



Solicitation/Event#: EV00000398

Solicitation/Event Issue Date: 2/9/2024

DUE DATES AND TIME (CENTRAL STANDARD TIME):

Bid Response Must be Received by:
1:00 p.m. on 3/1/2024¹

Last Day to Submit Questions:
1:00 p.m. on 2/16/2024

SOLICITATION SOURCE:

Agency:

Agency Name/Number Oklahoma State Department of Education / 265

SOLICITATION TYPE:

Request for Proposal

Request for Information

Invitation to Bid

Information technology Bidder Instructions are applicable:

Yes

No

Terms regarding sensitive data will be included in the Contract including, but not limited to:

HIPAA _____

CJIS _____

FERPA _____

OTHER _____

1075 _____

N/A _____

RETURN SEALED BID TO:

**Submissions are through the Peoplesoft
System via the Supplier Portal**
[Supplier Portal \(oklahoma.gov\)](http://Supplier Portal (oklahoma.gov))

CONTRACTING OFFICER:

Name: Rebecca Thompson
Email: rebecca.thompson@sde.ok.gov
Phone No. 405-521-2682

¹ Amendments may change the Bid Response Due Date (read “Amendments” in these Bidder Instructions)
01/24/2024 RFI Solicitation Document

Oklahoma Office of Management and Enterprise Services Bidder Instructions

Information related to the Bid submission process is contained in these Bidder Instructions. **Prospective Bidders are urged to read the documents provided by the State and these Bidder Instructions carefully. Failure to do so shall be at the Bidder's risk.**

1 Definitions

The following terms, when used in these Bidder Instructions, shall have the following meanings:

- 1.1 **Alternate Bid** means a Bid which contains an intentional substantive variation to a basic provision, specification, term or condition.
- 1.2 **Amendment** means a written change, addition, correction or revision to terms, conditions or requirements by the State agency issuing the Solicitation.
- 1.3 **Bid** means an offer a Bidder submits in response to the Solicitation.
- 1.4 **Bidder** means an individual or business entity that submits a Bid in response.
- 1.5 **Bid Packet** means the order described in these Bidder Instructions in which all Bidders shall insert the relevant sections of a Bid and which shall be the format for all submitted Bids.
- 1.6 **Business Entity** means any individual, business, partnership, joint venture, corporation, S-corporation, limited liability corporation, limited liability partnership, limited liability limited partnership, sole proprietorship, joint stock company, consortium, or other legal entity recognized by statute.
- 1.7 **EL Students** means student who are English Learners.
- 1.8 **Inhaler** means a device that delivers a bronchodilator to alleviate symptoms of respiratory distress that is manufactured in the form of a metered-dose inhaler or dry-powder inhaler and that may include a spacer or holding chamber that attaches to the inhaler to improve the delivery of the bronchodilator.
- 1.9 **LEA** means Local Education Agency or local school district.
- 1.10 **OAC** means the Oklahoma Administrative Code.
- 1.11 **OAS** means Oklahoma Academic Standards and serves as expectations for what students should know and be able to do in a given subject area by the end of the school year.
- 1.12 **OSDE** means Oklahoma State Department of Education.
- 1.13 **RFI or Request For Information** means a non-binding procurement practice used to obtain information, comments, and feedback from interested parties or potential suppliers.

- 1.14 **RSA** means the Reading Sufficiency Act.
- 1.15 **SBE** means Oklahoma State Board of Education.
- 1.16 **Solicitation** means this Request for Information document inviting Suppliers to provide information regarding Proposals or Responses for the Acquisition referenced herein.
- 1.17 **Supplier or Vendor** means an individual or business entity that submits a bid in response to this RFI.
- 1.18 **SOR** means Science of Reading.
- 1.19 **SWD** means Student with Disabilities.

2 **Instructions Compliance**

These Bidder Instructions are not part of the Contract; however, compliance with these Instructions is material to the determination of whether a Bid is responsive. Terms, requirements and specifications may be stated or phrased differently than in a previous solicitation irrespective of past interpretations, practices or customs. Bid requirements are altered only by written Amendment and verbal communications from any source whatsoever are of no effect. In no event shall the Bidder's failure to read and understand a term, condition or requirement in any of the documents provided by the State constitute grounds for a claim.

3 **Communications and Questions**

The Contracting Officer listed on the Bidder Instructions Cover Page is the only individual the Bidder should contact or communicate with regarding any questions or issues with the Solicitation. Failure to comply with this requirement may result in the Bid being considered non-responsive or not considered for further evaluation.

