

IOWA LOTTERY AUTHORITY
BID #22-03
October 5, 2021

Courier System Mailing Bags

SECTION 1 INTRODUCTION AND ADMINISTRATIVE INFORMATION

1.1 Purpose. The purpose of this Request for Bid is to solicit proposals from qualified Bidder(s) interested in providing custom courier system mailing bags for the Iowa Lottery Authority (Lottery).

The Iowa Lottery intends to purchase three sizes of mailing bags to be used for shipping lottery scratch tickets to retail locations throughout Iowa. The bags must be produced according to the specifications found as Attachment 1. The Lottery is seeking a qualified Bidder capable of producing and delivering the custom mailing bags within 5 weeks of each order being placed during a contract period. At this time, the Lottery has not determined our annual usage but intends to order mailing bags as noted in Attachment 1. The Lottery intends to make an award to one Vendor and issue a contract for a period of two (2) years beginning November 1, 2021, plus two (2) one-year extension periods to be exercised at the sole option of the Lottery.

1.2 Bid Coordinator. The bid coordinator is the sole point of contact regarding the RFB from the date of issuance until selection of the successful Award. Following is the contact information for the bid coordinator:

| | |
|--------------------------|--|
| Bid Coordinator: | Terry Brown |
| Mail or hand deliver to: | Iowa Lottery, 13001 University Ave., Clive, IA 50325 |
| Telephone: | 515-725-7877 |
| Facsimile Telephone: | 515-281-3182 |
| E-mail address: | tdbrown@ialottery.com |
| Website: | www.ialottery.com ("For Vendors" link found at the top right) |

1.3 Restriction on Communication. From the issue date of this RFB until announcement of an Award, Bidders may contact only the Bid Coordinator. Questions related to the interpretation of this RFB must be directed to the Bid Coordinator. Bidders may be disqualified if they contact any state employee other than the Bid Coordinator about the RFB.

1.4 Submission of Bid Proposals. The Lottery must receive the Bid Proposal at the address listed in Section 1.2 no later than **3:00 p.m. central Time, October 25, 2021**. **This is a mandatory requirement and will not be waived by the Lottery. Any Bid Proposal received after this deadline will be rejected and not considered in the evaluation process.** Electronic mail and faxed Bid Proposals will be accepted.

Bidders must furnish all information necessary to evaluate the Bid Proposal. Bid Proposals that fail to meet the mandatory requirements of the RFB may be disqualified. Verbal information provided by the Bidder shall not be considered part of the Bidder's Bid Proposal unless it is reduced to writing.

1.5 Bid Proposal Opening. The Lottery will open Bid Proposals after the deadline for submission of Bid Proposals has passed. The Bid Proposals will remain confidential until the Evaluation Committee has reviewed all the Bid Proposals submitted in response to this RFB and the Lottery has announced a notice of intent to award. See Iowa Code Section 72.3. However, the name of Bidder's who submitted timely Bid Proposals will be publicly available after the Bid Proposal opening. The announcement of Bidder's who timely submitted Bid Proposals does not mean that an individual Bid Proposal has been deemed technically compliant or accepted for evaluation.

1.6 Costs of Preparing the Bid Proposal. The costs of preparation and delivery of the Bid Proposal are solely the responsibility of the Bidder.

1.7 Rejection of Bid Proposal. The Lottery reserves the right to reject any or all Bid Proposals, in whole and in part, received in response to this RFB at any time prior to the execution of a written contract. Issuance of this RFB in no way constitutes a commitment by the Lottery to award a contract.

1.8 Disqualification. The Lottery will reject outright and will not evaluate Bids if:

- 1.8.1** The Bidder fails to deliver the Bid by the due date and time.
- 1.8.2** The Bidder fails to include a signed Proposal Compliance and Certification form signed by an authorized individual or agent of the company.
- 1.8.3** The Bidder acknowledges that a mandatory requirement of the RFB cannot be met.
- 1.8.4** The Bidder's Bid Proposal materially changes a mandatory requirement of the RFB or the Bid Proposal is not compliant with the requirements of the RFB.
- 1.8.5** The Bidder's Bid Proposal limits the rights of the Lottery.
- 1.8.6** The Bidder fails to include information necessary to substantiate that it will be able to meet a mandatory requirement of the RFB.
- 1.8.7** The Bidder fails to timely respond to the Lottery's request for information, documents, or references.
- 1.8.8** The Bidder fails to include a bid bond, if required.
- 1.8.9** The Bidder presents the information requested by this RFB in a format inconsistent with the instructions of the RFB.
- 1.8.10** The Bidder initiates unauthorized contact regarding the RFB with state employees.
- 1.8.11** The Bidder provides misleading or inaccurate responses.
- 1.8.12** There is insufficient evidence to satisfy the Lottery that the Bidder is properly responsive and responsible to satisfy the requirements of the RFB.

