenced on the first page of this document.

Furthermore, it is the responsibility of each Supplier to obtain any previous Letter(s) of Clarification associated with this solicitation.



Tywana L. Rhone
Purchasing Manager
Strategic Purchasing Division
832-393-8754


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cc: File