

## SECTION B

Represents items of unknown type and quantity, which the Participants will purchase throughout the bid term. **For Section B, Bidders are to quote percentage discount from any or all of the following:**

***Bidder's general catalog which is current at the time of purchase.***

Catalogs referenced in Section B may be hard copy catalogs, online catalogs, or price list. Updated catalogs or price lists shall be automatically supplied to the Participants at no additional cost during the bid term.

a) Catalog:

- Hard copy - If bidding discount from hard copy catalog, bidder shall furnish a copy of the current catalog with the bid submission.\* Additional copies of hard copy catalogs must be supplied at the Participant's request throughout the term of the bid at no cost to the Participant. The catalog pricing provided at the time the bid is submitted shall remain in effect during the contract term, except as expressly authorized herein.
- Online - If bidding discount from an online catalog, bidder shall indicate the website address on the bid form. The online catalog pricing provided at the time the bid is submitted shall remain in effect during the contract term, except as expressly authorized herein.

b) Price List:

- Bidder's list price which is current at the time of purchase.
- Specific manufacturers' price lists

Multiple manufacturers' catalogs or price lists may be offered with discounts bid specific to each. Bidder shall identify on the bid form the manufacturer name and shall reference the date of the manufacturer's catalog or price list from which discount will be applied.

A copy of each referenced manufacturer's price list or catalog must be provided with the bid. The manufacturer's price list or catalog pricing provided at the time the bid is submitted shall remain in effect during the contract term, except as expressly authorized herein.

Discount offered shall be a flat rate, reflecting the minimum discount offered to the Participant for all purchases from that catalog or price list. However, multiple discounts from the same catalog or price list (e.g., varying discounts per item category) will not be

considered.

*All discount(s) offered (items a & b) shall be the minimum discount(s) offered to the Participant at any time during the term of the bid.*

**NOTE OF CLARIFICATION: Section A prices are net, delivered prices. Section B is a discount pricing structure for items not covered in Section A. The discount quoted in Section B will not apply to the prices quoted in Section A.**

**\*Hard copy catalogs are to be received**

1. For items in Section B, the following terms and conditions shall apply:
  - a. Catalog (or list) price, less the discount, shall be net price, and shall be F.O.B. destination, freight prepaid and allowed to any Participant's location. No additional costs for shipping or delivery will be accepted by the Participant, with the exception of extremely large or overweight items (e.g., safes).
  - b. No minimum order requirements shall apply.
2. Purchases of items in Section B will be made as follows:
  - a. The Participant will fax or email a price inquiry to all awarded Section B Bidders offering a general catalog or price list discount (ref. items a-b), listing the specific item(s) to be purchased at the time.
  - b. If the Participant requires a specific manufacturer's product which is not on the Section A item list, the Participant will fax or email a price inquiry to all awarded Section B bidders offering a general catalog or price list discount as well as to any awarded bidder offering a discount from that particular manufacturer's price list.
  - c. Bidder's price quotes shall be returned by fax or email to the Participant ***within (1) business day of the request***, unless otherwise specified on the price inquiry.
  - d. Bidder's price quote shall specify base bid (catalog or list) price **and** net (discounted) price.
  - e. Award will be made to the Section B awarded bidder offering the best net price to the Participant for a particular order.
3. In the event the successful bidder of Section B item(s) proposes a price increase during the contract term, and such price increase is permitted by law, such price increase will be considered or authorized only to the extent of the verified amount the cost of such item(s) was increased to the bidder by its supplier or manufacturer. The BOCES retains the right to determine whether or not such proposed increase(s) are in the best interest of the Participants, and in accordance with applicable law. The BOCES reserves the right to audit and/or examine any pertinent books, documents, records or invoices relating to the bid or item(s) in question after reasonable notice and during normal business hours. If it is determined that the proposed increase(s) are not acceptable, the BOCES reserves the right to cancel the respective bid or contract.

<b>EVALUATION &amp; AWARD DETERMINATION</b>
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**1. LOW BID DETERMINATION:**

- a. Award of items in Section A will be awarded to the lowest responsive and responsible bidder(s) with the Lowest Net Total Price of all items by Group who meet(s) all the terms of the specifications and is in the best interest of the Cooperative Bid Group. It is the intent to award Group 1, Group 2, and Group 3 separately. The Participants reserves the right to factor in the administrative costs of making multiple awards, issuing multiple orders and dealing with multiple vendors in calculating which bids actually result in the lowest overall costs to the Participants; therefore if making an award to one vendor is in the best interest of the Participants, one award will be made. For example, the BOCES reserves the right to consolidate awards and not necessarily award to what appears to be a low bid when administrative costs actually make it more costly to the Participants to award solely on the basis of the bid received.
  
- b. The Participants have determined that the manufacturers listed (model names or numbers used) are preferred. Manufacturers' model numbers are provided for the purpose of designating a minimum standard of product type and quality. Manufacturer references are not intended to be restrictive. Bids may be submitted on the same or equivalent items. Bids will be considered for any product which meets or exceeds the functionality and quality of the specified item. If bidding an equivalent item, Bidder must provide the manufacturer and manufacturer's model or item number in the appropriate column on the bid form. ***Vendors will not be allowed to make unauthorized substitutions after award is made.***

**2. TIEBREAKING:**

2.1 In the event that BOCES receives two or more low responsive and responsible tie bids for a solicitation, BOCES shall use the recognized "lottery method" to break the tie bid to determine the awardee. Supplier early payment discounts shall not be used in determining the low bidder.

2.2 All bidders that participated in the solicitation shall be notified by email of the tie bid and shall be invited to publicly witness the breaking of the tie bid in the BOCES Business Office. Those bidders shall be asked to respond back, via email, to the agency regarding their intention to witness this event.

2.3 The "lottery method" is based on a random selection drawing of a name from the pool of tie bidders. Pieces of paper (buyer's business card, etc.) with one tie bidder's name per piece of paper shall be put into a container and either the buyer or another designated agency staff member will draw one lot with the winning tie bidder's name. At least two BOCES' staff members shall be required to witness this lottery drawing.