

## SWC235 Industrial Supplies Pre-Response December 1, 2023, Questions and Answers

QUESTION / COMMENT	STATE of TN RESPONSE
1 Concerning in-store pick up/delivery; would the awarded vendor <b>MUST</b> have in-store locations for pick up?	No, it is not a material requirement for an award.
2 How will functional alternatives be evaluated vs. exact matches for the core items in each category?	No functional equivalents are allowed. Any product bid on the market basket items must be a national brand or an inhouse brand that is of equal to or better quality.
3 Please confirm, is a Respondent able to offer an exact match <b>AND</b> a lower cost functional equivalent for the core items in each category?	No, only one bid per core item will be accepted. Any product bid on the market basket items must be a national brand or an inhouse brand that is of equal to or better quality.
4 Will local pick up be a requirement to be considered an awarded vendor?	No, it is not a material requirement for an award.
5 Must all manufacturers be bid within a category to be awarded or may we bid by line?	Yes, all sub-categories under an awarded category must be bid in order for the bid to be considered responsive and responsible.
6 Overnight delivery subject to overnight charges?	Yes, all freight charges will be bid separately as per section 10 of the specifications.
7 Please verify which insurance requirements we must provide, i.e., fire insurance?	Please reference section 7.40 of the T&C's for insurance requirements.
8 On the items in the table below, can you please share the GOJO/Purell item #. What you shared is too vague as we need more info to ensure we bid the correct item. Liquid Hand Soap & Dispensers Hand Soap, Cartridge, Foam, 1250mL, PK4 Liquid Hand Soap & Dispensers Hand Soap, Lotion, Refill, 800 mL, PK12	The items listed are not brand specific and are as general as possible. Please see the response to questions #2 and #3.
9 On the items in the table below, you state bid by the each, however the description describes these items as a pack (also called case) of 4 or 12, please clarify if we bid individual refills or if we bid the actual CASE, which would not be each.	On the bid sheet, column labeled <b>Proposed Number of Items Per UOM</b> allows for different pack sizes to be submitted and column labeled <b>Adjusted Volume (to allow UOM differences)</b> adjust the annual quantity based on the number in column labeled <b>Proposed Number of Items Per UOM</b>

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<p>Liquid Hand Soap &amp; Dispensers Hand Soap,Cartridge,Foam,1250mL,PK4                      Liquid Hand Soap &amp; Dispensers Hand Soap,Lotion,Refill,800 mL,PK12</p>	
<p>10 On the excel sheet it states pricing does not need to include freight. Freight would be included separately. Our company can ship-to anywhere in Tennessee however there are parts of west Tennessee we will need to freight. Does this disqualify us from bidding as we offer competitive pricing and service still for the state.</p>	<p>No, it does not disqualify a Respondent. Freight shall be added for orders if needed as needed per section 10 of the specifications.</p>
<p>11 Diversity Utilization. Please provide clarity on how much of the bid is weighted on our company utilizing a diversity partner. Is this required to participate?</p>	<p>The only diversity requirement for this Invitation to Bid is for Respondents to complete the Diversity Utilization Plan found in the Terms and Conditions. The diversity status of a Respondent is only used as one possible tie breaker in the event that two bids match.</p>
<p>12 Lastly, there are many tabs of various items/segments. We intend to only bid on 1 or 2 total tabs since we do not sell all these types of items on certain tabs. Is this acceptable?</p>	<p>Yes, as long as all of the sub-categories under each tab the Respondent is responding to are bid.</p>
<p>13 Can you provide any manufacturer details (name or part number) for the descriptions provided?</p>	<p>The State is not looking for a specific brand for any of the commodities listed.</p>
<p>14 If manufacturer details cannot be provided, is it ok to assume that a substitute part of equivalent functionality will work?</p>	<p>The State is not looking for a specific brand for any of the commodities listed. Any product bid on the market basket items must be a national brand or an inhouse brand that is of equal to or better quality.</p>
<p>15 There are some lines where the UOM listed is EA but the description calls out a package quantity. In these instances, does the one-year volume represent the package or a single item?                      o EX:                      Battery,Alkaline,AAA,Everyday,PK24                      2800 EA 1 - Is this 2800 packs of 24 batteries or 2800 individual batteries?</p>	<p>The annual quantity listed represents the package count.</p>