1.9 Bid Proposal Clarification Process. The Lottery reserves the right to contact a Bidder after the submission of Bid Proposals for the purpose of clarifying a Bid Proposal to ensure mutual understanding. This contact may include written questions, interviews, site visits, a review of past performance if the Bidder has provided goods and/or services to the State or any other political subdivision, or requests for corrective pages in the Bidder's Bid Proposal. The Lottery will not consider information received if the information materially alters the content of the Bid Proposal or alters the type of goods and/or services the Bidder is offering. An individual authorized to legally bind the Bidder shall sign or submit the responses to any request for clarification. Responses shall be submitted to the Lottery within the time specified in the Lottery's request. Failure to comply with requests for additional information may result in rejection of the Bid Proposal as non-compliant.

1.10 Disposition of Bid Proposals. All Bid Proposals become the property of the Lottery and shall not be returned to the Bidder at the conclusion of the selection process, the contents of all Bid Proposals will be in the public domain and be open to inspection by interested parties subject to exceptions provided in *Iowa Code Chapter 22* or other applicable law.

1.11 Public Records and Requests for Confidential Treatment. The release of information by the Lottery to the public is subject to Iowa Code chapter 22 and 531 Iowa Administrative Code Section 1.5. Bidders are encouraged to familiarize themselves with these provisions prior to submitting a Proposal. A copy of the Iowa Code and Iowa Administrative Code can be found on the State of Iowa's web page, <https://www.iowa.gov/> and located under the topic Iowa Law. All information submitted by a Bidder may be treated as public information by the Lottery unless the Bidder properly requests that information be treated as confidential at the time of submitting the Proposal. The Lottery will copy public records as required to comply with the public records laws. Any requests for confidential treatment of information must be included in a letter with the Bidder's Proposal and must enumerate the specific grounds in Iowa Code chapter 22 which support treatment of the material as confidential and must indicate why disclosure is not in the best interests of the public. Once a contract has been executed, the contract and all supporting documents in the Successful Bidder's Proposal including pricing shall be considered public and subject to disclosure pursuant to Iowa Code chapter 22. The Bidder's failure to request confidential treatment of material will be deemed by the Lottery as a waiver of any right to confidentiality the Bidder may have had.

1.12 Photocopy rights. By submitting a proposal, the Bidder agrees that the Lottery may make copies of the proposal for purposes of facilitating the evaluation of the Bid Proposal or to respond to requests for public records. The Bidder consents to such copying by submitting a Bid Proposal and warrants that such copying will not violate the rights of any third party. The Lottery will have the right to use ideas or adaptations of ideas that may be presented in the Bid Proposals.

1.13 Bids Property of the Lottery. All bids become property of the Lottery and shall not be returned to the Bidder unless all bids are rejected and no award is made. At the conclusion of the selection process, the contents of all bids will be placed in the public domain and be opened to inspection by interested parties.

1.14 Release of Claims. By submitting a Bid Proposal, the Bidder agrees that it will not bring any claim or cause of action against the Lottery based on any misunderstanding concerning the information provided herein or concerning the Lottery's failure, negligent or otherwise, to provide the Bidder with pertinent information as intended by this RFB.

1.15 Evaluation of Bid Proposals Submitted. Bid Proposals that are timely submitted and are not subject to disqualification will be reviewed. The Lottery will not necessarily award any contract resulting from this RFB to the Bidder offering the lowest cost. Instead, the Lottery will award the contract(s) to the responsible Bidder who's Responsive Bid Proposal, as determined by the Lottery; will provide the best value to the Lottery.

1.16 Award Notice and Acceptance Period. Notice of Intent to award the contract(s) will be sent to all Bidders submitting a timely Bid Proposal and may be posted at the website shown in Section 1.2. Negotiation and execution of the contract(s) shall be completed no later than three (3) days from the date of the Notice of Intent to award. If the apparent successful Bidder fails to negotiate and deliver an executed contract by that date, the Lottery, in its sole discretion, may cancel the award and award the contract to the remaining Bidder the Lottery believes will provide the best value to the Lottery.

1.17 Choice of Law and Forum. This RFB is to be construed in light of pertinent legal requirements including Iowa Code 99G and 531 Iowa Administrative Code. The RFB and the resulting contract are to be governed by the laws of the State of Iowa. Changes in applicable laws and rules may affect the award process or the resulting contract. Bidders are responsible for ascertaining pertinent legal requirements and restrictions. Any and all litigation or actions commenced in connection with this RFB shall be brought in the appropriate Iowa forum.