3.1 **General Questions**

- A. Questions should be concise, identify the relevant document, include specific section references and avoid use of tables or special formatting (use simple lists).
- B. Bidder should submit general questions concerning Contract or Bid specifications or requirements via the portal [Supplier Portal \(oklahoma.gov\)](http://Supplier Portal (oklahoma.gov)) in addition to the Contracting Officer's email address shown on the Bidder Instructions Cover Page. Questions received via any other means will not be addressed. Questions may be submitted as soon as the solicitation is posted. You are encouraged to submit your questions as soon as possible to allow adequate time for answers and any issues that may arise.

3.2 **Clarification Questions**

The State reserves the right, at its sole discretion, to request clarifications of Bid information or to conduct discussions for the purpose of clarification with any or all Bidders. The purpose of any such discussion shall be to ensure full understanding of the Bid. If clarifications are made because of such discussion, the Bidder(s) shall submit such clarifications in writing to the Contracting Officer. Bidder answers that are outside scope of the clarification questions shall be disregarded. Oral explanations or instructions provided to a potential Bidder are not binding.

4 Amendments

- 4.1 Any Amendment shall be set forth at the same online link as the Solicitation.
- 4.2 It is the Bidder's responsibility to check the State's website frequently for any possible Amendments that may be issued. The State is not responsible for the Bidder's failure to download any amendment documents required to complete a Bid.

5 Confidentiality Request

Unless otherwise specified in the Oklahoma Open Records Act, Central Purchasing Act, or other applicable law, documents and information a Bidder submits as part of or in connection with a Bid are public records and subject to disclosure after contract award pursuant to OAC 260:115-3-9. However, a public Bid opening does not make the Bid immediately accessible to the public. All material submitted by a Bidder becomes the property of the State. No portion of a Bid shall be considered confidential except, pursuant to 74 O.S. §85.10, information in the Bid determined to be confidential by the State Purchasing Director or delegate. Typically, a properly submitted confidentiality claim of a potential **selected Bidder** is reviewed and determined prior to the posting of selection list; a properly submitted confidentiality claim of a **non-selected Bidder** is reviewed and determined only when responding to an open records request concerning the Bid. Additional information regarding information considered confidential by a Bidder is provided in Section 8.2.C below.

6 Acceptance of Content

All Bids shall be firm representations that the responding Bidder has carefully investigated and will comply with all State terms, conditions, and provisions relating to the Solicitation.

7 Required Bid Structure

7.1 Preparation of Bid

- A. The Bid is **required** to be structured into separate, labelled and easily identifiable sections using the Bid Packet format provided below. A Bid submitted using any other format may not be accepted. Except for items listed in Section Three of the Bid Packet (information requested to be held confidential), the Bid should not contain duplicative content. Any section of the Bid Packet that is not applicable to the Bid shall have a page inserted to denote the section is not applicable. For instance, if a third-party vendor is not included as part of a submitted Bid, the Bid should contain a page after the "Third Party Vendor" section heading that reads "Not Applicable", "N/A" or some similar notation.
- B. The Bid will be evaluated based on the following:
 - i Minimum Requirements, Attachment A, Section 1
- C. **The Bid shall show the ability of the Bidder to meet or exceed the solicitation specifications found in Attachment A.**
- D. As referenced in subsection 8.2.M, the following additional company information is required to be included in the Bid:

- iv Signed Amendment(s), if any, located at the same online link as the Solicitation.

The Bidder shall acknowledge agreement with each Amendment, if any, by inserting the Amendment in this section, signed by or on behalf of the Bidder.

