

Memorandum for Record
Determination of Non-Responsive Bid
Invitation for Bid 2022-046
Milk Products for Lex-Rich District 5 and Other Listed School Districts

Pursuant to District Five Procurement Code in accordance with SC Code of Laws, State Regulations and clauses and Section III. of Solicitation 2022-46 referenced herein, the offer made by MDVA Milk Producers Cooperative dba Marva Maid Dairy is determined to be non-responsive to the solicitation. The non-responsive determination is based on the following:

As described under contract clause in III. Scope of Work/Specifications: #8. Contractor shall bid on all items to be deemed responsive. Also, page 13 - **Bidding Schedule/Evaluation/Award**: The attached Bidding Schedule (page 30) and Milk Bid Schedule (pages 31) must be used when responding to this bid. Complete the Bidding Schedule and Milk Bid Schedule as required and submit. Bids must be submitted for all items. The bid cost for all items shall remain firm until August 31, 2022. After this date costs may be adjusted monthly as specified in the Price Escalation/De-escalation Provision stated below. Award will be made by complete lot to the lowest bidder with the lowest bottom line for **ALL** items to the offeror who has met the requirements as set forth in the bid document. **Failure to bid on all items containing estimated quantities within a lot shall be reason for rejection.**

Section II. INSTRUCTIONS TO OFFERORS – A. GENERAL INSTRUCTIONS - RESPONSIVENESS/ IMPROPER OFFERS states the following:

(c) Responsiveness. Any Offer which fails to conform to the material requirements of the Solicitation may be rejected as nonresponsive. Offers which impose conditions that modify material requirements of the Solicitation may be rejected. If a fixed price is required, an Offer will be rejected if the total possible cost to the District cannot be determined. Offerors will not be given an opportunity to correct any material nonconformity. Any deficiency resulting from a minor informality may be cured or waived at the sole discretion of the Procurement Officer.

The vendor (MDVA Milk Producers Cooperative dba Marva Maid Dairy) is unable to meet the specifications required in the Bid Schedule for cartons of Fat Free White Milk, 1% Chocolate, Fat Free Vanilla and 5 gallon bags of 1% Chocolate.

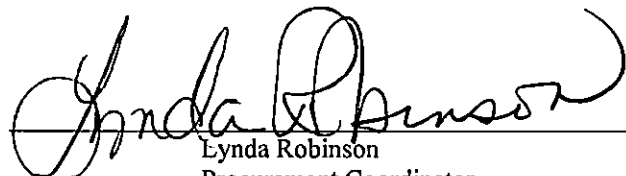
References:

District Five Procurement Code

1520.6.5 **Rejection of Individual Bids.**

1520.6.5.1 **General Application.** Any bid which fails to conform to the essential requirements of the invitation for bids shall be rejected. (SC Reg. § 19-445.2070(A))

4/20/22
Date


Lynda Robinson

Procurement Coordinator
School District Five of Lex-Rich Counties