Request for Quote – Formal

Bid # 3140004732

Alcoholic Beverage Control Material Handling System

Purpose: The Alcoholic Beverage Control Distribution Center of the Mississippi Department of Revenue (referred to as "ABC" or "Department" or "DOR") is seeking to lease material handling equipment for the new warehouse located at 183 Watford Parkway Drive, Canton, Mississippi.

Submission of Quotes: Bid(s) will be quoted until, Tuesday, November 24, 2026**, at 12:00 P.M.**, Central Standard Time, at 500 Clinton Center Drive Clinton, MS 39056 or by electronic bid submission. Submission will be evaluated. Vendors who meet all requirements outlined in this invitation will be eligible to participate in the Reverse Auction process.

Instructions to Bidders: All vendors must be registered with the State of Mississippi. If not registered, please go to http://www.mmrs.state.ms.us/vendors/index.shtml to register your company and receive a supplier number. Once on the website, click on "Supplier (Vendor) Self-Service". Then click on "State of Mississippi Supplier Registration". If you need instructions on how to register, click on the supplier training tab.

Suppliers who have completed the registration process and have received a User ID and Password must attach a W-9 to their supplier account in the Mississippi's Accountability System for Government Information and Collaboration (MAGIC). Supplier may also submit a valid W-9 to the following:

MS Department of Finance and Administration
P.O. Box 1060
Jackson, MS 39215-1060

Or

MS Department of Finance and Administration
501 North West Street, Suite 701-B
Jackson, MS 39215-1060

Phone: 601-359-3538
Fax: 601-359-5525
Email: ofmmagic@dfa.ms.gov

Bids must be submitted and received on or before November 24, 2026, 12:00 p.m., CST. Regardless of the reason, bid(s) received after this date and time will not be accepted. One original copy of bid must be submitted in an envelope or package clearly marked with the information listed below to the address listed below:

Bid #: 3140004732

Alcoholic Beverage Control Material Handling Equipment

Mississippi Department of Revenue
Attention: Bid Coordinator
BID #: 3140004732
500 Clinton Center Drive
Clinton, MS 39056
SEALED BID – DO NOT OPEN

Quotes not received in compliance with this requirement will be rejected. Facsimile or e-mail bids will not be accepted.

Vendors are also encouraged but not required to submit one electronic copy through the Mississippi's Accountability System for Government Information and Collaboration at https://portal.magic.ms.gov/irj/portal which must include all information requested in this invitation. No costs or expenses associated with providing this information in the required format shall be charged to the Mississippi Department of Revenue. All required documents must be submitted. It is the responsibility of the vendor to verify that all the requirements for submitting the bid have been fulfilled. Bids not received in compliance with this requirement will be rejected.

Online learning instructions on how to submit your quote electronically (pages 3-19) as well as how to participate in the reverse auction (pages 20-33) if qualified can be viewed below.

Section III
How to Create an RFx Response

Create an RFx Response
Work Instruction
Transaction Code(s):

Purpose

Use this procedure to submit an RFx Response.

Trigger

Perform this procedure when your company would like to respond to a RFx invitation.

Menu Path

N/A

Transaction Code

Helpful Hints

Attachments should include blue print, Statement of work, Material list, or other informational documents needed to help select an RFx response.

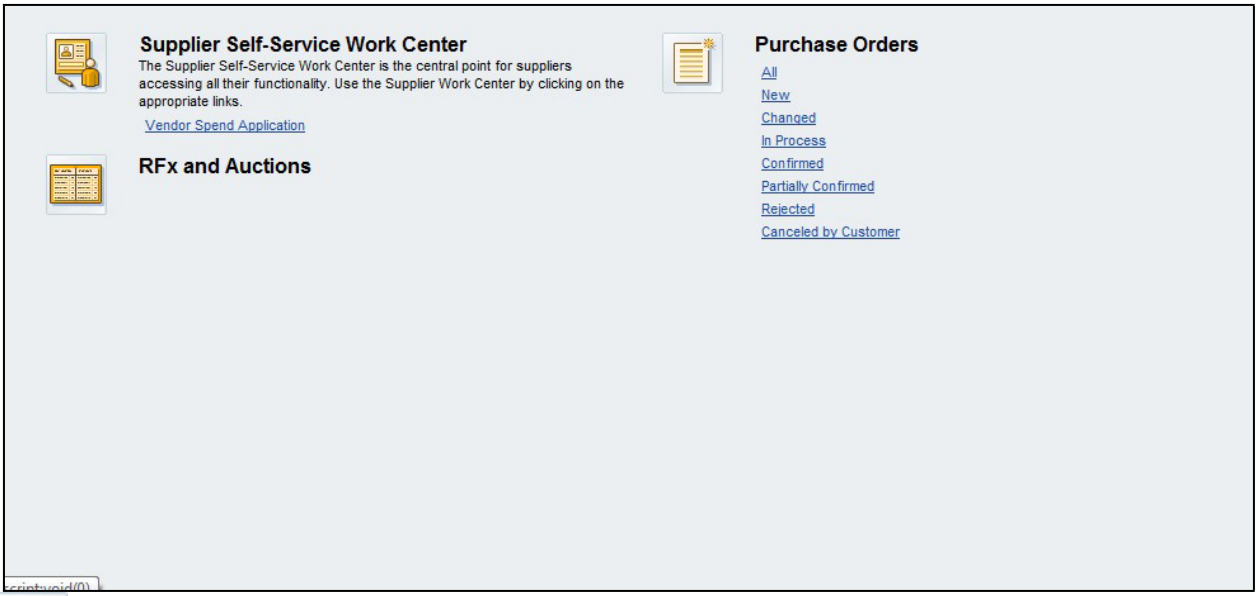
RFx Response is a bid to complete work or provide products to the State of Mississippi.

Procedure

1. Start the transaction.

Work Center Overview - State of Mississippi - MAGIC Portal - Windows Internet Explorer

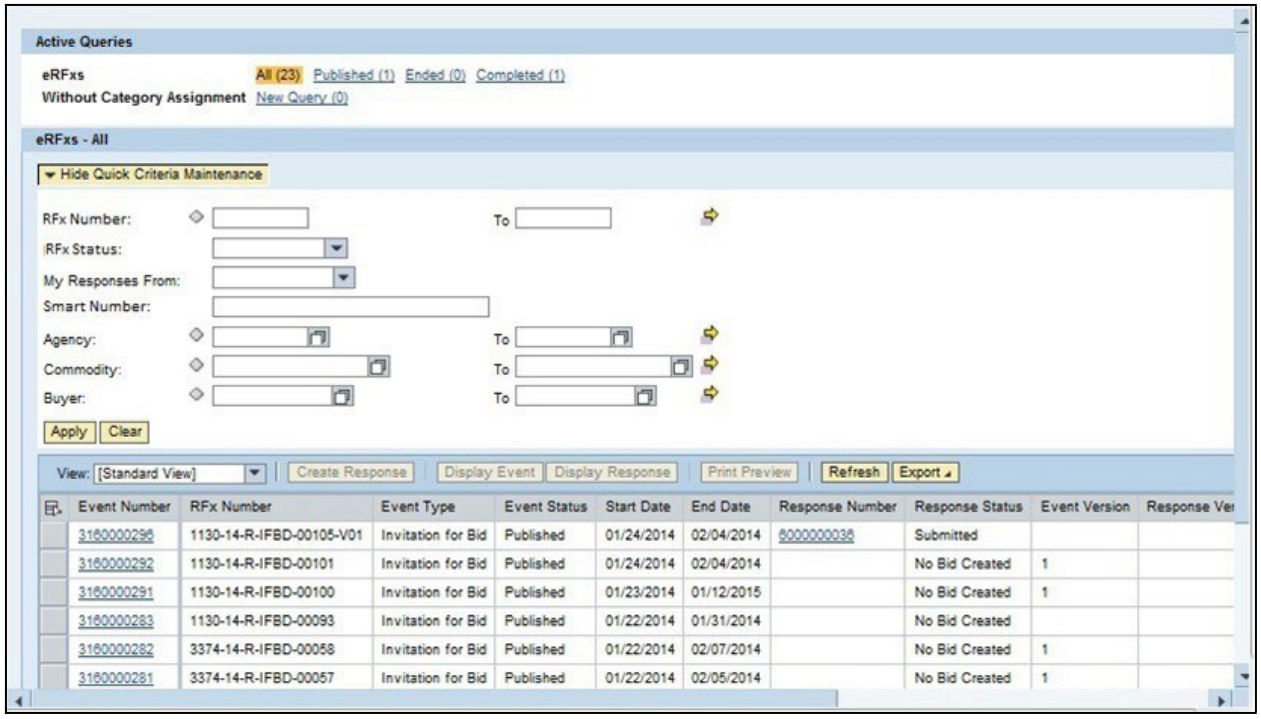
Procedure





2. Click RFx and Auctions Icon. .

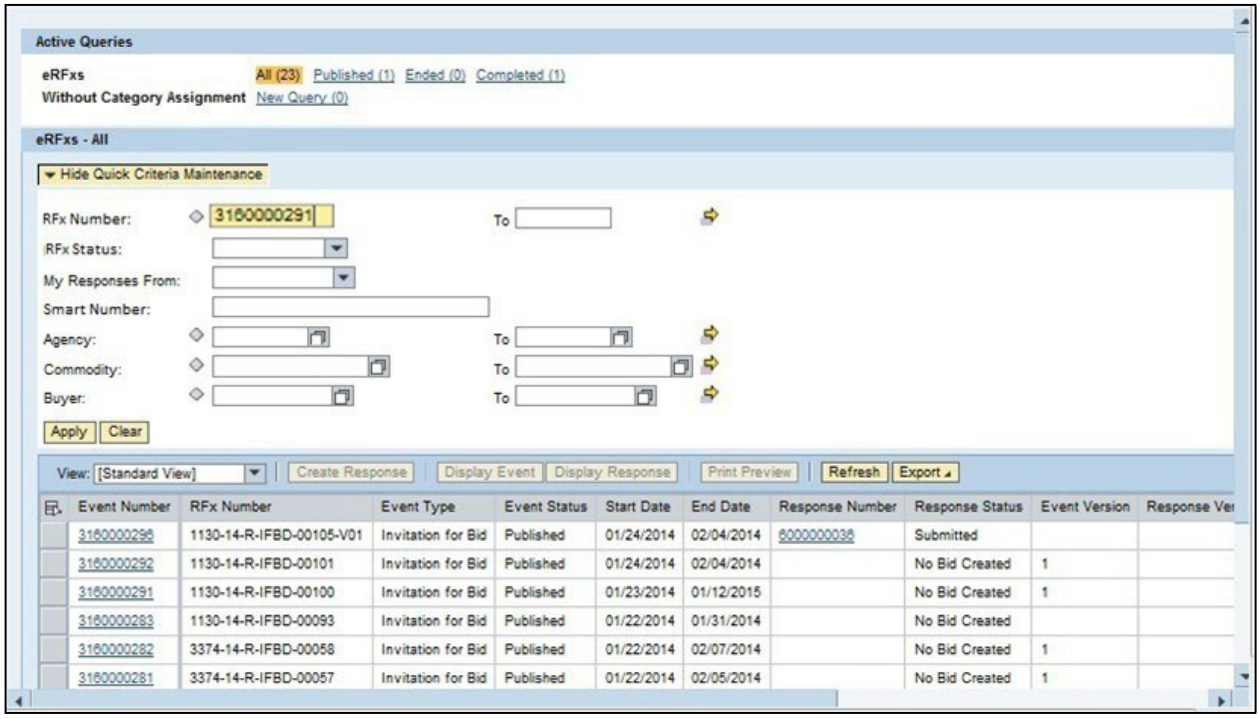
Active Queries



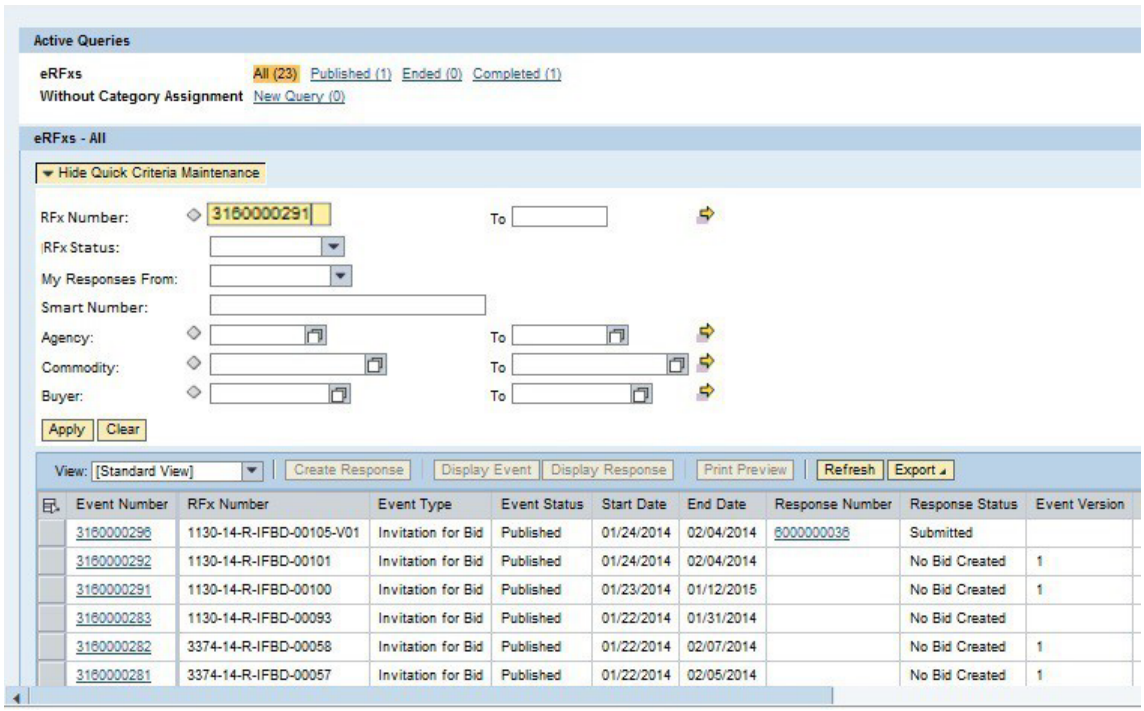
3. As required, complete/review the following fields:

Field	R/O/C	Description
RFx Number:	Required	**Example:** 3160000291

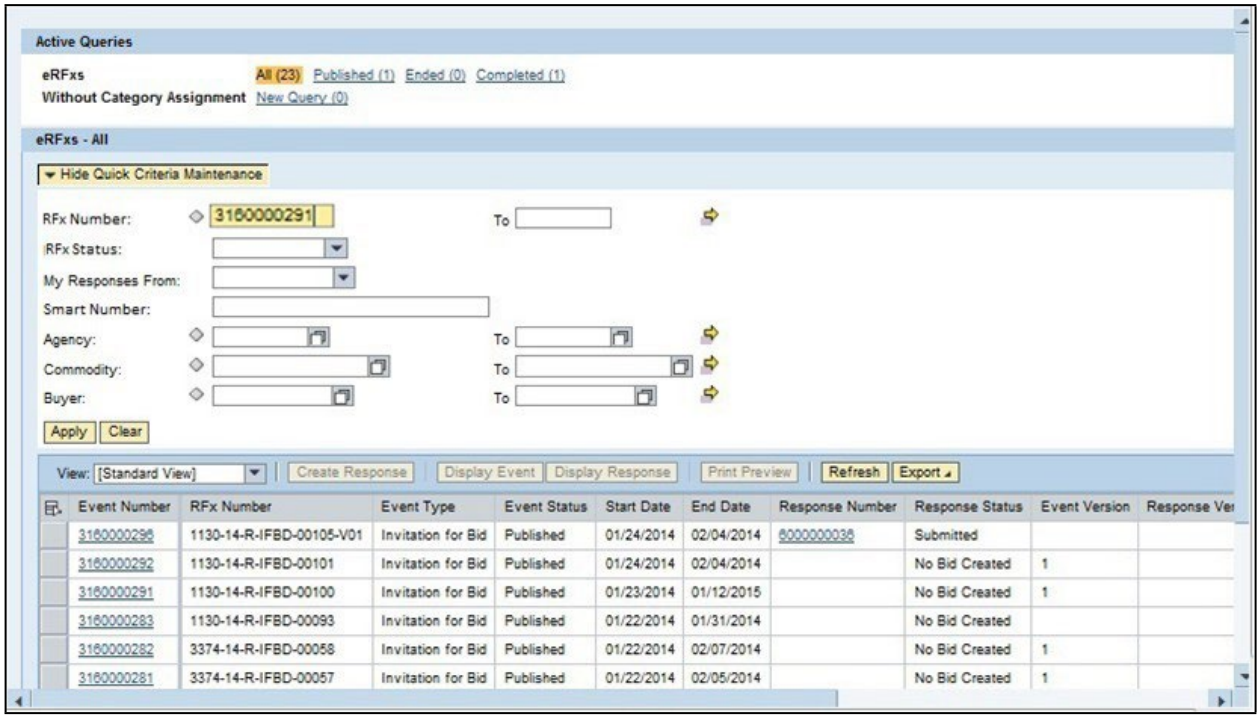
Active Queries



4. Click Apply Apply to apply the search criteria.



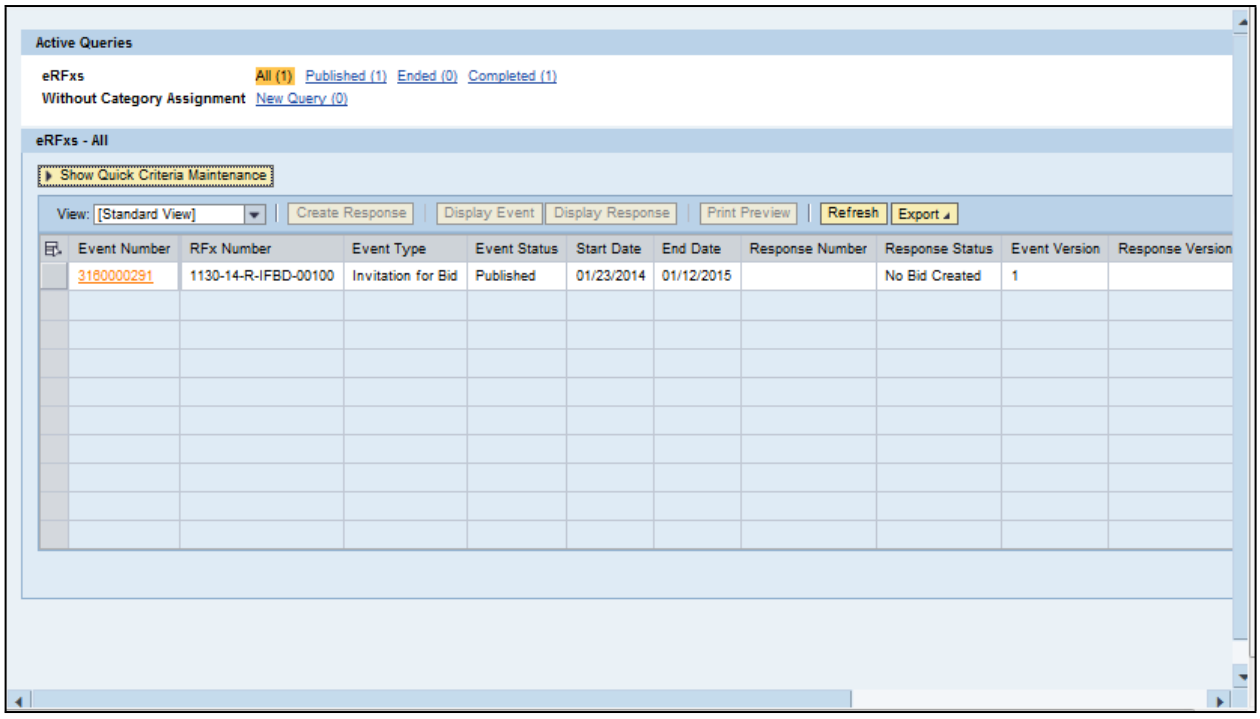
Active Queries



5. Click Hide Quick Criteria Maintenance 

.

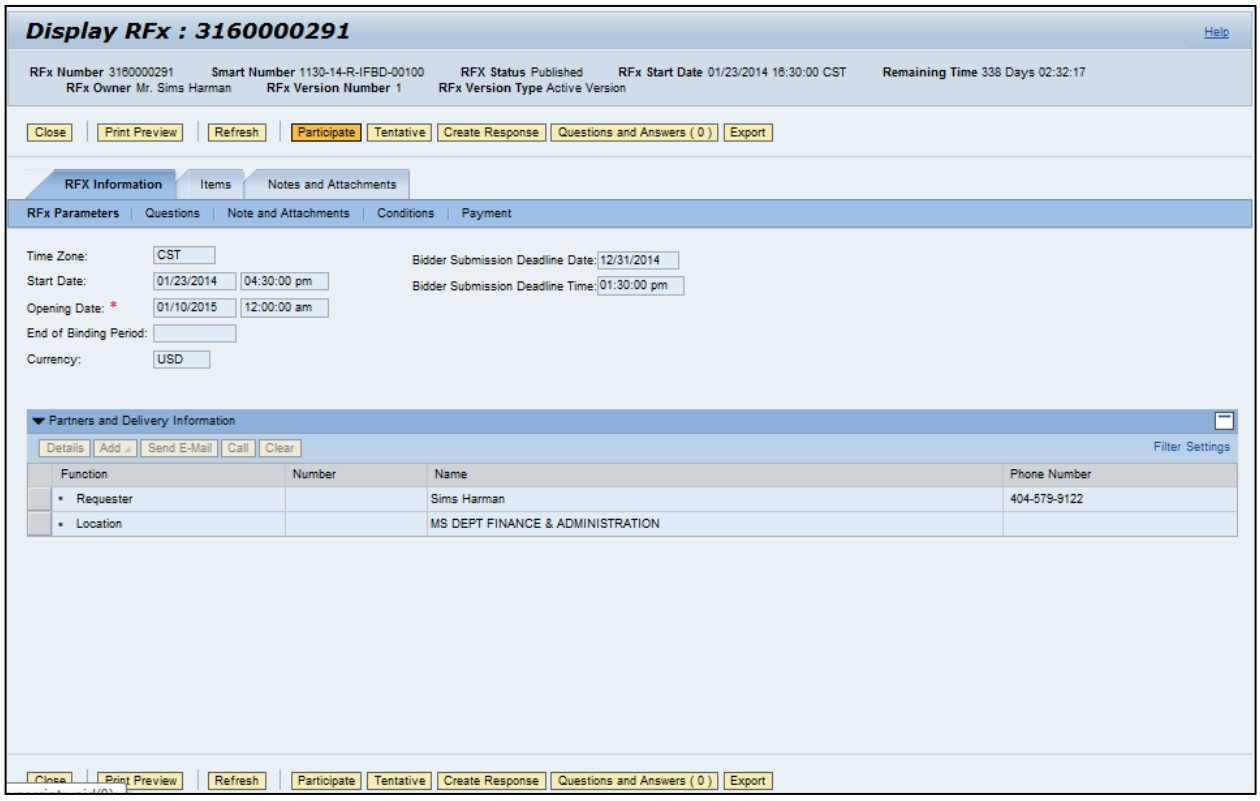
Active Queries



3160000291

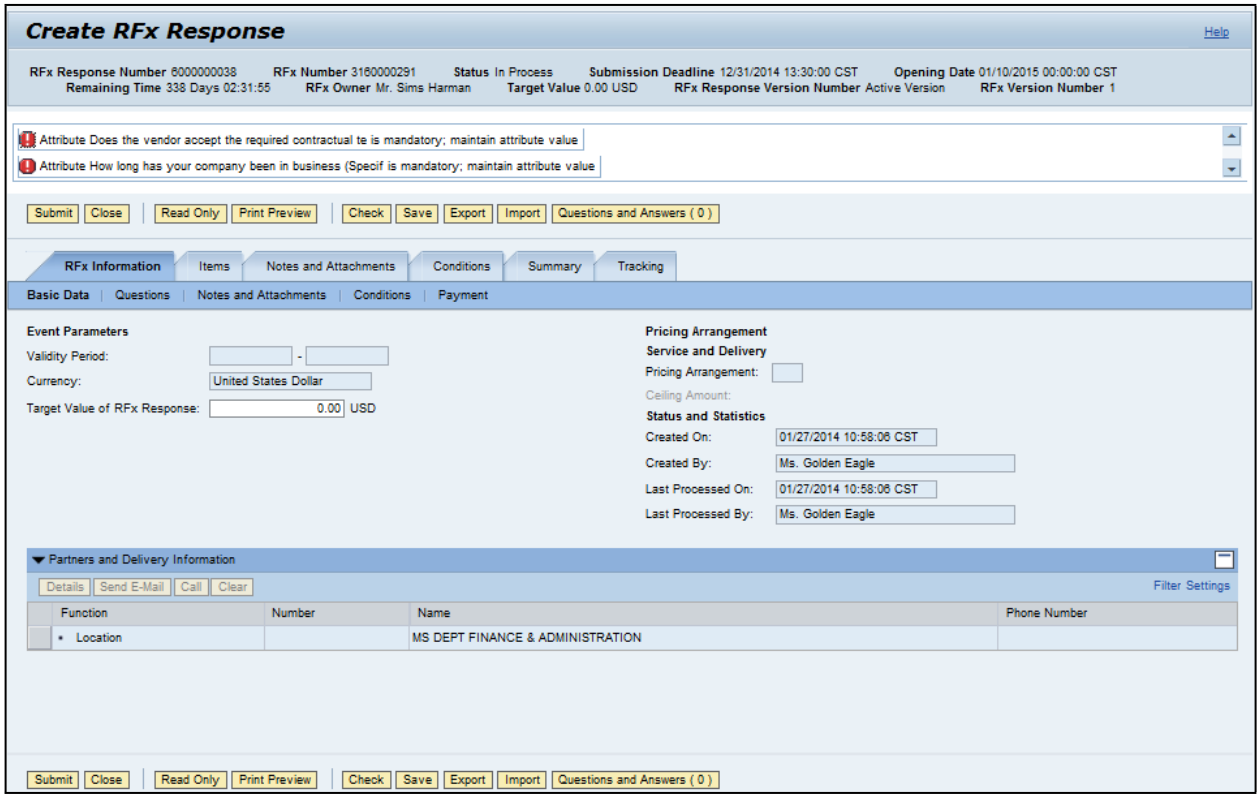
6. Click 3160000291 .

Display RFx 3160000291



7. Click Participate Participate. This step is required and notifies the SoMs your intent to create a RFx response.
8. Click Create Response Create Response .

Create RFx Response



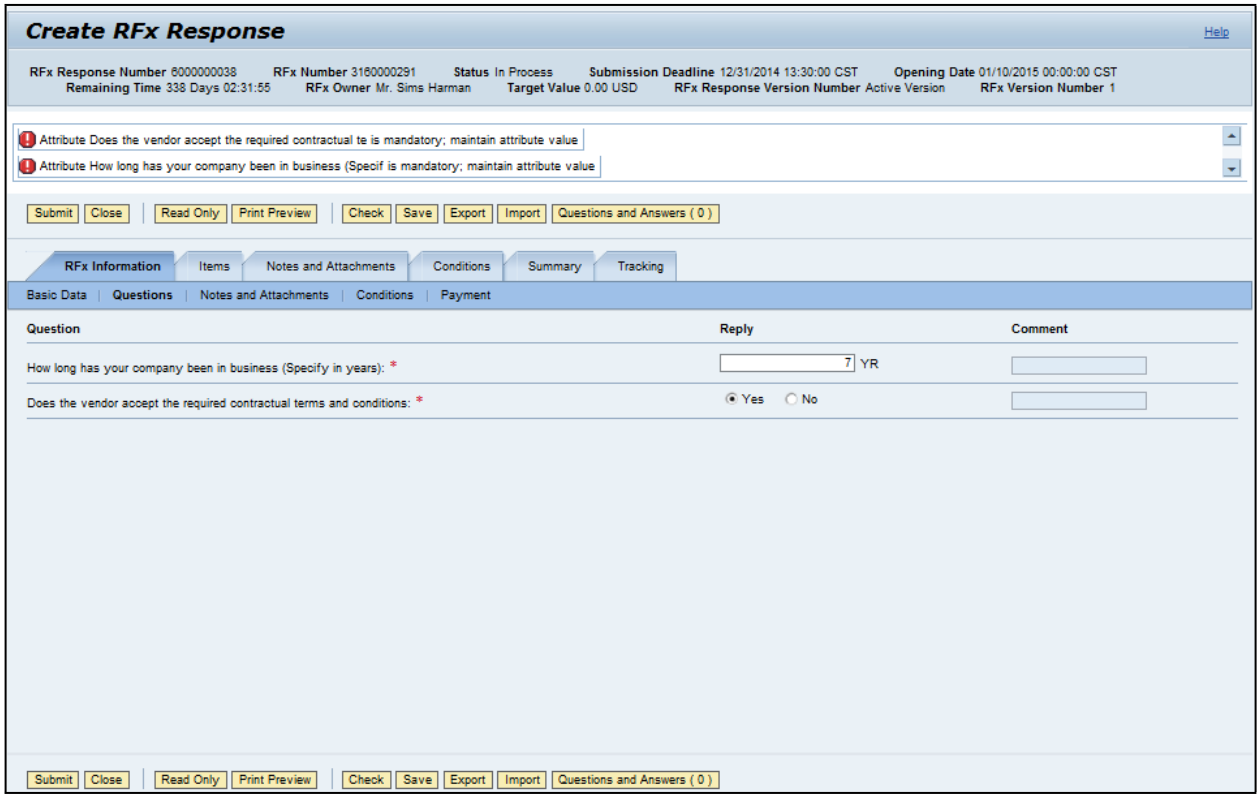
9. Click Questions  to view the required buyer questions.

