

1. 52.212-1 -- Instructions to Offerors -- Commercial Items (Oct 2000)

(a) North American Industry Classification System (NAICS) code and small business size standard. The NAICS code is 333120 and small business size standard for this acquisition is 750. However, the small business size standard for a concern which submits an offer in its own name, but which proposes to furnish an item which it did not itself manufacture, is 500 employees.

(b) Submission of offers. Offers shall be submitted in accordance with the following instructions. Proposals must be signed, dated and received by the office specified in this solicitation at or before the exact time specified in this solicitation. Offers may be submitted on letterhead stationery, or as otherwise specified in the solicitation. Deviations from these instructions may result in a rejection of your proposal. Proposals must be clear, complete and logically organized. In order to avoid unnecessary expense to both the Government and the offeror, offerors are advised to thoroughly review Addendum 2, FAR 52.212-2 Evaluation -- Commercial Items, as tailored herein, prior to submitting a proposal. The Government will consider an offeror's failure to fully comply with these instructions as indicative of the type of conduct that it may expect from the offeror during contract performance.

As a minimum, the offer must show --

- (1) The solicitation number.
- (2) The time specified in the solicitation for receipt of offers.
- (3) The name, address, and telephone number of the offeror.
- (4) "Remit to" address, if different than mailing address.
- (5) A completed copy of the representations and certifications at FAR 52.212-3 and DFARS 252.212-7000, included in Addendum 5 of the solicitation.
- (6) Acknowledgment of Solicitation Amendments.
- (7) A Technical Proposal. The technical proposal must describe the skid steer loader and selected attachments; i.e., breaker with various tool points, pair of Pallet Forks, auger and combination bucket, in sufficient detail to evaluate compliance with the requirements stated in PD-415. This may include product literature, photographs or drawings, if necessary. This proposal shall not exceed 10 pages when printed on standard 8.5" x 11" paper.
- (8) A Global Commercial Logistical Support Proposal. This proposal shall describe the offeror's commitment and ability to provide worldwide support for repair and replacement parts and services from beyond the express warranty period. This proposal shall not exceed 10 pages when printed on standard 8.5" x 11" paper. At a minimum, the offer shall:
 - (i) Describe in terms sufficient to incorporate in any resultant award the extent and duration to which the offeror will provide worldwide repair and replacement parts and service for its proposed items. Note: The offeror must be able to provide parts and service at commercially competitive prices for a minimum of five (5) years beyond the express warranty period. The

offeror's proposal shall identify the extent and duration to which it will provide parts and service at commercially competitive prices beyond this time frame.

(ii) Describe and provide evidence of the offeror's current commitments and practices for maintaining loaders and selected attachments that have been out-of-production for five (5) years and beyond. Describe the extent to which in-house or contractor facilities and personnel are used for parts and service support. Describe the extent and duration to which out-of-production parts are kept in stock and whether parts for older loaders and attachments are inventoried based on expected demands or upon request.

(iii) Describe the current structure and location of the offeror's global service and support organization, including dealerships, warehouses, distribution centers, transportation networks, rental organizations that rent the offeror's equipment, etc.

(iv) Describe, in terms sufficient to incorporate into any resultant award, how the customer will be able to contact the offeror or its representative for parts and service. At a minimum, identify the extent to which the offeror will provide a toll-free telephone number, e-mail address, fax, or other communication mechanism. Identify, in terms sufficient to incorporate into any resultant award, how quickly the offeror or its representative will respond to the customer's request for parts and service for the items to be delivered under this contract beyond the warranty. Provide evidence that substantiates the offeror's ability to perform as promised with respect to the forgoing, to include referencing similar customer contact and assistance operations and turn-around commitments the offeror currently employs.

(9) The offeror shall complete the Pricing Evaluation Summary included at Addendum 3 of the solicitation.

(10) Offerors who are large businesses as defined by the NAICS code applicable to this solicitation, shall submit as part of their offer, any required subcontracting plan in accordance with FAR 52.219-9, "Small Business Subcontracting Plan," or DFARS 252.219-7003, "Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan." The Subcontracting Plan is not part of the source selection decision; however, if the winning offeror is a large business, then the offeror's Subcontracting Plan must be approved prior to award.

(c) Period for acceptance of offers. The offeror agrees to hold the prices in its offer firm for sixty (60) calendar days from the date specified for receipt of offers, unless another time period is specified in an addendum to the solicitation.

(d) Late submissions, modifications, revisions, and withdrawals of offers.

(1) Offerors are responsible for submitting offers, and any modifications, revisions, or withdrawals, so as to reach the Government office designated in the solicitation by the time specified in the solicitation. If no time is specified in the solicitation, the time for receipt is 4:30 p.m., local time, for the designated Government office on the date that offers or revisions are due.