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<p>o Disposable Gloves,Nitrile,XL,PK100 7,500 EA 1 - Is this 7500 boxes of disposable gloves or 7500 individual gloves?</p>	
<p>16 Seeking clarification on the Industrial Supplies sub-category tab as Racks, Shelves and Pneumatic Compressors, Tools, and Accessories Subcategories are not present in the Subcategory Catalog Discount listing of the corresponding tab.</p>	<p>Warehouse racks are not within scope of this ITB. Pneumatic Compressors, Tools, and Accessories are covered under the hand tools category bid tab.</p>
<p>17 Seeking clarification on the Hand Tools sub-category tab as Tools and Equipment is not present on the Subcategory Catalog Discount listing of the corresponding tab</p>	<p>This has never been a sub-category and is covered by other sub-categories under both hand tools and industrial supplies tabs.</p>
<p>18 Seeking clarification on the Security sub-category tab as Door Sweep, Single Fin, 3 ft. L. is listed both as an item description and Subcategory for the requested line item. What is the proper Subcategory to use for Subcategory Catalog Discount?</p>	<p>Door sweeps would be covered by Door Handles, Locks, and Accessories.</p>
<p>19 Seeking clarification on the Plumbing sub-category tab as Toilets, Urinals and Repair Parts is not present on the Subcategory Catalog Discount listing of the corresponding tab.</p>	<p>Further clarification in the bid sheet has been made to cover repair parts.</p>
<p>20 Seeking clarification on which Subcategory the line items on the Plumbing Fixtures sub-category tab should reflect, none are currently listed.</p>	<p>Further clarification has been added to the plumbing tab of the bid sheet.</p>
<p>21 Seeking clarification on the Safety sub-category tab as "Safety Tape" is not present on the Subcategory Catalog Discount listing of the corresponding tab</p>	<p>Safety Tapes are listed as a sub-category under Security.</p>
<p>22 Seeking clarification on the Lighting sub-category tab as LED Lamps is not present on the Subcategory Catalog Discount listing of the corresponding tab.</p>	<p>LED lamps and bulbs is a covered sub-category under the lighting tab of the Evaluation Model.</p>

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23 Would the State consider a 30 day extension of the final submission deadline due to the holidays?	The State is not considering an extension at this time.
24 We would like to clarify the State of Tennessee Administrative Fee by modifying the first sentence as follows: "A three percent (3%) administrative fee will be included in the cost of all goods and/or services (excluding tax, freight and returns) purchased under this Contract."	An administrative fee will be due on all charges associated with the contract.
25 Can the State clarify whether Lubricant Products are within the industrial supplies solicited under ITB Event # 13033?	The lubricant sub-category has been added to the industrial supplies tab.
26 What alternative purchasing vehicles can agencies pursue consistent with the best interests of the State of Tennessee?	State of Tennessee agencies, if they deem it in their best interest, can use a variety of purchasing methods to purchase Industrial Supplies such as but not limited to their local purchasing authority, utilizing their State Purchasing Card, and/or issuing an sourcing event to establish an agency term contract.
27 Several Subcategory examples of products not allowed to be sold appear to conflict with the ITB # 13033 Workbook Subcategories within the 8 Categories. (The Subcategory list is also provided in the New Categories document.) For example: Within the Commercial Cleaning & Janitorial Sub-categories to be provided under the awarded contract are Liquid Hand Soap & Dispensers. Liquid Hand Soap and related sanitization products are often characterized as "Personal Care Products" which under Section 4 of the General Specification for Industrial Suppliers, cannot be sold under the Contract.	Under the scope of this contract the majority of the product categories relate to building maintenance/operation and most items outside of this scope are covered by other SWC's. Some suppliers categories may be vastly broad in scope to cover as many items as possible and those additional items do not apply in this case.
28 Several Subcategory examples of products not allowed to be sold appear	