10. As required, complete/review the following fields:

Field	R/O/C	Description
How long has your company been in business (Specify in years):	Required	**Example:** 7

11. Click Yes  .

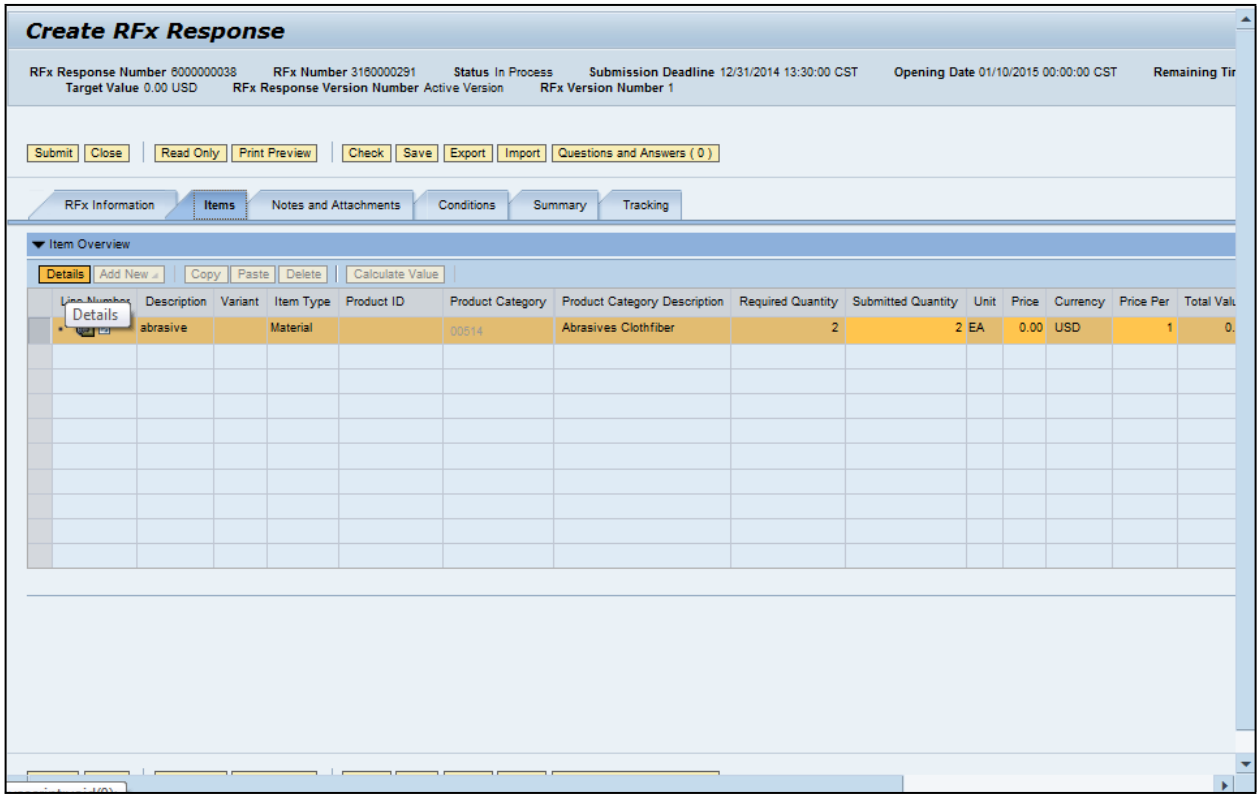
Create RFx Response



12. Click Notes and Attachments . Notes and Attachments

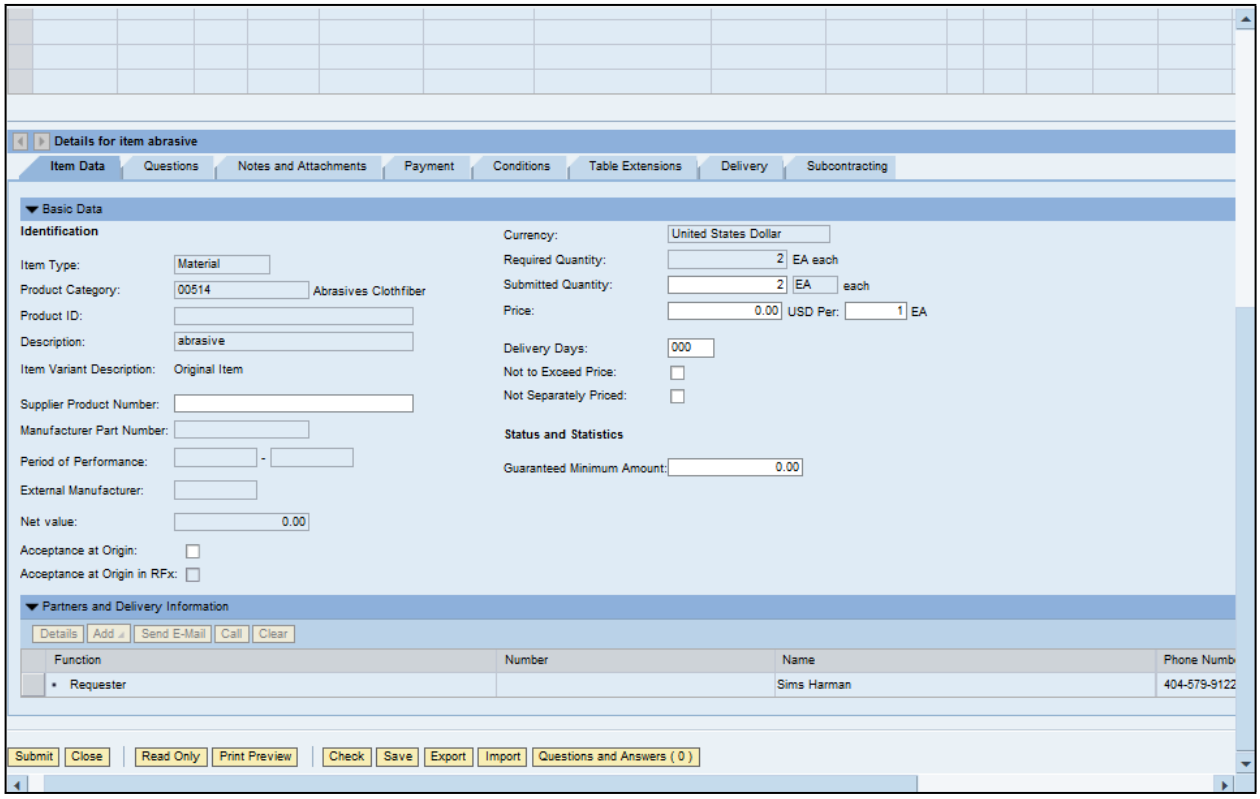
13. Click Items . Items

Create RFx Response



14. Click Details button Details .

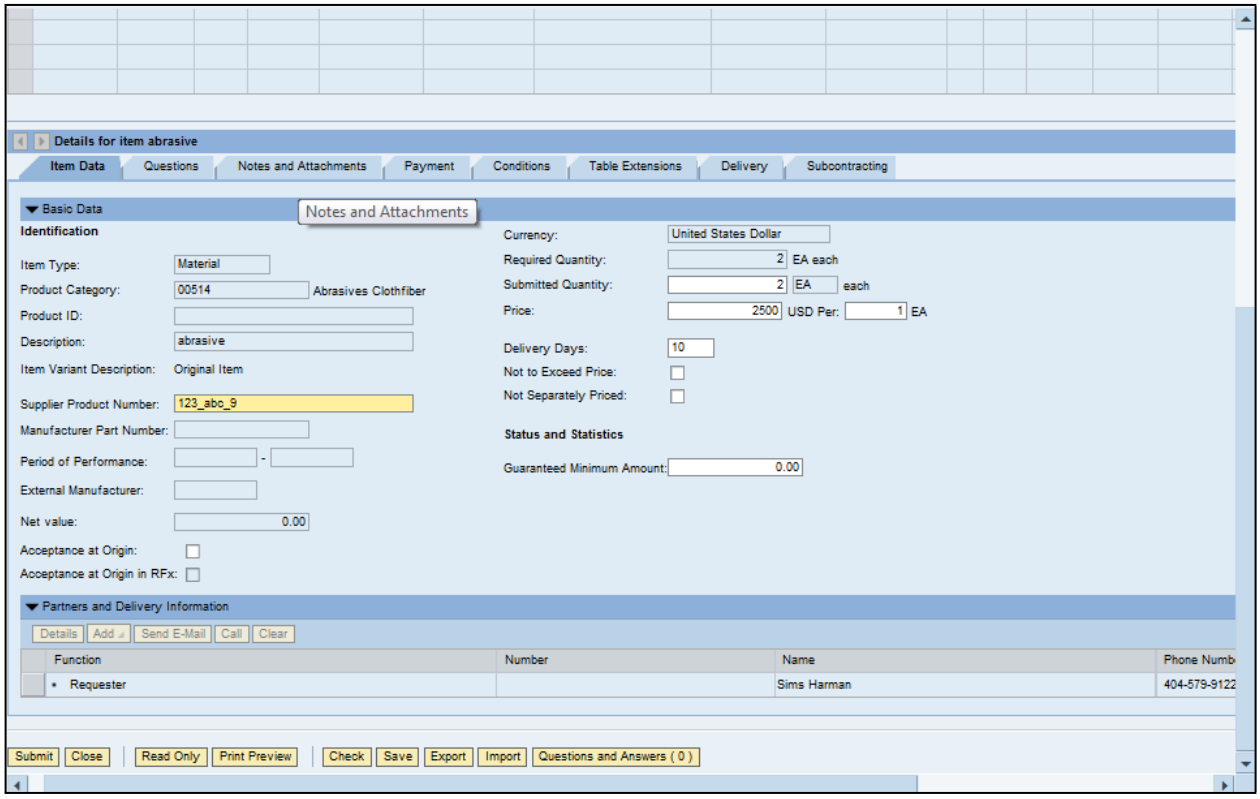
Create RFx Response

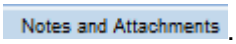


15. As required, complete/review the following fields:

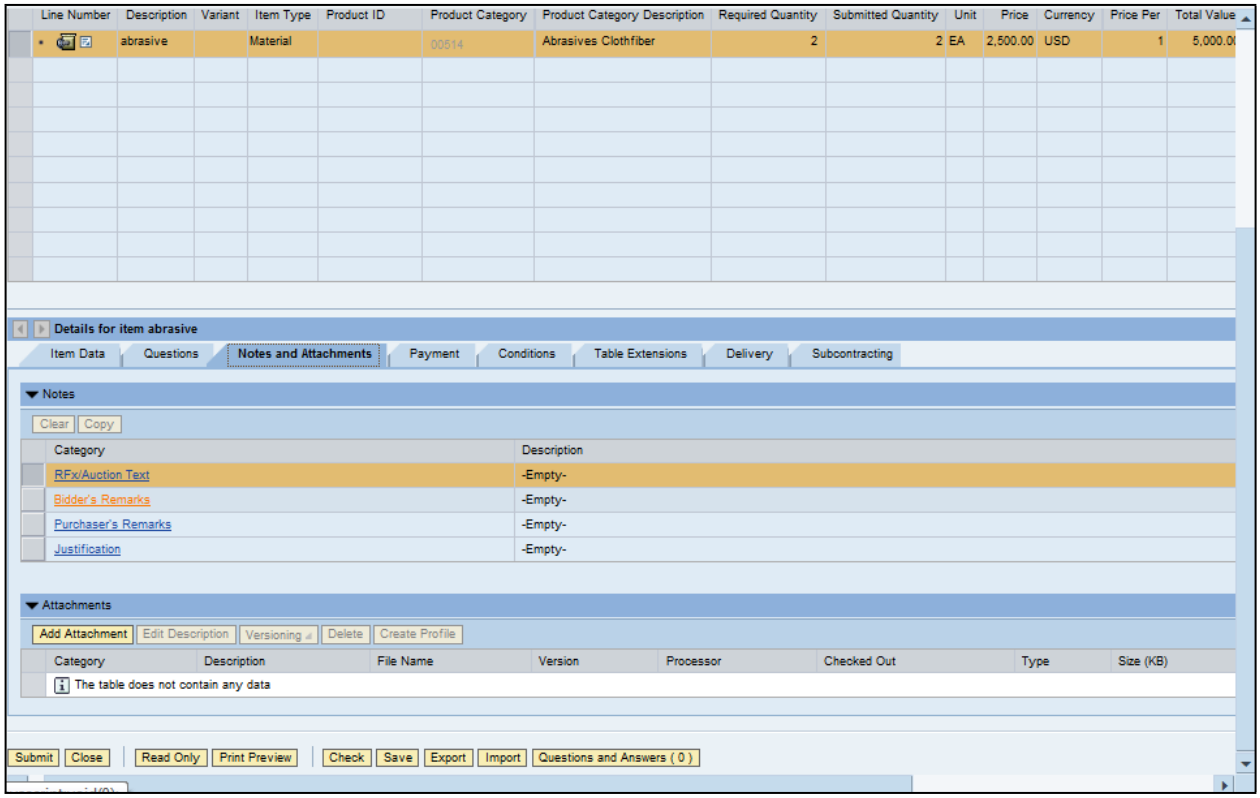
Field	R/O/C	Description
Price:	Required	**Example:** 2500
Delivery Days:	Required	**Example:** 10
Supplier Product Number:	Required	**Example:** 123_abc_9

Create RFx Response



16. Click Notes and Attachments tab .

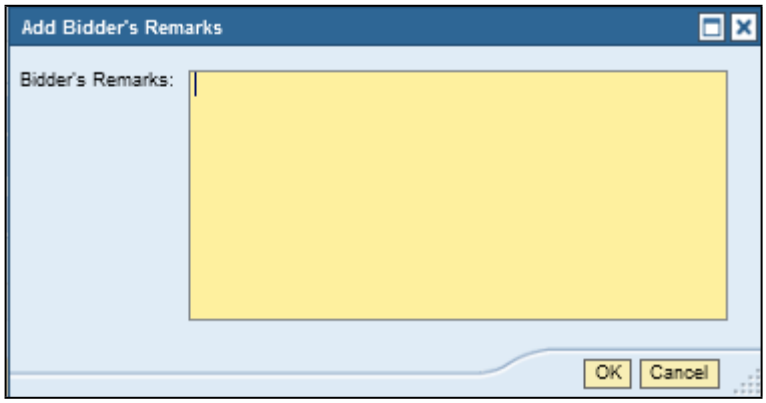
Create RFx Response



17. Click Bidder's Remarks 

.