(2)(i) Any offer, modification, revision, or withdrawal of an offer received at the Government office designated in the solicitation after the exact time specified for receipt of offers is "late" and will not be considered unless it is received before award is made, the Contracting Officer determines that accepting the late offer would not unduly delay the acquisition; and-

a) If it was transmitted through an electronic commerce method authorized by the solicitation, it was received at the initial point of entry to the Government infrastructure not later than 5:00 p.m. one working day prior to the date specified for receipt of offers; or

b) There is acceptable evidence to establish that it was received at the Government installation designated for receipt of offers and was under the Government's control prior to the time set for receipt of offers; or

c) If this solicitation is a request for proposals, it was the only proposal received.

(ii) However, a late modification of an otherwise successful offer, that makes its terms more favorable to the Government, will be considered at any time it is received and may be accepted.

(3) Acceptable evidence to establish the time of receipt at the Government installation includes the time/date stamp of that installation on the offer wrapper, other documentary evidence of receipt maintained by the installation, or oral testimony or statements of Government personnel.

(4) If an emergency or unanticipated event interrupts normal Government processes so that offers cannot be received at the Government office designated for receipt of offers by the exact time specified in the solicitation, and urgent Government requirements preclude amendment of the solicitation or other notice of an extension of the closing date, the time specified for receipt of offers will be deemed to be extended to the same time of day specified in the solicitation on the first work day on which normal Government processes resume.

(5) Offers may be withdrawn by written notice received at any time before the exact time set for receipt of offers. Oral offers in response to oral solicitations may be withdrawn orally. If the solicitation authorizes facsimile offers, offers may be withdrawn via facsimile received at any time before the exact time set for receipt of offers, subject to the conditions specified in the solicitation concerning facsimile offers. An offer may be withdrawn in person by an offeror or its authorized representative if, before the exact time set for receipt of offers, the identity of the person requesting withdrawal is established and the person signs a receipt for the offer.

(e) Contract award (not applicable to Invitation for Bids). The Government intends to evaluate offers and award a contract without discussions with offerors. Therefore, the offeror's initial offer should contain the offeror's best terms from a price and technical standpoint. However, the Government reserves the right to conduct discussions if later determined by the Contracting Officer to be necessary. The Government may reject any or all

offers if such action is in the public interest; accept other than the lowest offer; and waive informalities and minor irregularities in offers received.

(f) Availability of requirements documents cited in the solicitation.

(1)(i) The GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29, and copies of specifications, standards, and commercial item descriptions cited in this solicitation may be obtained for a fee by submitting a request to:

GSA Federal Supply Service Specifications Section
Suite 8100
470 L'Enfant Plaza, SW
Washington, DC 20407
Telephone (202) 619-8925)
Facsimile (202 619-8978).

(ii) If the General Services Administration, Department of Agriculture, or Department of Veterans Affairs issued this solicitation, a single copy of specifications, standards, and commercial item descriptions cited in this solicitation may be obtained free of charge by submitting a request to the addressee in paragraph (f)(1)(i) of this provision. Additional copies will be issued for a fee.

(2) The DoD Index of Specifications and Standards (DoDISS) and documents listed in it may be obtained from the --

Department of Defense Single Stock Point (DoDSSP)
Building 4, Section D
700 Robbins Avenue
Philadelphia, PA 19111-5094
Telephone (215) 697-2667/2179
Facsmilie (215) 697-1462.

(i) Automatic distribution may be obtained on a subscription basis.

(ii) Order forms, pricing information, and customer support information may be obtained--

- (A) By telephone at (215) 697-2667/2179; or
- (B) Through the DoDSSP Internet site at <http://assist.daps.mil>.

(3) Nongovernment (voluntary) standards must be obtained from the organization responsible for their preparation, publication or maintenance.

(g) Data Universal Numbering System (DUNS) Number. (Applies to offers exceeding \$25,000.) The offeror shall enter, in the block with its name and address on the cover page of its offer, the annotation "DUNS" followed by the DUNS number that identifies the offeror's name and address. If the offeror does not have a DUNS number, it should contact Dun and Bradstreet to obtain one at no charge. An offeror within the United States may call 1-800-333-0505. The offeror may obtain more information regarding the DUNS number, including locations of local Dun and Bradstreet Information Services offices for offerors located outside the United States, from the Internet home page at <http://www.customerservice@dnb.com>. If an offeror is unable to locate a

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local service center, it may send an e-mail to Dun and Bradstreet at globalinfo@mail.dnb.com.

(End of Provision)