C. Section Three: Bid Portions Requested to be Held Confidential

- i Any portion of the Bid that the Bidder requests be held confidential shall be listed in this section for independent review regarding confidentiality. For example: “the portion of Section 8 titled Member Satisfaction Survey”. However, the Bid should not be broken apart such that the information requested to be held confidential is only found in this section; rather, such content should be included in the Bid in applicable sections, for efficient evaluation. **If none, clearly mark “N/A”**
- ii For each portion of the Bid listed as considered confidential, the Bidder must identify the specific information considered confidential and fully comply with **OAC 260:115-3-9² which additionally requires a Bidder to enumerate the specific grounds, based on applicable laws which support treatment of the information as exempt from disclosure and explain why disclosure is not in the best interest of the public.** Additional information regarding information considered confidential by a Bidder is provided in Section 5 above.
- iii A Bid marked in total, as proprietary and/or confidential shall not be considered confidential. Likewise, unless specifically referenced otherwise, resumes, pricing, marketing materials, business references, Voluntary Product Accessibility Templates, additional terms proposed by a Bidder and subcontractor information are not confidential and are not exempt from disclosure under the Oklahoma Open Records Act. The foregoing list is intended to address information often marked confidential that is not exempt from disclosure and is not an exhaustive list.
- iv **ANY INFORMATION MARKED AS CONFIDENTIAL AND EMBODIED ELSEWHERE IN A BID RATHER THAN LISTED IN THIS SECTION OF THE BID PACKET WILL NOT BE CONSIDERED CONFIDENTIAL AND WILL BE SUBJECT TO DISCLOSURE WITHOUT FURTHER REVIEW. THE STATE HAS NO RESPONSIBILITY TO INDEPENDENTLY REVIEW AN ENTIRE BID FOR A CONFIDENTIALITY CLAIM. LIKEWISE, CONFIDENTIALITY CLAIMS OF A BIDDER WILL NOT BE CONSIDERED IF A BID DOES NOT COMPLY WITH REQUIREMENTS OF OAC 260:115-3-9 AND THE INFORMATION WILL BE SUBJECT TO DISCLOSURE PURSUANT TO STATE LAW.**

D. Section Four: Executive Summary

The Bidder’s executive summary shall be inserted in this section. Marketing information, general company information and other similar information should be included in the

executive summary. Avoid duplication of such information in other sections of the Bid; it unnecessarily lengthens the Bid and hinders efficient evaluation.

E. Section Five: Response to Specifications and Requirements

The portion of the Bid to be inserted in this section shows the ability of the Bidder to meet or exceed any specifications and requirements found in Attachment A.

F. Section Six: Pricing

Pricing associated with the Bid shall be inserted in this section.

G. Section Seven: Additional Company Information

Any required additional company information shall be inserted in this section.

H. Section Eight: Third Party Vendor Information

Any required additional third party vendor information shall be inserted in this section. **If none, clearly mark “N/A”**

8 Submission of Bid

8.1 IT IS THE BIDDER’S SOLE RESPONSIBILITY TO SUBMIT INFORMATION IN THE BID AS REQUESTED AND IN COMPLIANCE WITH THE OKLAHOMA CENTRAL PURCHASING ACT AND ASSOCIATED OAC TITLE 260 RULES³ INCLUDING WITHOUT LIMITATION OAC 260:115-3-7 AND 260:115-3-11. A submitted Bid is rendered as a legal offer and is required to be in strict conformity with these Bidder Instructions.

8.2 A Bid shall be submitted solely through the Peoplesoft System via the Supplier Portal. The entire Bid must be submitted by the Bid Response Due Date and Time. A Bid emailed directly to or cc’d to the Contracting Officer will not be reviewed by the Contracting Officer. In person, commercial carrier or facsimile submittals shall not be accepted. Receipt of the Bid by the State is the responsibility of the Bidder. The Supplier Portal is located here: [Supplier Portal \(oklahoma.gov\)](http://Supplier Portal (oklahoma.gov)) You can submit a bid as a buyer or as a Supplier. For help with the portal, please reach out to supplier.registration@omes.ok.gov

8.3 Reference to literature submitted with a previous Bid shall not satisfy a specification or requirement associated with the present Bid. Any previous solicitation shall not be depended upon, perceived or interpreted to have any relevance to the present Bid.

8.4 All costs incurred by the Bidder for Bid preparation and participation shall be the sole responsibility of the Bidder and the Bidder shall not be reimbursed for any such costs. By submitting a Bid,

Bidder agrees not to make any claims for damages or have any rights to damages in connection with the Bid.

- 8.5 Each Bid is required to include relevant information for a designated contact to receive notice, approvals and requests.

9 Bid Withdrawal, Bid Change and Alternate Bid

9.1 A Bid may not be withdrawn after the Bid Response Due Date and Time. If the Bidder wishes to withdraw a Bid prior to the Bid Response Due Date and Time, the Bidder shall submit a written withdrawal request to the Contracting Officer at the email address listed on the Cover Page above.

9.2 Except as requested by the State, a Bid may not be changed after the Bid Response Due Date and Time. If the Bidder needs to change a submitted Bid prior to the Bid Response Due Date and Time, the Bidder shall withdraw the originally submitted Bid and a new Bid shall be submitted to the State by the Bid Response Due Date and Time in accordance with Section 9 and include the following statement on the superseding Bid cover page: **“THIS BID SUPERSEDES THE BID PREVIOUSLY SUBMITTED” AND “SUPERSEDING BID” MUST APPEAR IN THE SUBJECT LINE OF THE EMAIL.**

9.3 A Bidder may submit one or more Alternate Bids. Any Alternate Bid submitted shall be a complete Bid and shall be clearly identified as an Alternate Bid in the subject line of the email. If more than one Alternate Bid is submitted, the identification in the email subject line shall refer to Alternate Bid 1, Alternate Bid 2, etc.