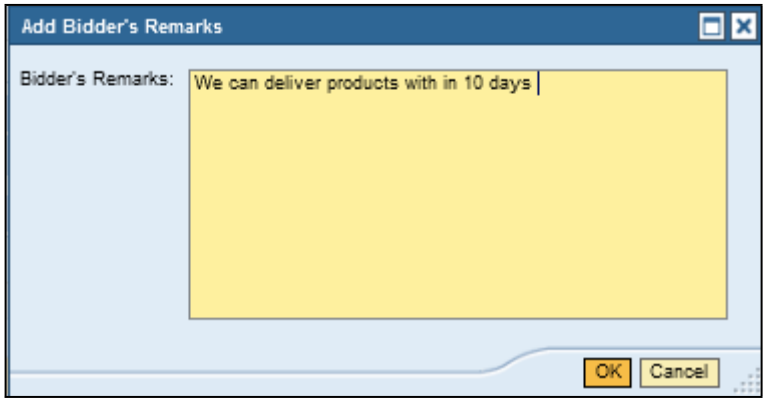
Add Bidder's Remarks



18. As required, complete/review the following fields:

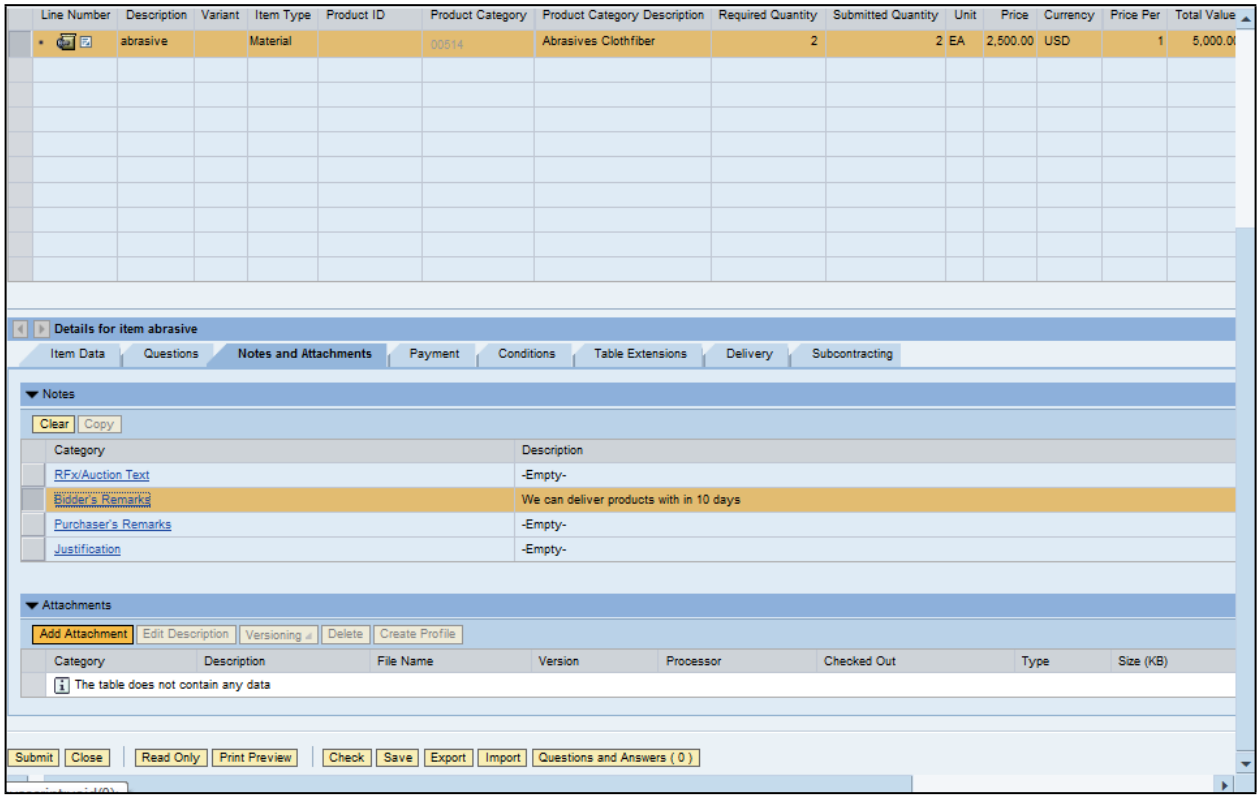
Field	R/O/C	Description
Bidder's Remarks:	Required	**Example:** We can deliver products with in 10 days

Add Bidder's Remarks



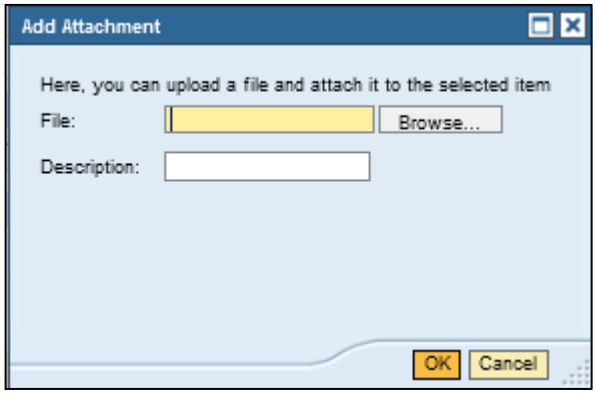
19. Click OK OK .

Create RFx Response



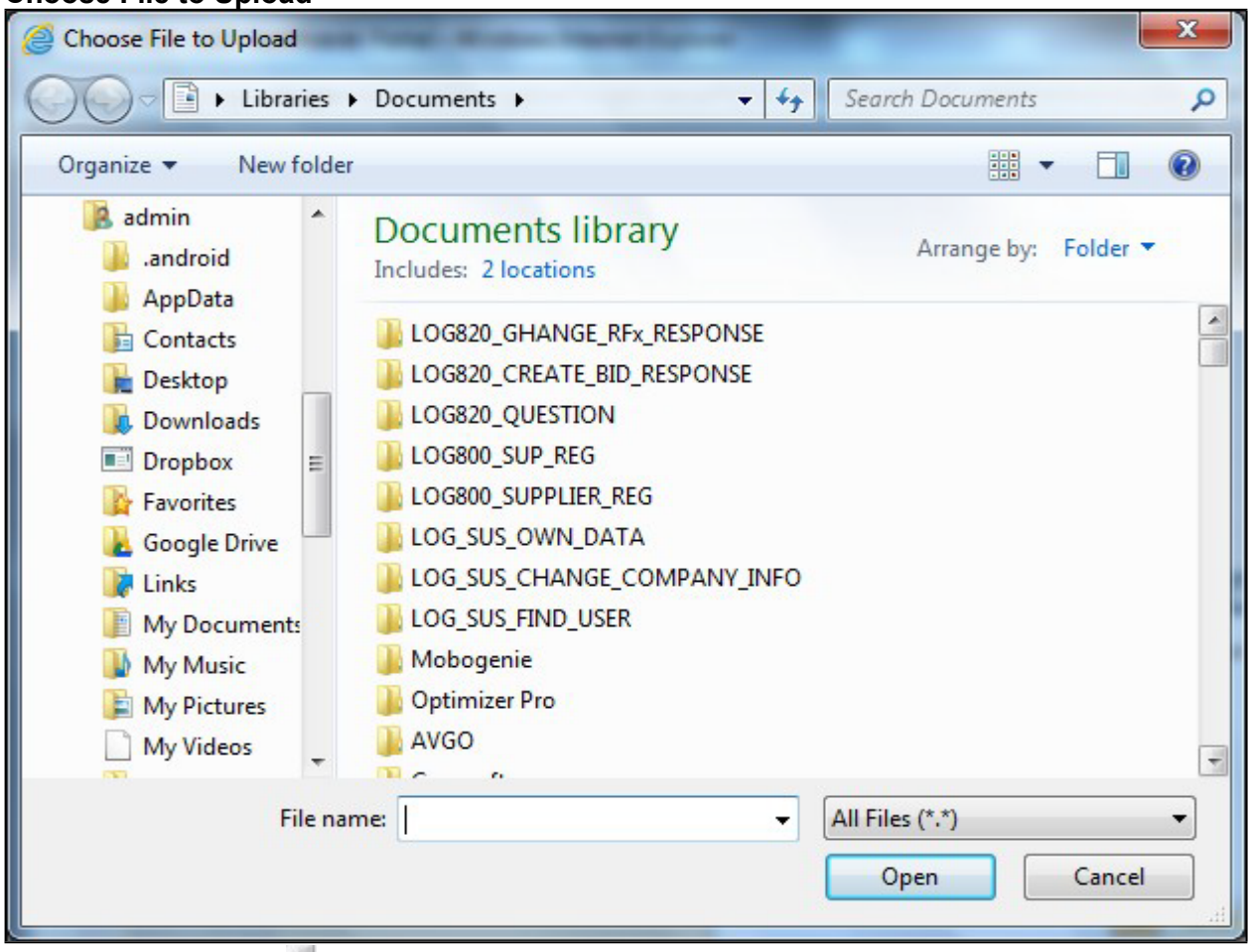
20. Click Add Attachment Add Attachment .

Add Attachment



21. Click Browse... .

Choose File to Upload

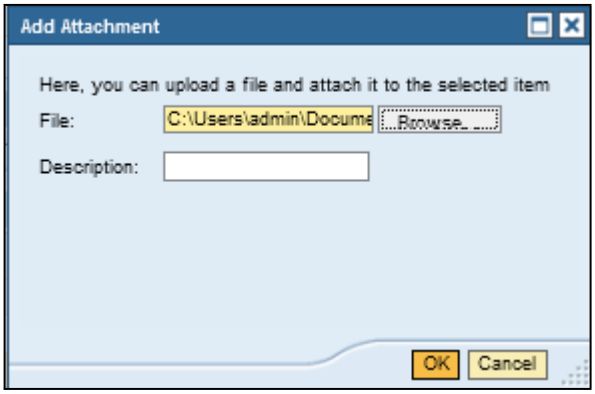


22. Click Page down .

23. Click Book2.xlsx

24. Click Open Open .

Add Attachment

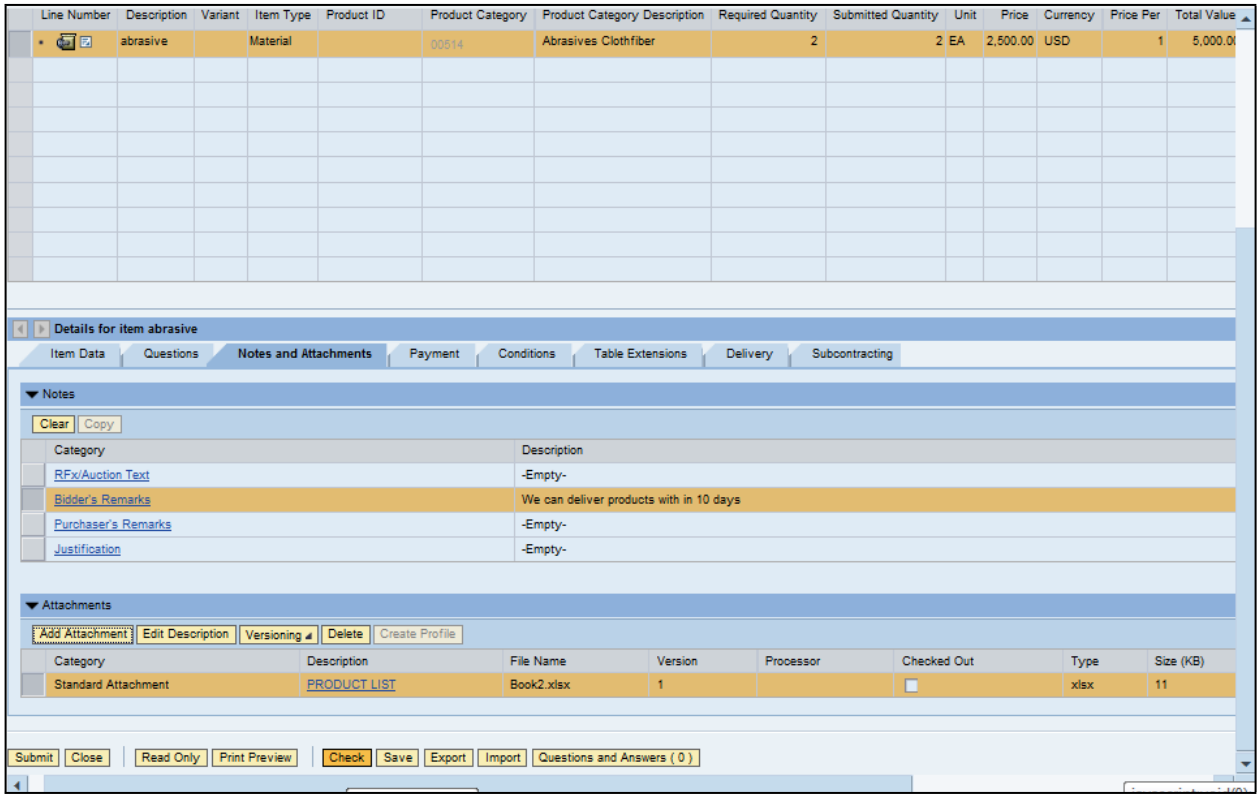


25. As required, complete/review the following fields:

Field R/O/C Description		
Description:	Required	**Example:** Product List

26. Click OK OK .

Create RFx Response



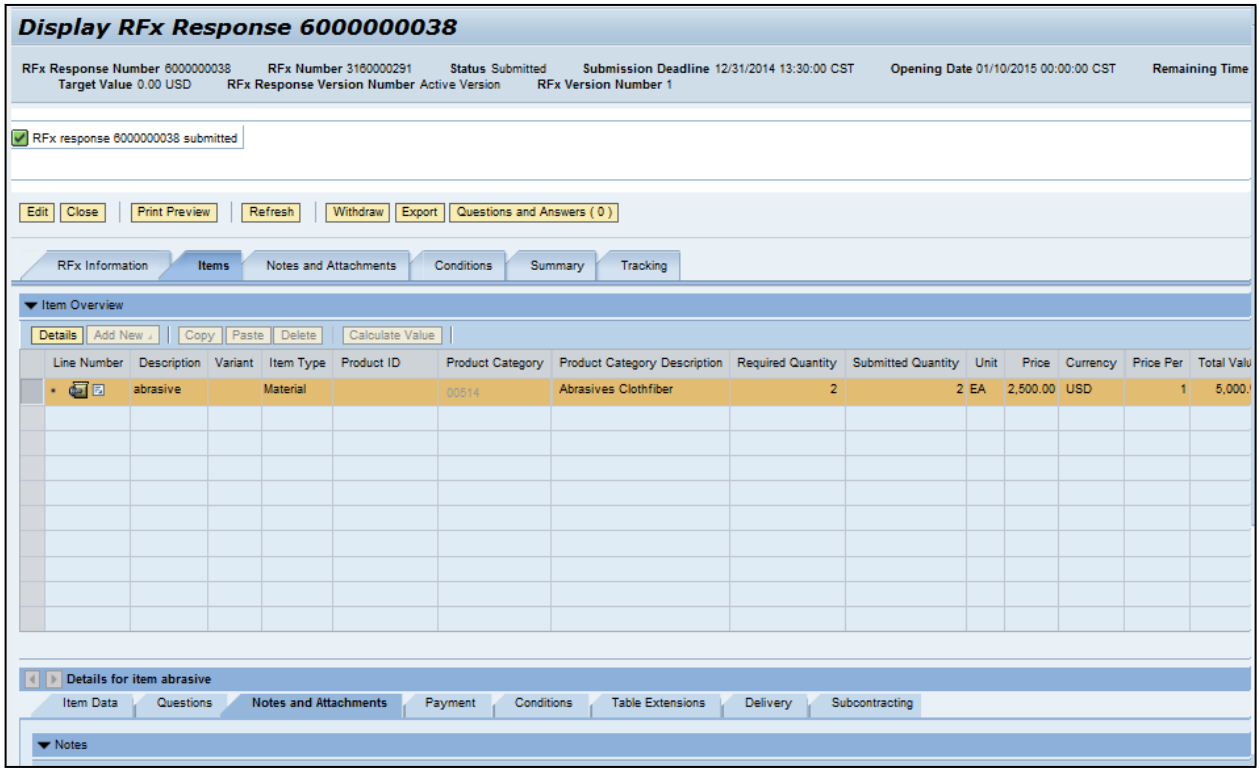
27. Click Check 

.

28. Click Submit 

.

End of simulation.



29. End of simulation.

Result

You have successfully submitted an RFx response to the State of Mississippi.