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<p>to conflict with the ITB # 13033 Workbook Subcategories within the 8 Categories. (The Subcategory list is also provided in the New Categories document.) For example:                      Within the Commercial Cleaning &amp; Janitorial Sub-categories provided under the awarded contract are Industrial Cleaners, which are routinely used by automotive maintenance garages across the government and commercial sectors and frequently purchased via an Industrial Supplies agreement. Yet "Automotive Products," which is not defined, cannot be sold under Section 4 of the General Specification for Industrial Suppliers.</p>	<p>Under the scope of this contract the majority of the product categories relate to building maintenance/operation and most items outside of this scope are covered by other SWC's. In this case anything automotive based is covered under SWC204 for automotive supplies.</p>
<p>29 Several Subcategory examples of products not allowed to be sold appear to conflict with the ITB # 13033 Workbook Subcategories within the 8 Categories. (The Subcategory list is also provided in the New Categories document.) For example:</p> <ul style="list-style-type: none"> <li>• Within the Industrial Hand Tools/Supplies Sub-categories to be provided under the awarded contract are chains and ratchet sets, drill bits, hand tools, landscaping hand tools, power tools and accessories and saw blades. Each of these product segments support Forestry and Agriculture responsibilities, particularly wildland firefighting equipment or forest management work, that under Section 4 of the General Specification for Industrial Suppliers, cannot be sold under the Contract.</li> </ul>	<p>Under the scope of this contract the majority of the product categories relate to building maintenance/operation and most items outside of this scope are covered by other SWC's. Some items may have a cross over purpose for various contracts and in this case, this ITB does not cover Forestry Supplies as a whole which are covered by another SWC.</p>
<p>30 Several Subcategory examples of products not allowed to be sold appear to conflict with the ITB # 13033</p>	<p>Safes needs differ across agencies and thus left up to the agencies to source as needed. Please see edits to the Specifications surrounding safes.</p>

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<p>Workbook Subcategories within the 8 Categories. (The Subcategory list is also provided in the New Categories document.) For example:            Within the Security Sub-categories to be provided under the contract are Lock Boxes &amp; Key Cabinets. Yet Safes under Section 4 of the General Specification for Industrial Suppliers, cannot be sold under the Contract presenting a challenge to discern the difference between Lock Boxes and Key Cabinets and Safes.</p>	
<p>31 Several Subcategory examples of products not allowed to be sold appear to conflict with the ITB # 13033 Workbook Subcategories within the 8 Categories. (The Subcategory list is also provided in the New Categories document.) For example:</p> <ul style="list-style-type: none"> <li>• Within the Safety Sub-categories to be provided under the awarded contract are hearing protection, eye-wash &amp; drench shower, fall protection products as well as hard hats and accessories and non-disposable gloves. Each of these Sub-categories are used by every industrial sector, including forestry and agriculture. Yet, under Section 4 of the General Specification for Industrial Suppliers, cannot be sold under the Contract to support forestry and agriculture work.</li> </ul>	<p>Under the scope of this contract the majority of the product categories relate to building maintenance/operation and most items outside of this scope are covered by other SWC's. Some items may have a cross over purpose for various contracts and in this case, this ITB does not cover Forestry Supplies as a whole which are covered by another SWC. Please see edits to the Specifications surrounding Forestry Supplies.</p>
<p>32 Can the State provide a more detailed all-inclusive list of products that are not allowed to be sold under the Industrial Supplies contract?</p>	<p>Due to the extensive nature of this list, specific items will be addressed on an individual basis as needed.</p>
<p>33 Is it correct that the Safety and Lighting categories within the ITB Workbook do not have a minimum discount?</p>	<p>The minimum discount has been added to these categories.</p>