10 Bid Rejection

10.1 The Bidder’s failure to submit required information may cause its Bid to be rejected. Additionally, a Bid received after the Bid Response Due Date and Time **SHALL BE DEEMED NON-RESPONSIVE AND SHALL NOT BE CONSIDERED unless the Agency has authorized acceptance of Bids due to a significant error or incident that occurred which affected the**

receipt of a Bid. Failure to comply with these Bidder Instructions may result in the Bid being disqualified from evaluation.

- 10.2 A Bid may be rejected when the Bidder imposes terms or conditions that would modify requirements. Other possible reasons for rejection of Bids are listed in OAC 260:115-3-5 and 260:115-7-32(h).
- 10.3 Attempts to impose unacceptable conditions on the State or impose alternative terms not in the best interest of the State may result in rejection of the Bid even if initially determined to be responsive or the State may cease any negotiations regarding the Bid.
- 10.4 Whenever the terms “shall”, “must”, “will”, or “is required” are used, the specification being referred to is a mandatory specification. Failure to meet any mandatory specification may cause rejection of a Bid.
- 10.5 Whenever the terms “can”, “may”, or “should” are used, the specification being referred to is a desirable item and failure to provide any item so termed shall not be cause for rejection of a Bid.

11 Evaluation

- 11.1 A responsive Bid will proceed to the evaluation process.
- 11.2 Pursuant to OAC 260:115-7-32, Bidder past performance as a Supplier may be considered when evaluating a Bid.
- 11.3 The State reserves the right to require demonstrations, clarifications and additional documentation from any or all responding Bidders. Each Bidder should be prepared to participate in oral presentations and demonstrations to define the Bid, to introduce the Bidder’s team and to respond to questions regarding the Bid prior to award.

12 Competitive Negotiations of Offers

- 12.1 The State reserves the right to negotiate with none or one or more Bidders responding to the Solicitation and may negotiate any or all content of the Bid. Negotiations may be conducted in person, in writing or by electronic means and shall only be conducted with potentially acceptable Bids.
- 12.2 Negotiations could entail discussions on products, services, or any other issue material to a decision. The State shall consider all issues arising from the Bid to be negotiable and will not be artificially constrained by Bidder internal corporate policies. Firms that contend a lack of flexibility because of corporate policy on a particular negotiation item shall face a significant disadvantage and may not be considered.
- 12.3 Terms, conditions, methodology, or other features of the Bid may be subject to negotiations and subsequent revision. As part of the negotiations, the Bidder may be required to submit supporting

financial and other data in order to allow a detailed evaluation of the feasibility, reasonableness, and acceptability of the Bid.

13 Approval of Supplier

- 13.1** Submitted responses to the RFI are not considered a contract between the Supplier and the OSDE, the SBE or any LEA. Responses will only be used to create a preapproved list for LEAs to select a Supplier to provide the products or services requested in the RFI.
- 13.2** The OSDE may approve a qualified Supplier list for LEAs to negotiate contracts. The OSDE may approve one or more Suppliers to be on the list, whichever is deemed by the OSDE to be in the best interest of LEAs.
- 13.3** LEAs may choose among those Suppliers on the OSDE approved list to contract with to provide the products or services requested in the RFI.
- 13.4** Under this RFI the OSDE bears no liability for the LEA. LEA actions and the privies of any contract exist solely between the Supplier and LEA.
- 13.5** There is no guarantee of any minimum or maximum amount of the Supplier's services that may be required under this RFI.
- 13.6** The OSDE reserves the right to add additional vendors to the list of Suppliers as deemed necessary and in the best interest of LEAs without additional solicitations.
- 13.7** The OSDE may remove a Supplier from the list of suppliers when deemed in the best interest of LEAs.
 - A.** The OSDE shall provide a 30-day written notification to a supplier notifying them that the OSDE is removing them from the list of Suppliers.
 - B.** A Supplier wishing to be removed from the approved list shall provide a 30-day written notification to the OSDE indicating their request to be removed from the list of Suppliers.

ATTACHMENT A
SOLICITATION NO. EV00000398

This is a Request for Information (RFI) Only. This is not an Invitation to Bid or a Request for Proposal. This RFI is to gather information only. No contract award will be made by the Oklahoma State Department of Education (OSDE) based on the results of this process.