Section IV
Special Instructions

The following section provides a DFA MAGIC Reverse Auction Bidder's Training Guide. It includes detailed instructions on how to access the reverse auction event, including how to gain access to the system utilized and what technical requirements may be involved. However, no supplier may be prohibited from participating in person by paper through surrogate bidding.

MAGIC Reverse Auction Bidders Training Guide

The MAGIC Reverse Auction Bidders Training Guide provides instructions for vendors to participate in Reverse Auctions. Vendors have the ability to submit bids electronically and view real time bid ranking. The identity of participating bidders will not be displayed to other bidders throughout the online auction process. However, bidders will be able to see the current best bid.

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Technical Requirements

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View Available Reverse Auctions

Search for Auction(s)

Display Auction Details

Display Line Items

Display Notes and Attachments

Participating in a Live Auction

Live Auction Cockpit

Chat and System Messages

Pausing and/or Resuming an Auction

MAGIC Reverse Auction Bidders Guide

Technical Requirements

Bidders are responsible for ensuring technical requirements are met.

Acceptable Internet Browser(s)

- Microsoft Internet Explorer (IE) version 11
- Google Chrome versions 49 and above (will need to download and install a Chrome Extension called “IE Tab Extension”)

Unsupported Internet Browser(s)

- Microsoft Internet Explorer (IE) version 10 or below
- Microsoft Edge
- Google Chrome
- Safari
- Firefox

Note: Pop-up blocker must be turned off.

Java

- Reverse Auction requires Java version 6.30 or higher. Java can be downloaded from following Web site. https://www.java.com/en/download/

Login Procedure

Vendors must be registered in MAGIC in order to receive a User ID and password to log in. Vendors who are new to MAGIC may visit the Vendor Information page on DFA’s Web Site, or register online, Vendor Registration.

To Log into MAGIC, open the following URL: https://portal.magic.ms.gov/irj/portal. Enter User ID and Password. The password is case sensitive.



MAGIC Reverse Auction Bidders Guide

View Available Reverse Auctions

Search for Auction(s)

Listed below are the steps to search for a bid response.

1.) **Bidders must first respond to the RFx (RFQF) to be able to participate in the Reverse Auction.** Instructions for creating a response to an RFx are available here, RFx Response -Supplier Self Service.

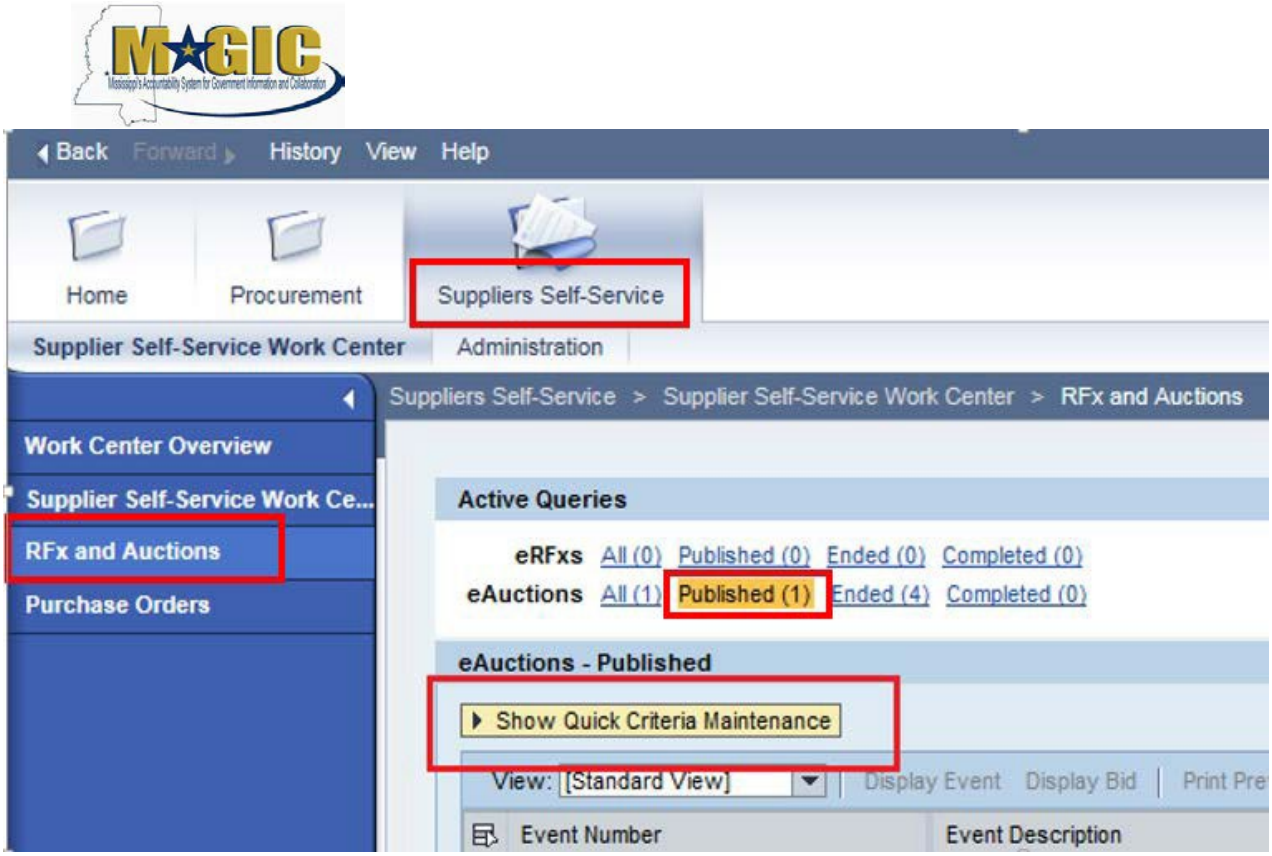
- The RFx (RFQF)– Bid Specifications will provide details for qualifying criteria. Only bidders qualified through the RFx (RFOF) will be invited to participate in Reverse Auctions.

2.) To search for auctions, click on the **Suppliers Self-Service** tab.

3.) Select **RFx and Auctions** in the navigation menu on the left of the screen. 4.)

Select the **Published** link on the eAuctions line of the Active Queries section.

Note: If the search fields are not visible, click the Show Quick Criteria Maintenance button to expand the search criteria.

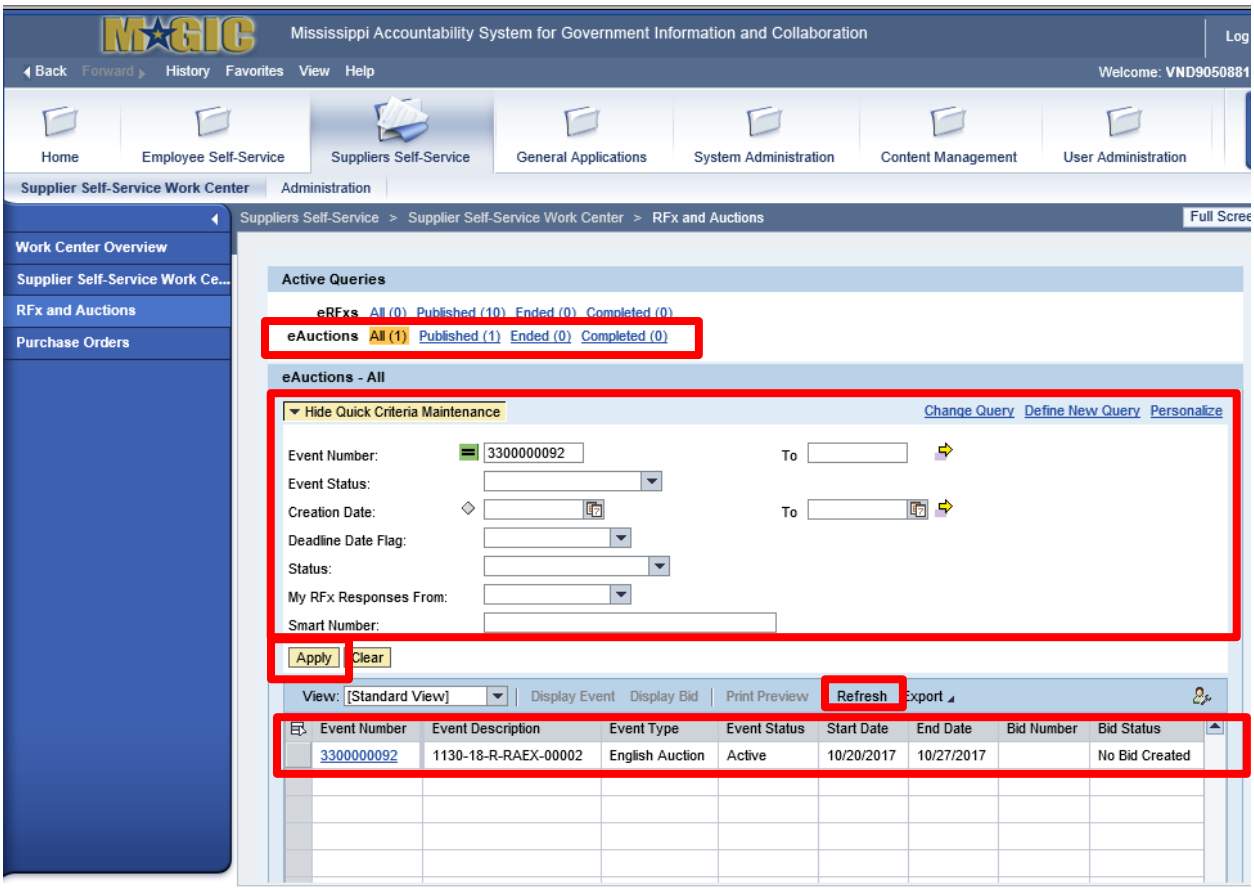


MAGIC Reverse Auction Bidders Guide

5.) Enter the search criteria. To find all available bid opportunities, skip to step (f).

A. Select **All** or **Published** to search for available Events (eAuctions).
B. Enter the appropriate *Quick Criteria Maintenance* fields: **Event Number** (Auction number) or complete any optional relevant search criteria.
C. Click on **Apply** to view all Auctions based on your search criteria.
D. To generate an updated search using the same selection criteria, click **Refresh** or skip to step (7).

6.) Click **Apply** to find available bid opportunities.
7.) In the results list, click on the **Event Number** to open the Auction details in a separate window. (Pop-up blocker must be turned off.)



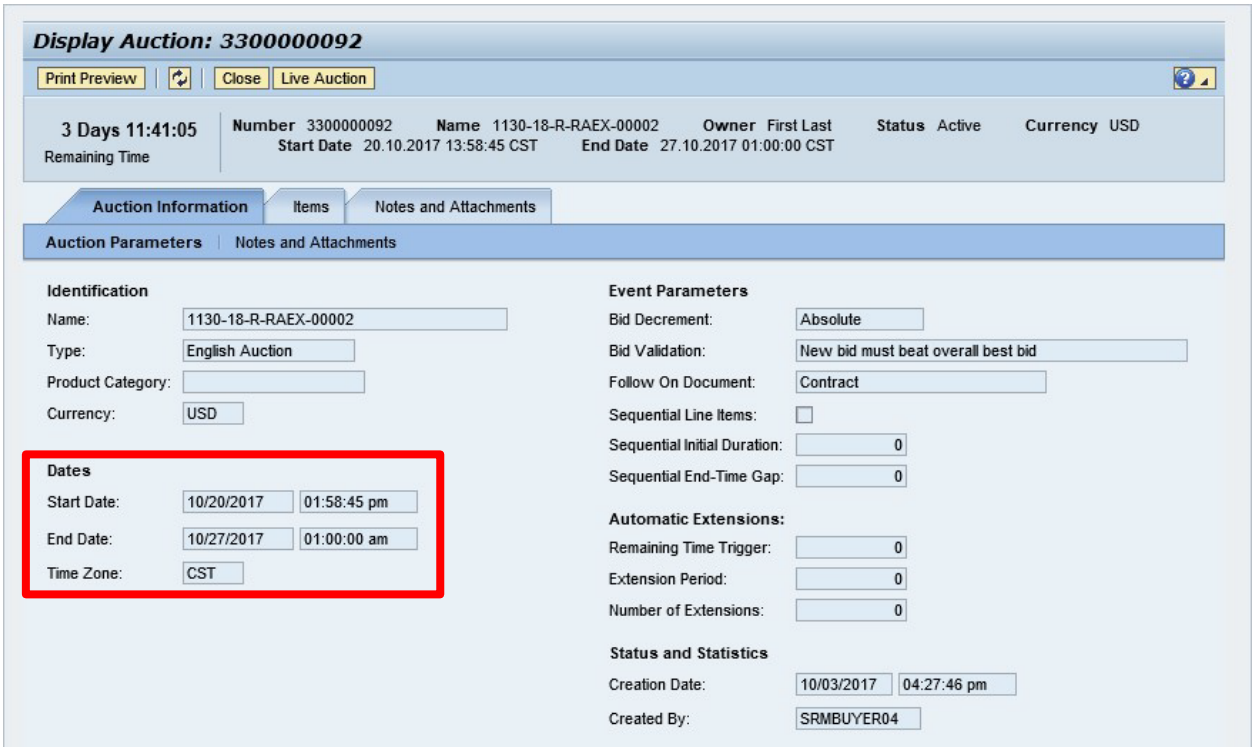
MAGIC Reverse Auction Bidders Guide

Display Auction Details

Listed below are the steps view the auction details and information regarding the auction.

1.) The Auction Details screen will be displayed. It is important to review the details prior to the Auction begin time. Bidding will not be available prior to the Auction Start Date / Time.

The table below list the fields and a brief description of the information available on the Auction Parameters sub-tab of the Auction Information tab.