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<p>34 Section 6.2, Price Changes at Subsection c) states that The Contractor price change requests may be approved or disapproved by the State.</p> <p>Can the State please clarify that if a Contractor price change request is not approved as requested, the Contractor is not required to sell its product on Contract at a price point below its defined cost and that the product, at the sole discretion of the Contractor, can be removed with or without substitute, from its State Contract offering?</p>	<p>The price increase language as listed in section 6.2 of the T&amp;C's will not change. Market basket items may not be removed without prior approval and must be sold at the bid price until a price increase has been approved by the CPO and its oversight bodies.</p>
<p>35 Section 7.1, Substitute Items Offered by the Contractor, includes language that restricts the Contractor from offering substitute product that exceeds the price point for the product being substituted by more than 10%.</p> <p>Since a Contractor cannot foretell the cost of a substitute product, particularly during an exigent circumstance, nor can it commit to selling product below its defined cost, can the State please remove the 10% cost increase limiting language at Section 7.1, Subsection (b) with the understanding that the cost of substitute products offered by Contractor are subject to CPO review and approval?</p>	<p>The price substitution language will remain unchanged as listed in section 7.1 of the T&amp;C's.</p>
<p>36 Section 7.4, Delivery, states that Contractor shall provide goods under this Contract within 5 days after receipt of a purchase order.</p> <p>Taking into consideration that a delivery requirement tied to "calendar days" may</p>	<p>Delivery has been changed to 5 business days in section 10 of the Specifications</p>

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<p>fall on a weekend, holiday or other non-work day for the State, can the State please clarify that delivery timeframes presented throughout this ITB refer to delivery of product on State "business days" and not "calendar days"?</p>	
<p>37 At Section 7.31, State and Federal Compliance, Contractors are required to comply with all State and federal laws and regulations applicable to Contractor in Contractor's performance of this Contract.</p> <p>Can the State please clarify that if additional State and/or federal terms and conditions apply to any purchase order issued by the State under these Contract terms and conditions, that the State will give notice to Contractor to ensure Contractor can comply with any additional applicable State and/or federal terms and conditions?</p>	<p>Under normal business practices each suppliers legal team is tasked with keeping up with all State and federal regulations. Since the list of regulations is quite extensive, the State will not be providing a list of current or future regulations.</p>
<p>38 Section 8.4, State of Tennessee Administrative Fee, states that Contractor will include a 3% administrative fee in the cost of all goods/services purchased under this contract.</p> <p>Can the State please clarify that the Contractor's calculation of this administrative fee will not include returns, credits or shipping/handling fees made to or paid by the State for product purchased under this Contract?</p>	<p>An administrative fee will be due on all freight charges.</p>
<p>39 ITB Section 4.2.1, Warranty, states that the Contract represents and warrants that the terms of the warranty ("Warranty Period") shall be the greater of the Term of this Contract or any other</p>	<p>The of the warranty as stated in section 4.2.2 is for a period of one (1) year after any receipt of any goods under this Contract</p>



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<p>warranty generally offered by Contractor, its suppliers, or manufacturers to customers of its goods and services.”</p> <p>Section 5.1 states that the “ ... Contract shall be effective on June 01, 2024 (“Effective Date”) and extend for a period of twenty four (24) months after the Effective Date (“Term”). This Section also states that in no event shall the maximum term of the Contract exceed 60 months.</p> <p>At Section 4.2.2, Warranty for Resale of Goods, Contractors shall pass through to the State any manufacturer's warranties with additional warranty requirements extending for a period of 1 year after receipt of goods under this Contract.</p> <p>Can the State please clarify that the term of warranty offered by Contractor is that specified in Section 4.2.2?</p>	
<p>40 Will the State accept the Contractor’s warranty policy currently in effect under the existing agreement? Current Warranty Policy stated as follows:</p> <p>Warranty -In addition to any manufacturer warranty, the Contractor warrants products against defects in material and workmanship under normal use for a period of one (1) year after customer acceptance, unless otherwise stated, provided that The Contractor accepts the product for return during the limited warranty period. The Contractor may, at its option: i) repair, ii) replace or iii) refund the amount paid by the</p>	<p>See State's response to #39. The State will not modify this clause any further.</p>