1.18 Restrictions on Gifts and Activities. Iowa Code chapter 68B and 99G contains laws which restrict gifts which may be given or received by state employees and requires certain individuals to disclose information concerning their activities with state government. Bidders are responsible for determining the applicability of this Chapter to their activities and to comply with these requirements. In addition, pursuant to *Iowa Code Chapter 722.1*, it is a felony offense to bribe or attempt to bribe a public official.

1.19 Appeals. Appeals of the Notice of Intent to Award are governed by the Lottery's appeal process. Bidders may obtain information about the appeal process from the Bid Coordinator. See Iowa Administrative Rules 531 – 2.17(99G).

SECTION 2. FORM AND CONTENT OF BID PROPOSAL.

2.1 Instructions. These instructions prescribe the format and content of the Bid Proposal. They are designed to facilitate a uniform review process. Failure to adhere to the proposal format may result in the disqualification of the Bid Proposal. Bidders may include additional relevant information.

2.1.1 The Bid Proposal shall consist of Attachment #2 and Attachment #3 completed by Bidder.

2.1.2 The Bid Proposal shall be timely submitted to the Bid Coordinator.

2.2 Proposal.

2.2.1 Specifications and Technical Requirements. The Bidder shall review the requirements set forth in Attachment #1, Scope of Services.

2.2.2 Acceptance of Terms and Conditions. If the Bidder objects to any term or condition posted on the Lottery website at <https://www.ialottery.com/Pages/Vendors/VendorsMain.aspx>, the Bidder must specifically take exception to the applicable term or condition and state the reason for the exception.

2.2.3 Proposal Compliance and Certification Statement. The Bidder shall sign and submit with the Bid Proposal the document included as Attachment #2 (Proposal Compliance and Certification Statement) in which the Bidder shall make the certifications.

2.2.4 Firm Bid Proposal Terms. The Bidder shall guarantee the availability of the goods and/or services offered and that all Bid Proposal terms, including price, will remain firm for a period of at least sixty (60) days following the deadline for submitting Bid Proposals.

2.2.5 Bid Proposal Security. There is no bid bond required for this RFB.

2.2.6 Cost Proposal. Bidders shall use the cost proposal format provided as Attachment #3.

**Bid #22-03
Attachment #1
SCOPE OF SERVICES**

The Iowa Lottery intends to purchase custom size mailing bags during a period of two (2) years beginning November 1, 2021 plus two one-year extension periods to be exercised at the sole option of the Lottery. No minimum ordering amount will be guaranteed by the Lottery during a resulting contract period, however, the Lottery does anticipate ordering at least 20,000 of each size mailing bag noted below during a resulting two-year contract period.

The Vendor awarded a resulting contract shall be required to produce the custom mailing bags, package the bags as noted below, label all cartons and place the cartons on a pallet and ship to the Lottery warehouse within 5 weeks from order to delivery. All orders placed by the Lottery shall be made in increments of one pallet (10,000) per size.

All Vendor prices shall remain firm during the two-year contract period with pricing to be negotiated for any contract extension periods.

Payment Terms: The Iowa Lottery is an enterprise agency of the State of Iowa and is exempt from the payment of sales tax. The Vendor shall submit detailed invoices for products and/or services delivered within thirty (30) days of delivery. The Lottery shall pay all approved invoices in arrears and in conformance with Iowa Code Section 8A.514 and II IAC § 41.1(2). The Lottery may vary the terms of this provision by paying the bill for services in less than 60 days as provided in Iowa Code Section 8A.514. However, an election to pay in less than 60 days shall not act as an implied waiver of Iowa Code Section 8A.514.

A description of the desired custom size mailing bags follows:

Material: LLDPE 5 mil

Sizes: 11" x 14" (small) bag plus 2" lip (no gusset on sides)
13.5" x 16" (medium) bag plus 2" lip (no gusset on sides)
17.5" x 17" (large) bag plus 2" lip (no gusset on sides)

Custom color: Bag exterior to be white with grey interior
Lip of each bag to have a strong hold adhesive peel-off strip capable of holding bag closed during shipments.

Bags will not have any identifying logos or imprinting.

Packaging: Packed 100 bags per package (poly bagged)
5 poly bags (500) per case
20 cases per pallet (10,000/pallet)

Over/Under: Allowance of no more than 5% + / -

FOB: Destination with freight prepaid
Freight may be added to invoice

Ship to: Lottery Warehouse
1918 SE Hulsizer
Ankeny IA 50021

**Bid #22-03
Attachment #2**

Proposal Compliance and Certification Statement

I certify that the contents of the Bid Proposal are true and accurate. I also certify that no false statements have knowingly been made in this Bid Proposal.