Section	Field Name	Description
Identification	Name	Smart Number with details related to the RFx
	Type	English Auction is the standard for State of Mississippi
	Product Category	The 5 digit NIGP code (optional)
	Currency	US Dollar (USD)
Dates	Start Date	Begin Date and Time for the Live Auction
	End Date	Date and Time of Live Auction completion
	Time Zone	Central Standard Time (CST)
Event Parameters	Bid Decrement	The amount/percentage by which the next bid must decrease relevant to the current lowest bid.
	Bid Validation	Logic used to determine if the bid is valid.
	Follow On Document	Contract or Purchase Order

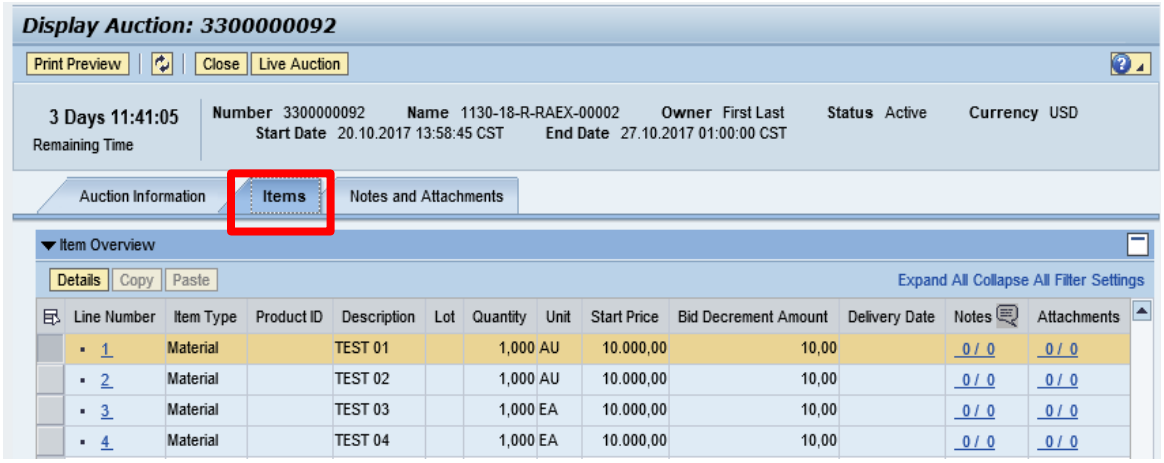
	Sequential Line Items	Enables sequential line item functionality to stagger end times.
	Sequential Initial	The amount of time in between each line item end time.
	Sequential End-Time	The time between item end times.
Automatic	Remaining Time Trigger	The time period before the end of the auction where an

Extensions		extension can be triggered due to bid activity.
	Extension Period	Number of minutes, for which the auction will be extended if a bidder submits an offer within the Remaining Time Trigger period
	Number of Extensions	The number of times an auction can be extended by bid activity within the Remaining Time Trigger.
Status and	Creation Date	The date and time the auction was created.
	Created By	The UserID of the Agency Buyer who created the

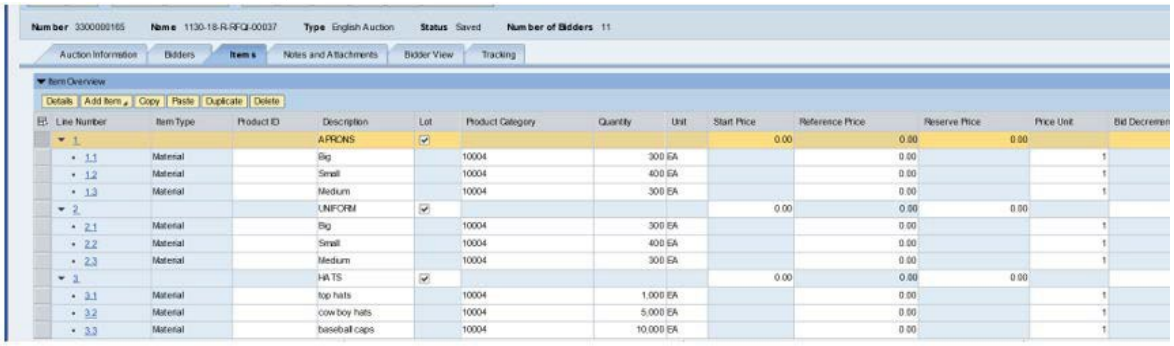
Display Line Items

Listed below is information regarding the line items associated with the auction.

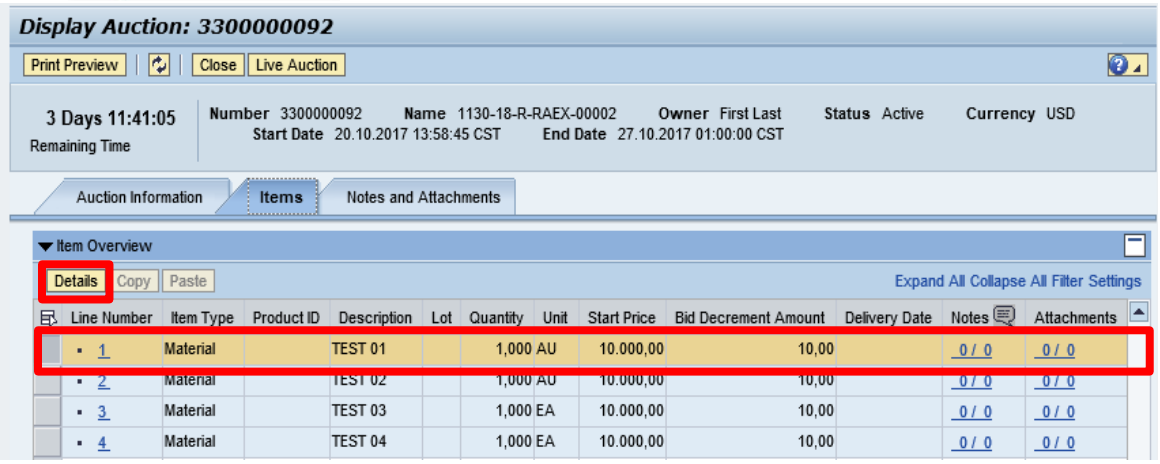
1.) Click the **Items** tab to view the line items.



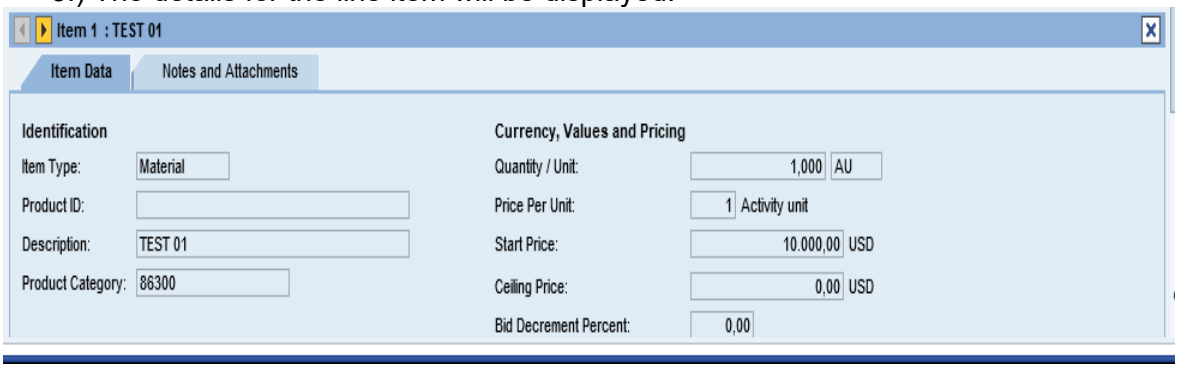
If the items are in **Lots**, the main items will be listed with individual lot items below.



2.) To view additional details for a line item, select the desired line and click the Details button.



3.) The details for the line item will be displayed.

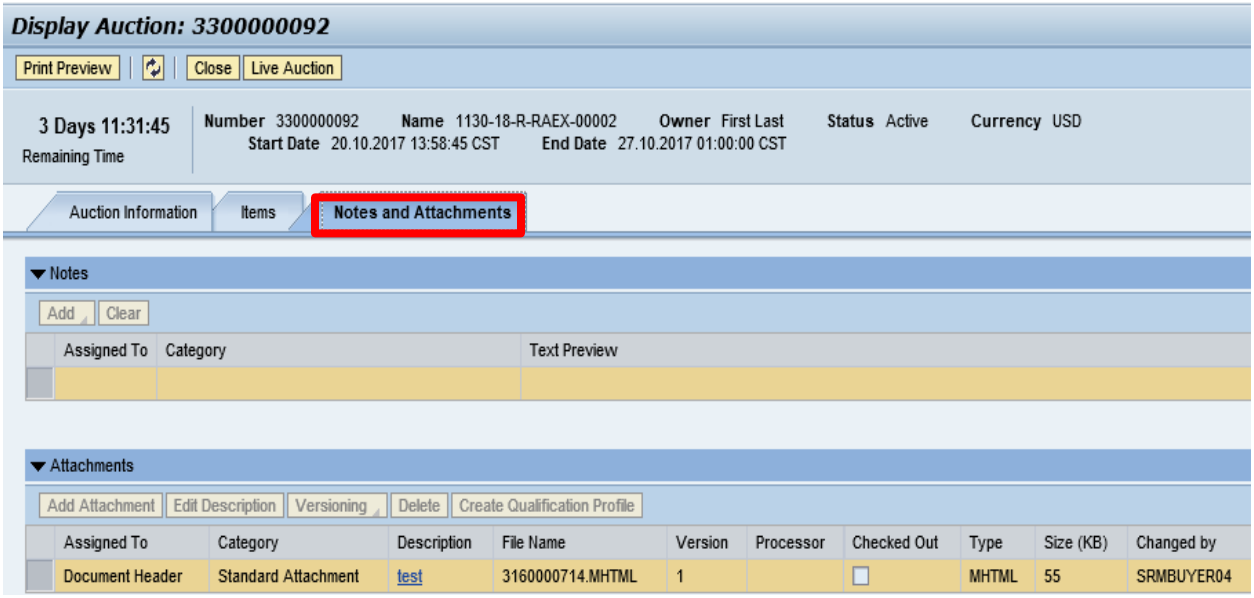


The table below list the fields and a brief description of the information available for each line item

Section	Field Name	Description
Identification	Item Name	Type of item (Material)
	Product ID	11 digit material number
	Description	Detailed description of the item
	Product Category	The 5 digit NIGP code
Currency, Values, and Pricing	Quantity /Unit	The number of items / the Unit of Measure (i.e. EA for each)
	Price Per Unit	The individual price based on the Unit of Measure indicated.
	Start Price	Starting bid price of the item (Bids higher than the start price will not be accepted.)
	Ceiling Price	Ceiling Price is not used.
	Bid Decrement	Bid decrement amount if percentage option is
	Bid Decrement	Bid decrement amount if dollar amount option is selected.

Display Notes and Attachments

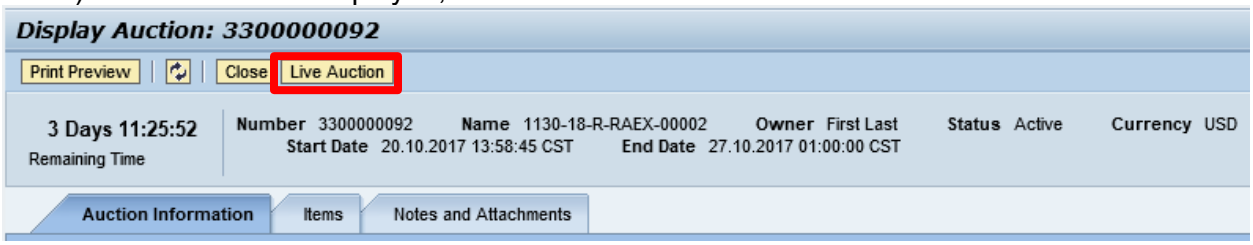
Click the **Notes and Attachments** tab to view supporting documents and/or notes associated with the auction.



Participating in a Live Auction

After completing the steps above to find a desired auction, the steps below can be used to participate in the Live Auction process.

1.) With the Auction displayed, click the **Live Auction** button.



2.) A pop-up window will appear containing Terms and Conditions to participate in the Live Auction. Review all terms and conditions. If you agree, click **Accept**. If you click **Decline** you will not be allowed to participate in the Live Auction.



If the agency did not establish Terms and Conditions this screen will not be displayed.

3.) If any pop-ups appear asking for a confirmation to run the JAVA application, click **Run**.

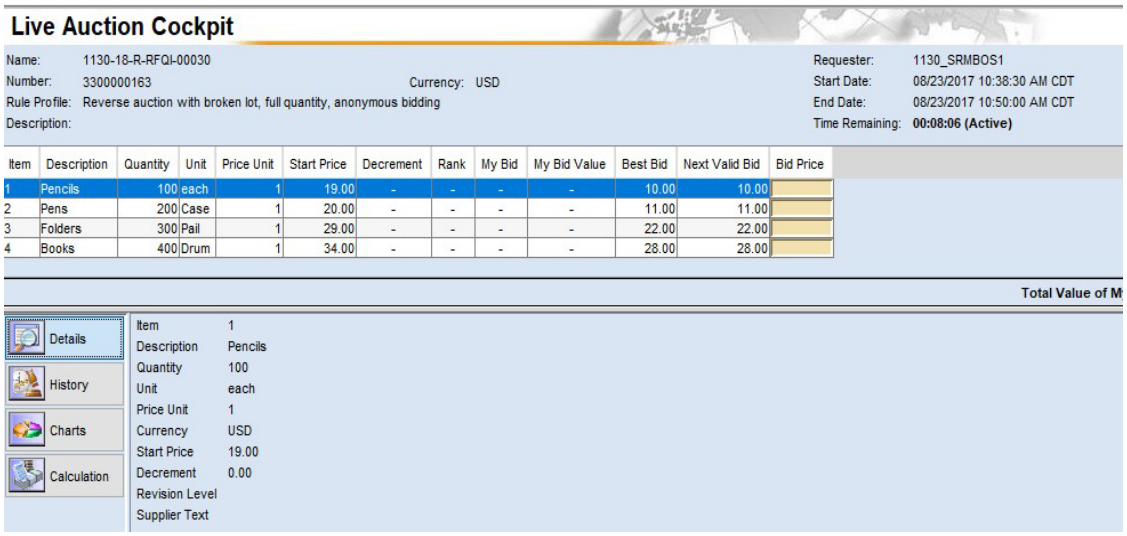


4.) The Live Auction bidding screen will be displayed. If you receive any error messages, please ask your company's system administrator to verify your computer's technical requirements.

Live Auction Cockpit

The Live Auction Cockpit will be displayed when the JAVA application has run.

Listed below is information regarding key items for the Live Auction Cockpit. The steps for submitting a response are located on the next page.



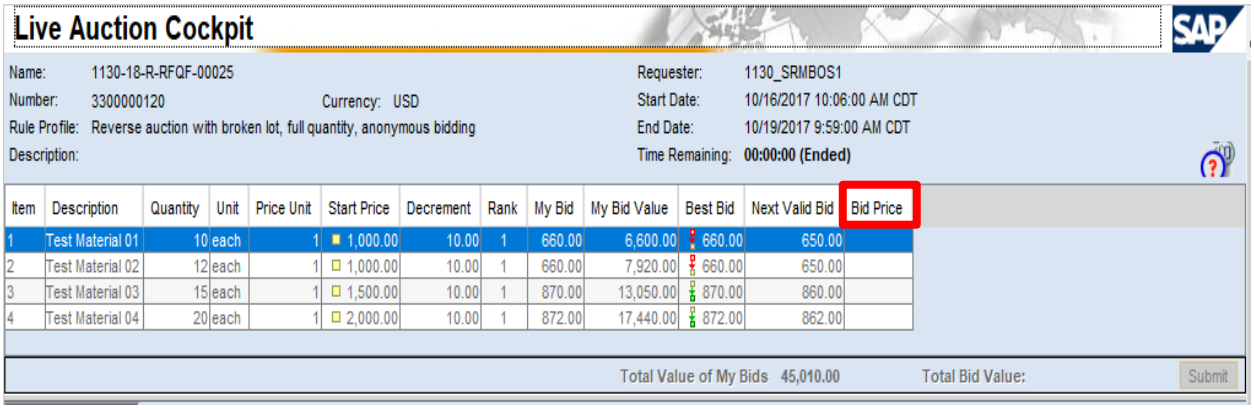
MAGIC Reverse Auction Bidders Guide

Field Name	Description
Start Date	Date and Time the Live Auction starts
End Date	Date and Time the Live Auction ends
Time Remaining	The time remaining for the Live Auction
Description	Line item description
Quantity	Line item quantity
Unit	Line item unit
Price Unit	Line item price per unit
Start Price	The initial price for the line item.
Best Bid	The lowest bid that has been submitted, to date, for that line item. This field will be blank until the first bid has been submitted.
Next Valid Bid	The next price that is allowed to be bid for that line item. It is determined by subtracting the decrement amount from the best bid amount.
Bid Price	Your bid for the item. Your bid should be equal or less than the next valid bid field. For instructions on how to enter your bid price, see the next

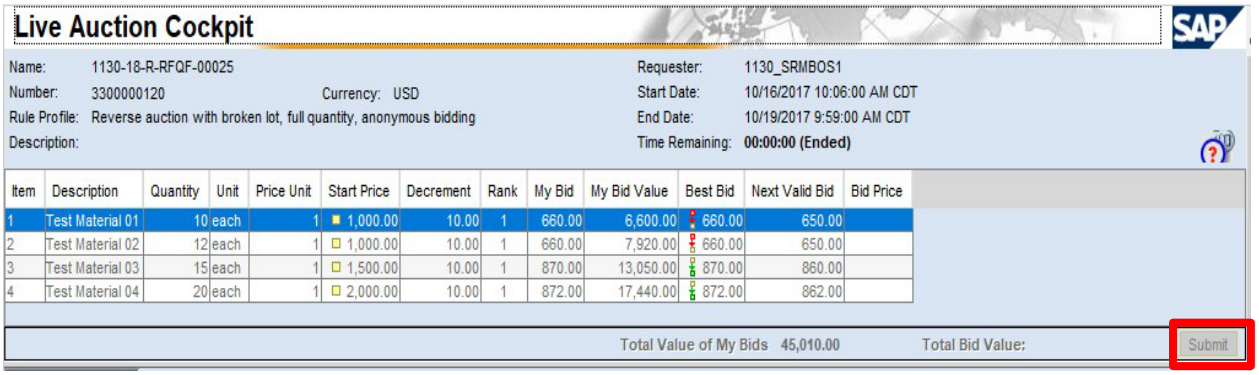
Submitting a Bid Response

The steps below must be completed for each separate line item you wish to bid on.