PURPOSE

The purpose of this RFI is for the Oklahoma State Department of Education (OSDE) to gather information from suppliers regarding their ability to provide emergency stock inhalers and spacers to School Districts and to create a list of approved, qualified suppliers School Districts may negotiate contracts with. The list will be published on the OSDE website. In 2019, Senate Bill 381 passed, allowing schools to elect to provide stock inhalers in their districts. 70 O.S. § 1-116.3 outlines the school requirements concerning stock inhalers. This RFI creates no contractual relationship between the State Board, OSDE, or suppliers.

SOLICITATION SPECIFICATIONS

1. Minimum Requirements

The Supplier is to state in its response any experience it has with each requirement and exactly how it plans to comply with all requirements of this section, providing detailed information and stating affirmatively its understanding of the requirements.

- 1.1. Supplier should provide evidence it has stock inhalers and spacers available for school districts to purchase.
- 1.2. Supplier should provide evidence it possesses current correct licensure to distribute medications when a prescription is provided from the consumer. It is the supplier's responsibility to be cognizant of all licensing rules and state and federal statutes and regulations.
- 1.3. Supplier should submit proposals in 15 pages or less. Outside links or additional information will not be considered by the review team.
- 1.4. Supplier should be able to ship or deliver products to every school district in the State of Oklahoma.

2. Non-Evaluated Information to be Provided

All submissions should provide the following information. The information will not be used for evaluation. If approved, the following information will be made public on the OSDE website for School District reference.

- 2.1 Name, email, and phone number of primary contact for School Districts interested in the resources.
- 2.2 Cost of the supplies for the School District.
- 2.3 If the Supplier provides training for the use of the inhaler and spacers.
- 2.4 If the Supplier can provide a prescription to the school district.
- 2.5 If the Supplier can provide sample policies and procedures in relation to the use of emergency stock inhalers and spacers in the school setting.



*"Certification for Competitive Bid and Contract" **MUST** be submitted along with the response to the Solicitation.*

1. RE: Solicitation# EV00000398

2. Bidder General Information:

FEI / SSN : _____ Supplier ID: _____
Company Name: _____

3. Bidder Contact Information:

Address: _____
City: _____ State: ____ Zip Code: _____
Contact Name: _____
Contact Title: _____
Phone #: _____ Fax #: _____
Email: _____ Website: _____

4. Bidder currently engaged in a boycott of goods or services from Israel.

- YES
- NO

5. Registration with the Oklahoma Secretary of State:

- YES - Filing Number: _____
- NO - Prior to the contract award, the successful bidder will be required to register with the Secretary of State or must attach a signed statement that provides specific details supporting the exemption the supplier is claiming (www.sos.ok.gov or 405-521-3911).

6. Workers' Compensation Insurance Coverage:

Bidder is required to provide with the bid a certificate of insurance showing proof of compliance with the Oklahoma Workers' Compensation Act.

- YES – Include with the bid a certificate of insurance.
- NO – Exempt from the Workers' Compensation Act pursuant to 85A O.S. § 2(18)(b)(1-11) – Attach a written, signed, and dated statement on letterhead stating the reason for the exempt status.¹

¹ For frequently asked questions concerning workers' compensation insurance, see <https://www.ok.gov/wcc/Insurance/index.html>

7. Disabled Veteran Business Enterprise Act

- YES – I am a service-disabled veteran business as defined in 74 O.S. §85.44E. Include with the bid response 1) certification of service-disabled veteran status as verified by the appropriate federal agency, and 2) verification of not less than 51% ownership by one or more service-disabled veterans, and 3) verification of the control of the management and daily business operations by one or more service-disabled veterans.
- NO – Do not meet the criteria as a service-disabled veteran business.

Authorized Signature _____ Date _____

Printed Name _____ Title _____

BID PACKET ATTACHMENTS INSTRUCTIONS

To assist in where to attach your response in the supplier portal.

Please see example below:


Lines responded to

Your Total Line Pricing 0.0000 USD

[Hide Line Detail](#)

★Bid Required [Line Comments/Files](#)

Lines

Line	Item ID	Description	Unit	Requested Quantity	Your Bid Quantity	Your Unit Bid Price	No Bid	Your Total Bid Price		
1		OCAP State Funded	EA	1.0000	1.0000	<input type="text"/>	<input type="checkbox"/>	0.0000 USD	Bid	

Event Comments and Attachments

Event Details

Event ID EV00000187 Line 1

OCAP State Funded

Attachments

Add New Attachments

Attached File	Attachment Description	Upload	View		
		<input type="button" value="Upload"/>	<input type="button" value="View"/>	Add New Attachments	Delete

Comments

Add New Comments