Certification of Independence

By submitting a Bid Proposal in response to this RFB, I certify the following:

1. The Bid Proposal has been developed independently, without consultation, communication or agreement with any employee or consultant to the Lottery who has worked on the development of this RFB, or with any person serving as a member of the evaluation committee.
2. The Bid Proposal has been developed independently, without consultation, communication or agreement with any other Bidder or parties for the purpose of restricting competition.
3. Unless otherwise required by law, the information found in the Bid Proposal has not been knowingly disclosed and will not be knowingly disclosed prior to the award of the contract, directly or indirectly, to any other Bidder.
4. No attempt has been made or will be made to induce any other Bidder to submit or not to submit a Bid for the purpose of restricting competition.
5. No relationship exists or will exist during the contract period between the Bidder and the Lottery that interferes with fair competition or as a conflict of interest.

Certification Regarding Debarment

6. I certify that, to the best of my knowledge, the Bidder/Company (shown in the signature box) and all of its principals: **(a)** are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by a Federal Agency or State Agency; **(b)** have not within a three year period preceding this Bid been convicted of, or had a civil judgment rendered against them for commission of fraud, or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction, violation of antitrust statutes or commission of embezzlement, theft, forgery, falsification or destruction of records, making false statements, or receiving stolen property; **(c)** are not presently indicted for or other criminally or civilly charged by a government entity (federal, state, or local) with the commission of any of the offenses enumerated in (b) of this certification; and **(d)** have not within a three-year period preceding this Bid had one or more public transactions (federal, state, or local) terminated for cause.

This certification is a material representation of fact upon which the Iowa Lottery Authority has relied upon when this transaction was entered into. If it is later determined that the undersigned knowingly rendered an erroneous certification, in addition to other remedies available, the Lottery may pursue available remedies including suspension, debarment, or termination of the contract.

Certification Regarding Registration, Collection, and Remission of Sales and Use Tax

7. Pursuant to Iowa Code sections 423.2(10) & 423.5(8) (2011.) a retailer in Iowa or a retailer maintaining a business in Iowa that enters into a contract with a state agency must register, collect, and remit Iowa sales tax and Iowa use tax levied under Iowa Code chapter 423 on all sales of tangible personal property and enumerated services. The Act also requires Bidders to certify their compliance with sales tax registration, collection, and remission requirements and provides potential consequences if the certification is false or fraudulent.

By submitting a Bid Proposal the undersigned certifies the following: (check the applicable box)

- _____ is registered with the Iowa Department of Revenue, collects, and remits Iowa sales and use taxes as required by Iowa Code chapter 432; or

- _____ is not a “retailer” or a “retailer maintaining a place of business in this state” as those terms are defined in Iowa Code subsections 423.1(42) & (43).

By submitting a Bid Proposal and signing this statement, Bidder indicates understanding and acknowledges that the Lottery may declare the bid or resulting contract void if the above certification is false. The Bidder also understands that fraudulent certification may result in the Lottery or its representative filing for damages for breach of contract.

I have the authority to bind the Bidder indicated below to the specific terms and conditions and technical specifications required in this RFB and offered in the Bid Proposal.

| | |
|-----------------------|--|
| Business Name: | |
| Authorized Signature: | |
| Printed Name: | |
| Title: | |
| Date: | |

**BID #22-03
ATTACHMENT #3
PROPOSAL**

Cost per 1,000 must include all set-up, screen charges, artwork fees, etc. No additional item costs shall be allowed except freight/shipping costs. Estimated freight with shipment to the Lottery Warehouse as noted in Attachment #1. *

| SIZE OF MAILING BAGS | COST PER 1,000* | ESTIMATED FREIGHT COST / 10,000 |
|----------------------------------|-----------------|------------------------------------|
| 11" x 14" plus 2" lip (small) | | |
| 13.5" x 16" plus 2" lip (medium) | | |
| 17.5" x 17" plus 2" lip (large) | | |

The Vendor must provide the following general information as part of its Bid:

- a) The name and address of the Vendor submitting the Bid.
- b) The name, address, telephone number and e-mail address of the Vendor's primary contact for the purpose of this Bid.
- c) Type of business entity (e.g., corporation, limited liability corporation, partnership, etc.) and employer identification number (EIN or Fed ID #) or provide a completed W-9 form.
- d) Name and location of the production plant that relates to the Vendor's performance as proposed.
- e) The Vendor must list its top five (5) accounts over the Vendor's previous three (3) fiscal years. For each account, the Vendor must indicate the product provided and the name and telephone number of a contact person.

Authorized Signature

Company Name

Date