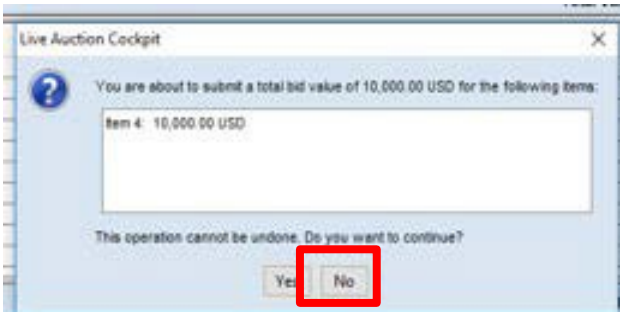
1. Click desired line item.
2. Enter the price in the **Bid Price** field(s) for the items you wish to bid on.



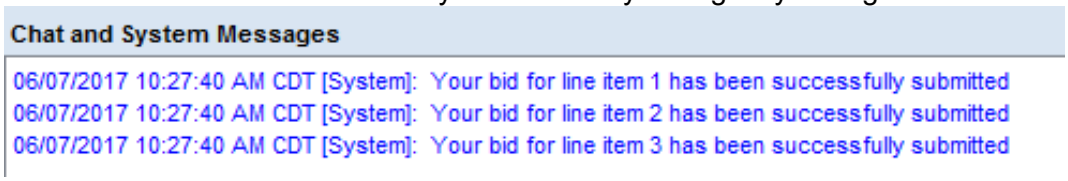
3. Click the **Submit** button. The submit button may be submitted after each line item price is entered or after you enter the price for all line items you wish to bid on.



4. A confirmation pop-up window will be displayed. The bid value (by line item) will be display the total of the Unit Price times the Quantity for that item. If the bid amount(s) are correct, click **Yes**. If the bid amount(s) are incorrect, click **No** and repeat the steps above to enter the correct bid amounts.



5.) A confirmation of a successful bid submission will be displayed in the Chat Window. Note: Erroneous bids may be deleted by the agency during the live auction.



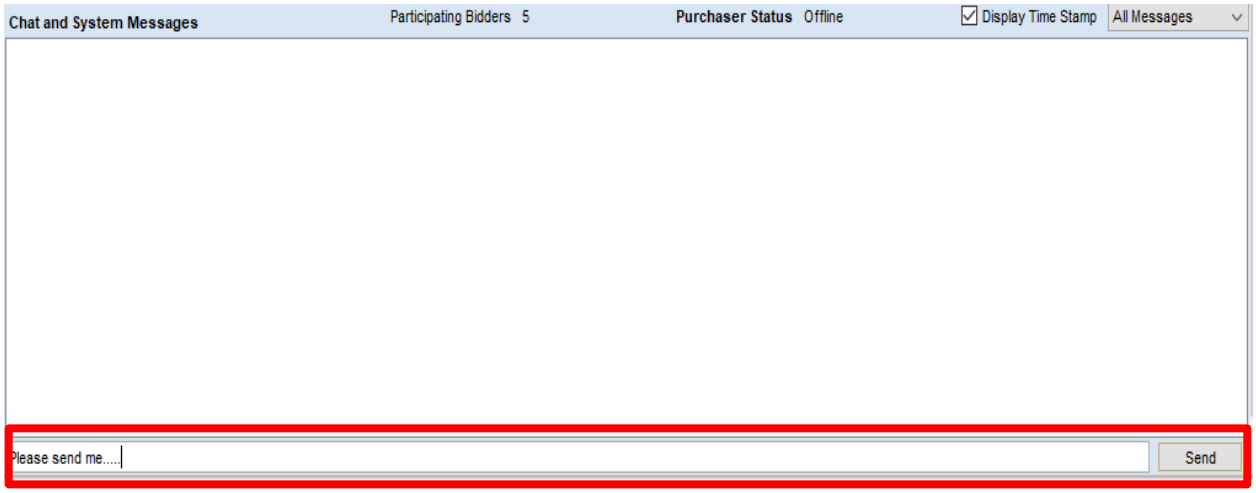
6.) Repeat steps 1 – 5 for each desired line item.

Chat and System Messages

The Chat and System Messages area is used for viewing chat messages from an agency buyer and information messages automatically generated by MAGIC.

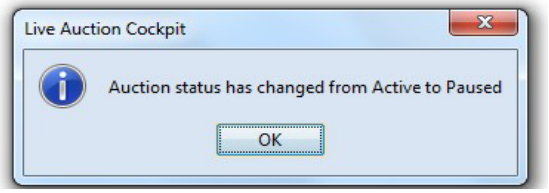
Below are helpful hints in using the chat feature:

A bidder CAN:	Send a message to an agency buyer. Type the message in the message box and click **Send**.
	See broadcast messages from the agency buyer to ALL bidders.
	See messages regarding the status of the auction (e.g. paused, resumed, or extended)
A bidder CANNOT:	Send a message to other bidders of the auction.
	See messages sent to an agency by other bidders.
	See messages sent to other bidders from the agency buyer.



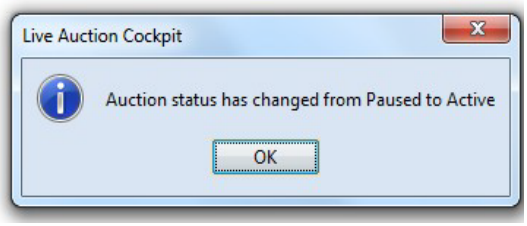
Pausing and/or Resuming an Auction

If necessary, the agency buyer can pause the Live Auction bidding. In such cases, the auction status will be changed from “Active” to “Paused”. A system alert will appear on the screen.

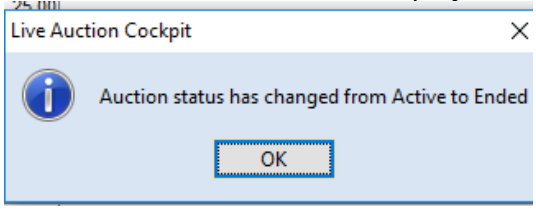


The countdown clock will not stop running while the auction is paused. The time remaining and end date / time are not affected or extended automatically.

When the agency buyer resumes the auction the auction status will be changed from “Paused” to “Active”. A system alert will appear on the screen.



Once the auction has ended, a notification will display.



If you are having problems submitting your quote electronically, please contact the MAGIC Support Center at 601-359-1343 or email at mash@dfa.state.ms.us.

If you have any questions regarding this invitation, please contact Nyla Kendrick by phone at (601) 923-7055.You may email Nyla Kendrick at nyla.kendrick@dor.ms.gov. The Mississippi Department of Revenue (MDOR) reserves the right to reject any and/or all bids and to waive all

informalities.

If using a commercial delivery company, which requires that you use their shipping package, your quote should be sealed separately and labeled as stated above within the commercial packaging to prevent premature opening. Parties submitting a quote assume all risks of delivery. Facsimile or e-mail quotes will not be accepted.

Bidder Responsibility: Bidders must, upon request of the Mississippi Department of Revenue, provide satisfactory evidence of ability to furnish products or services in accordance with the terms and conditions of the specifications. The Mississippi Department of Revenue reserves the right to make the final determination as to the bidder's ability.

Invitation to Bid: All information requested on the Invitation Form must be completed.

Quantity: The number of electric forklifts to be leased is (1). The number of electric-high level-stand-up stock pickers to be leased is (2). The number of forklift safety cages to be leased is (1). The number of electric utility vehicles to be leased is (1). The number of electric scissors lifts to be leased is (2). The number of electric personnel vehicles to be leased is (1).

Confidential Information: Confidential information shall mean all materials, documents, and data furnished to the successful bidder. The successful bidder shall provide to the Mississippi Department of Revenue a letter that the successful bidder agrees to protect all confidential information. Any liability resulting from the wrongful disclosure of confidential information on the part of the successful bidder shall rest with the successful bidder.

Award Criteria: The award will be made via the Reverse Auction Process to the best bid or bids. Factors to be considered in determining the best bid include:

Bottom Line Figure
Conformity with specifications
Responsibility of the bidder

Notes: It is the intent of Mississippi Department of Revenue to obtain a product that will adequately meet the needs of the agency while promoting the greatest extent of competition that is practicable. It is the responsibility of the prospective bidder to review the entire Invitation packet and to notify the Procurement Department of the Mississippi Department of Revenue if the Instructions and Special Conditions, or the General Conditions are

formulated in a manner which would unnecessarily restrict competition.

Reverse Auction: All qualified bidders are required to participate in the reverse auction process. Bidders must ensure technical requirements are met.

Acceptable Internet Browser(s)

- Microsoft Internet Explorer (IE) version 11
- Firefox versions 51 or lower
- Google Chrome versions 49 and above (will need to download and install a Chrome Extension called "IE Tab Extension")

Unsupported Internet Browser(s)

- Microsoft Internet Explorer (IE) version 10 or below
- Microsoft Edge
- Google Chrome
- Safari
- Firefox version 52 and above

Note: Pop-up blocker must be turned off

Request for Quote Issue Date:	October 20, 2026
First Publication Second Publication	October 20, 2026 October 27, 2026
Deadline for Submission of Questions	November 3, 2026; 12:00 noon (CST)
Last Day Answers Posted to Website	November 10, 2026; 5:00 p.m. (CST)
Bid Packet Submission Deadline	November 24, 2026, 12:00 noon (CST)
Evaluation	November 25, 2026
Qualify Bids	November 25, 2026
Email Qualified Bidders	November 30, 2026
Reverse Auction Start Date	December 7, 2026, 2:00 p.m. (CST)
Bid Evaluations	December 8, 2026
Projected Award	January 7, 2027

Delivery: Mississippi Department of Revenue, 500 Clinton Center Drive Clinton, MS 39056 during normal business days, between the hours of 8:00 a.m. to 5:00 p.m., CST except all observed state holidays. If delivery date falls on a holiday or weekend, delivery will be made on the following business day.

MISSISSIPPI DEPARTMENT OF REVENUE
Bid Form

Alcoholic Beverage Control Material Handling Equipment

RFQ Number: 3140004732

Pursuant to the RFQF, I/We

_____

_____located at _____

do submit our bid form for RFQ # _____. This bid is made without collusion on the part of any person, firm, or corporation.

Quotation:

(Only the price for new can be changed during the Reverse Auction)

Alcoholic Beverage Control Material Handling Equipment

The quote for the Alcoholic Beverage Control Material Handling Equipment will not be used to award the contract. The quote will be used to help determine the starting price for the Reverse Auction.

Description:	Quantity:	Total Quote:
Electric Forklift	**1**	
Electric High-Level Stand-Up Stock Picker	**2**	
Forklift Safety Cage	**1**	
Electric Utility Vehicle	**1**	
Electric Scissor Lifts	**2**	
Electric Personnel Vehicle	**1**	

Bidder Information (Please complete ALL Sections Below)

BIDDER INFORMATION (Please Complete ALL Sections Below)

Company Name: _____

Company Address: _____

_____

Telephone Number: _____ **Fax Number** _____

Email: _____

Company Representative Name (Print): _____

Company Representative Signature: _____ Date: _____
(Authorized Company Representative Signatures)

BID SPECIFICATIONS

Mississippi Department of Revenue

All bids must meet or exceed the minimum specifications set forth in this Invitation for Bid.

Scope: These specifications are intended to describe the request from ABC staff to allow for maintenance and inventory work in the new distribution center. The use for most of this new equipment is due to the increased height of the building and its associated platforms and racking requiring equipment that can access these areas.

- **Electric Forklift – QTY (1):**
- **Max Lift Height equal to or greater than 343 inches**
- **Min Load Capacity - 3,500 lbs.**

- **Electric High-Level Stand-Up Stock Picker – QTY (2):**
- **Max Platform Lift Height - equal to or greater than 343 inches**
- **Min Load Capacity – 2,500 lbs.**

- **Forklift Safety Cage – QTY (1):**
- **Weight Capacity - equal to or greater than 1,200 lbs.**
- **Accommodation – (2) people**
- **Railing provided on all sides**
- **Safety Rings**
- **Full length pallet fork pockets**
- **Safety pins to secure cages to lift**

- **Electric Utility Vehicle – QTY (1):**
- **Must be a flatbed able to accommodate a welder, acetylene/oxygen cutting rig, and ladder rack**
- **Must include a ladder rack**
- **Min Seating Capacity - (2)**
- **Min Vehicle Load Capacity - 3,000 lbs.**
- **Min Towing Capacity - 5,000 lbs.**
- **Battery Voltage - 48V**
- **Max Speed – equal or greater than 12mph.**

- **Electric Scissor Lifts - QTY (2):**
- **Min Number of Occupants - (3)**
- **Max Platform Height - equal to or greater than 343 inches**
- **Max Platform Capacity - equal to or greater than 750 lbs.**

- **Railings on all sides**

- **Electric Personnel Vehicle – QTY (1):**

- **Min Seating Capacity- (4-6)**
- **Min Total Vehicle Load Capacity – 1,500 lbs.**
- **Min Towing Capacity – 1,500 lbs.**
- **Battery Voltage – 48V**
- **Max Speed – equal to or greater than 12 mph**
- **Min Bed Load Capacity – 300 lbs.**

Notes: This specification shall, until revised or rescinded by the Department of Revenue, apply to each future purchase. It is the responsibility of the prospective bidder to review the entire Invitation for Bid packet and to notify the Procurement Department of the Mississippi Department of Revenue if the Specifications, Instructions and Special Conditions, or the General Conditions are formulated in a manner which would unnecessarily restrict competition.

GENERAL CONDITIONS – REVERSE AUCTIONS

ALL BIDS SUBMITTED SHALL BE IN COMPLIANCE WITH ALL CONDITIONS SET FORTH HEREIN. THE BID PROCEDURES FOLLOWED BY THIS OFFICE WILL BE IN ACCORDANCE WITH THESE CONDITIONS. THEREFORE, ALL BIDDERS ARE URGED TO READ AND UNDERSTAND THESE CONDITIONS PRIOR TO SUBMITTING A BID.

1. DEFINITIONS

The use of the word "agency" in any Bid Invitation solicitation or specification shall be intended to mean state agencies only.

2. PREPARATION OF BIDS

2.1 Bids and/or Quotes may be submitted through the State of Mississippi's e-procurement system (MAGIC) or in person to the Mississippi Department of Revenue. Paper bids are allowed. All prices and notations must be printed in ink or typewritten. No erasures permitted. Errors may be crossed out and corrections printed in ink or typewritten adjacent and must be initialed, in ink, by the person signing bid.

2.2 To submit bids electronically, bidders must ensure they are registered in the MAGIC system and have received a login, password, and supplier number and that all technical requirements have been met.

2.3 If a bidder is unwilling or unable to participate through MAGIC, an MDOR representative can enter the Vendor's bid(s) manually (i.e., Surrogate bidding).

2.4 Bidders participating in person by surrogate bidding must indicate in their response to the initial Request for Quote-Formal (RFQF).

2.5 Failure to examine any drawings, specifications, and instructions will be at bidder's risk.

2.6 Price each item separately. Unit prices shall be shown. Bid prices must be net.

2.7 It is understood that reference to available specifications shall be sufficient to make the terms of such specifications binding on the bidder.

2.8 Bidders must furnish all information requested in the bid specifications. Further, when required, each bidder must submit for bid evaluation cuts, sketches, descriptive literature, and technical specifications covering the product offered. Reference to literature submitted with a previous bid or on file with MDOR will not satisfy this provision.

2.9 Samples of items, when requested, must be furnished free of expense, and if not destroyed in testing will, upon request, be returned at the bidder's expense. Request

for the return of samples must be made within ten (10) days following opening bids. Each individual sample must be labeled with bidder's name, manufacturer's brand name and number, State of Mississippi commodity number, bid number and item reference.

2.10 Time of performance. The number of calendar days in which delivery will be made after receipt of order shall be indicated in the bid specifications.

3. BID SUBMISSION

3.1 When submitting a bid electronically, the authorized signature may be typed or be an electronic signature.

3.2 Bids and modifications or corrections received after the closing time specified will not be considered.

3.3 When submitting the response to the RFQF in MAGIC, bidder must ensure all questions have been answered within the RFQF and all proposed items in bid have a response.

3.4 Bidders submitting paper responses should submit responses to the MDOR by the response deadline.

4. ACCEPTANCE OF BIDS

MDOR reserves the right to reject any and all bids, to waive any informality in bids and unless otherwise specified by the bidders, to accept any items on the bid. The State reserves the right to modify or cancel in whole or in part its Invitation for Bids.

If a bidder fails to state the time within which a submitted will expire, it is understood and agreed that the MDOR shall have 60 days to accept.

5. ERROR IN BID

If a vendor is participating in a Live Auction, the vendor can notify MDOR in the event of an erroneous bid via the chat message feature. Erroneous bids, where the mistake is apparent to MDOR, may be deleted during the live auction.

6. SPECIAL DISCOUNT PERIOD

Time in connection with a special discount offered will be computed from date of delivery at destination or from the date correct invoices are received, if the latter date is later than the date of delivery. Cash discounts will not be considered in the award process.

7. AWARD

7.1 Contracts and purchases will be made or entered into with the lowest responsible bidder meeting specifications, except as otherwise specified in the bid specifications. Where more than one item is specified in the specifications, the State reserves the right to determine the low bidder either on the basis of the individual item(s) or on

the basis of all items included in its Invitation for Bids, or as expressly provided in the State's Invitation for Bids.

7.2 Unless the bidder specified otherwise in the bid, the State may accept any item or group of items of any kind.

7.3 A written purchase order or contract award furnished to the successful bidder within the time of acceptance specified in the Invitation for Bid results in a binding contract without further action by either party. The contract shall consist solely of these General Conditions, the Instructions and Special Conditions, the successful bidder's bid, and the written purchase order or contract award. The contract shall not be assignable in whole or in part without the written consent of the State.

8. INSPECTION

Final inspection and acceptance or rejection may be made at delivery destination, but all materials and workmanship shall be subject to inspection and test at all times and places, and when practicable. During manufacture, the right is reserved to reject articles which contain defective material and workmanship.
Rejected material shall be removed by and at the expense of the contractor promptly after notification or rejection. Final inspection and acceptance or rejection of the materials or supplies shall be made as promptly as practicable, but failure to inspect and accept or reject materials or supplies shall not impose liability on the State or any subdivision thereof for such materials or supplies as are not in accordance with the specification. In the event necessity requires the use of materials or supplies not conforming to the specification, payment therefore may be made at a proper reduction in price.

9. TAXES

The State is exempt from federal excise taxes and state and local sales or use taxes and bidders must quote prices which do not include such taxes. Exemption certificates will be furnished upon request. Contractors making improvements to, additions to or repair work on real property on behalf of the State are liable for any applicable sales or use tax on purchase of tangible personal property for use in connection with the contracts. Contractors are likewise liable for any applicable use tax on tangible personal property furnished to them by the State for use in connection with their contracts.

10. GIFTS, REBATE, GRATUITIES

10.1 Acceptance of gifts from bidders is prohibited. No officer or employee of the MDOR, nor any head of any state department, institution or agency, nor any employee of any state department, institution or agency charged with responsibility of initiating requisitions, shall accept or receive, directly or indirectly, from any person, firm or corporation to whom any contract for the purchase of materials, supplies, or equipment for the State of Mississippi may be awarded, by rebate, gifts, or otherwise, any money or anything of value

whatsoever, or any promise, obligation or contract for future rewards or compensation.

10.2 Bidding by state employees is prohibited. It is unlawful for any state official or employee to bid on, or sell, or offer for sale, any merchandise equipment or material, or similar commodity to the State during the tenure of his or her office or employment, or for the period prescribed by law thereafter, or to have any interest in the selling of the same to the State.

11. BID INFORMATION

Bid information and documents may be examined pursuant to the Mississippi Public Records Act of 1983, MS Code 25-61-1 et seq.

12. PRECEDENCE

Bids shall be made, and the contract shall be entered into in accordance with the General Conditions as hereinafter amended and modified. Should a conflict exist between the General Conditions and the Instructions and Special Conditions, the Instructions and Special Conditions shall take precedence.

13. COMPETITION

There are no federal or state laws that prohibit bidders from submitting a bid lower than a price or bid given to the U.S. Government. Bidders may bid lower than U.S. Government contract price without any liability as

the State is exempt from the provisions of the Robinson-Patman Act and other related laws. In addition, the U.S. Government has no provisions in any of its purchasing arrangements with bidders whereby a lower price to the State must automatically be given to the U.S. Government.

14. WAIVER

MDOR reserves the right to waive any General Condition, Special Condition, or minor specification deviation when considered to be in the best interest of the State.

15. CANCELLATION

Any contract or item award may be canceled with or without cause by the State with the giving of 30 days written notice of intent to cancel. Cause for the State to cancel may include, but is not limited to, cost exceeding current market prices for comparable purchases; request for increase in prices during the period of the contract; or failure to perform to contract conditions. The Contractor will be required to honor all purchase orders that were prepared and dated prior to the date of expiration or cancellation if received by the Contractor within a period of 30 days following the date of expiration or cancellation. Cancellation by the State does not relieve the Contractor of any liability arising out of a default or nonperformance. If a contract is canceled by the State due to a Contractor's request for increase in prices or failure to perform, that Contractor will be disqualified from bidding for a period of 24 months. The Contractor may cancel a

contract for cause with the giving of 30 days written notice of intent to cancel. Cause for the Contractor to cancel may include, but is not limited, to the item(s) being discontinued and/or unavailable from the manufacturer.

16. SUBSTITUTIONS DURING CONTRACT

During the term of a contract, if adequate documentation is provided that supports the claim that the contract item(s) are not available, items which meet the minimum specifications may be substituted if approved by MDOR and the substitutions are deemed to be in the best interest of the State.

17. APPLICATION

It is understood and agreed by the bidder that any contract entered into as a result of this Invitation for Bids is established for use by state agencies and all purchases made by these agencies for products included under the provisions of the contract shall be purchased from the bidder receiving the award unless exempt by special authorization from the MDOR.

Under the provisions of Section 31-7-7 Mississippi Code of 1972, Annotated, the prices offered herein shall be extended to the governing authorities. However, the governing authorities, by provisions of Section 31-7-12 Mississippi Code, may purchase products covered by state contracts from any source offering an identical product at a price that does not exceed the state contract price.

Employees of the MDOR have acted exclusively as agents of the State for the award, consummation, and administration of the contract and are not liable for any performance or nonperformance by the state agencies that utilize the contract.

18. ADDENDA

Addenda modifying plans and/or specifications may be issued if time permits. No addendum will be issued within a period of two (2) working days prior to the time and date set for the bid opening. Should it become necessary to issue an addendum within the two (2) day period prior to the bid opening, the bid date will be reset to a date not less than five (5) working days after the date of the addendum, giving bidders ample time to comply with the addendum. When replying to a bid request on which an addendum has been issued, and the specifications require acknowledgement, the bid shall indicate that provisions of the addendum have been noted and that the bid is being offered in compliance therewith. Failure to make this statement may result in the bid being rejected as not being in accordance with the revised specifications or plans.

19. NONRESPONSIVE BIDS

Nonresponsive bids will <u>not</u> be considered. A non-responsive bid is considered to be a bid that does not comply with the minimum provisions of the specification. Any bidder found to repeatedly offer alternated products that are not compliant with specifications in an attempt to obtain a contract on the basis of pricing only will be disqualified from

bidding for a period of 24 months.

20. SPECIFICATION CLARIFICATION

It shall be incumbent upon all bidders to understand the provisions of the specifications and to obtain clarification prior to the time and date set for the live auction or bid opening. Such clarification will be answered only in response to a written request submitted in the specified amount of time set by the MDOR. The MDOR reserves the right to specify a time frame in which clarification request shall be made.

21. PRE-QUALIFICATION PROCESS

22.1 The purpose of the RFQF is to advertise the competitive procurement for solicitation of formal quotes from potential bidders to participate in the Reverse Auction. The MDOR will be responsible for defining product categories, adding bidders, and publishing all bid related documents to the procurement portal. Once the responses have been received and the Opening Date has been reached, the MDOR will review the submissions to qualify bidders and determine a starting price for reverse auction items.

22.2 The Invitation for Bids/RFQF shall be advertised in accordance with Section 3.106.05.4 of the Mississippi Procurement Manual. The MDOR shall advertise for 14 consecutive days in accordance with Section 31-7-13(c) (i) (1) of the Miss. Code Ann. Responses to the RFQF will be due on the 8th working day after the last day of advertisement.

22.3 Responses to the RFQF will be reviewed by the MDOR for responsiveness to specifications. Price quotes received will be evaluated in conjunction with other market research to determine the starting price for the Auction.

22.4 The MDOR will accept bidder responses in MAGIC who have qualified meeting RFx specifications. Bidders not meeting specifications will not be allowed to participate in the Auction.

22.5 Once qualified, the MDOR will notify the vendor of Qualification and the date of the Live Auction via email. After receiving the confirmation email, bidders should review/ensure technical requirements for MAGIC have been met or confirm participation in person.

22.6 It is requested that bids be submitted on the basis of statewide distribution. Contractors must maintain adequate distribution capabilities and adequate stock of all items to insure prompt delivery.

23. FIRM BID PRICE

Prices accepted from bidder submissions shall be firm for the term of the contract except that the State shall receive the benefit of any price decrease in excess of five (5) percent. The contractor must provide written price reduction information within ten (10) days of its effective date.

24. CONTRACT EXTENSION

No extensions necessary.

25. SUSPENSION AND DEBARMENT

By submitting a bid, the bidder is certifying that neither the bidder nor any potential subcontractors are debarred or suspended or are otherwise excluded from or ineligible for participation in federal assistance programs.

26. ASSIGNMENT

The Contractor shall not assign or subcontract in whole or in part, its right or obligations under this agreement without prior written consent of the MDOR.

27. INDEMINIFICATION

Contractor shall indemnify, defend, save and hold harmless, protect, and exonerate the State of Mississippi, its Commissioners, Board Members, officers, employees, agents, and representatives from and against all claims, demands, liabilities, suits, actions, damages, losses, and costs of every kind and nature whatsoever, including, without limitation, court costs, investigative fees and expenses, and attorneys' fees, arising out of or caused by Contractor's and/or its partners, principals, agents, employees, and/or subcontractors in the performance of or failure to perform this Agreement. In the State's sole discretion, Contractor may be allowed to control the defense of any such claim, suit, etc. In the event Contractor defends said claim, suit, etc., Contractor shall use legal counsel acceptable to the State; Contractor shall be solely liable for all reasonable costs and/or expenses associated with such defense and the State shall be entitled to participate in said defense. Contractor shall not settle any claim, suit, etc., without the State's concurrence, which the State shall not unreasonably withhold.

28. LIVE AUCTION

28.1 Notification of Auction Start date and time will be sent via email to qualifying bidders. If a bidder is unwilling or unable to participate through MAGIC, a representative from the MDOR can enter the Vendor's bid(s) manually (i.e. Surrogate Bidding). If a bidder elects to participate via Surrogate Bidding, the bidder must be physically present at the public bidding location, with the means to submit written bids for each offer made and signed by an authorized agent of the Vendor. A Bid Form will be provided to the Vendor at the start of the auction. This form will not be returned to the bidder but will become a part of the Bid Documentation for Evaluation by the MDOR.

28.2 The Auction time may be extended at the discretion of the MDOR. Examples of reasons to extend an auction include, but are not limited to, technical difficulties experienced by the MDOR or bidder, the need to pause the Auction, or bids placed

within the last few moments of bidding.

28.3 Communication with bidders participating electronically during the Auction may be done via the Live Chat Feature. The MDOR has the ability to send messages to particular bidders or broadcast to all bidders. Bidders can ONLY communicate with the MDOR, not other bidders.

28.4 Bidders may be removed from a Live Auction for improper conduct, including but not limited to profanity, threats, consistently entering erroneous or extremely low bids, or other disruptive behavior.

29. FORCE MAJEURE

If the MDOR is closed for any reason, including but not limited to: acts of God, strikes, lockouts, riots, acts of war, epidemics, governmental regulations superimposed after the fact, fire, earthquakes, floods, or other natural disasters (the "Force Majeure Events"), which closure prevents the opening of bids at the advertised date and time, all bids received shall be publicly opened and read aloud on the next business day that the agency shall be open and at the previously advertised time. The new date and time of the bid opening, as determined in accordance with this paragraph, shall not be advertised, and all bidders, upon submission of a bid proposal, shall be deemed to have knowledge of and shall have agreed to the provisions of this paragraph. Bids shall be received by the agency until the new date and time of the bid opening as set forth herein. The MDOR shall not be held responsible for the receipt of any bids for which the delivery was attempted and failed due to the closure of the MDOR as a result of a Force Majeure Event. Each bidder shall be required to ensure the delivery and receipt of its bid by the MDOR prior to the new date and time of the live auction or bid opening.