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<p>customer. The Contractor assesses no fees for repair, replacement or refund involving product warranty. The Contractor's repair, replacement or refund of amounts paid by customer for the product shall be customer's sole and exclusive remedy.</p> <p>WARRANTY DISCLAIMER AND LIMITATIONS OF LIABILITY. EXCEPT AS SET FORTH HEREIN AND WHERE APPLICABLE, NO WARRANTY OR AFFIRMATION OF FACT OR DESCRIPTION, EXPRESS OR IMPLIED, IS MADE OR AUTHORIZED BY THE CONTRACTOR. THE CONTRACTOR DISCLAIMS ANY EXPRESS OR IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE OR NONINFRINGEMENT OF INTELLECTUAL PROPERTY RIGHTS. THE CONTRACTOR ALSO DISCLAIMS ANY LIABILITY FOR CLAIMS ARISING OUT OF PRODUCT MISUSE, IMPROPER PRODUCT SELECTION, IMPROPER INSTALLATION, PRODUCT MODIFICATION, MISREPAIR, OR MISAPPLICATION. THE CONTRACTOR EXPRESSLY DISCLAIMS ANY LIABILITY FOR CONSEQUENTIAL, INCIDENTAL, SPECIAL, EXEMPLARY, OR PUNITIVE DAMAGES TO THE EXTENT PERMISSIBLE. THE CONTRACTOR'S LIABILITY IN ALL EVENTS IS LIMITED TO THE PURCHASE PRICE PAID FOR THE PRODUCT THAT GIVES RISE TO ANY LIABILITY.</p>	
<p>41 Per pricing Excel – freight is excluded from pricing? However, per Specifications section 5, the price must include service, etc. Which do we follow?</p>	<p>Freight is excluded from all core items and sub-category discounts. Section 5 of the specs has been revised to remove service.</p>

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<p>Please ask if they will allow fixed pricing as opposed to a percentage off-list pricing in the market basket.</p> <p>(Can we provide our pricing with freight included?)</p>	<p>The only fixed pricing allowed is for core items. All sub-category bids must be a percent discount off catalog.</p> <p>Quotes should <b>not include</b> freight.</p>
<p>43 It appears from the “How to submit a bid...” document that pricing must be entered manually online. Is there an Excel import button for pricing?</p>	<p>No there is not an import button available. All pricing and discounts must be entered on the bid sheet manually and submitted as an attachment in the Edison event when it is released.</p>
<p>44 Do you have Attachment A SWC235 Evaluation Model? I do not see an attachment labeled this name. However, the conference call presentation discussed this document.</p>	<p>Attachment A SWC235 Evaluation model is the same as the SWC235 final bid sheet in the RFI attachments.</p>
<p>45 Section 10 delivery – Are we being asked for a separate cost for delivery?</p>	<p>Delivery cost must be quoted as a separate line item with each order placed by an agency.</p>
<p>46 Attachment B – do we have Attachment B?</p>	<p>Attachment B on the RFI is the Category List Summary.</p>
<p>47 Can you supply the Exact (or close to Exact) currently used manufacturer brand names/part numbers (Grainger, Fastenal, etc.) under “Item Description” column of each category/subcategory tab, so we can cross reference for better pricing to exacts as possible? Are alternate / similar products acceptable?</p>	<p>The State is not looking for a specific brand for any of the commodities listed. Any product bid on the core items must be a national brand or an inhouse brand that is of equal to or better quality.</p>
<p>48 On the spreadsheet we received, a 20% discount already inserted on the HVAC and Electrical category tabs. Is this a mistake or is the 20% a minimum requirement versus the 15% minimum mentioned on the tabs? If a mistake, can the spreadsheet be revised/corrected and resent back to us?</p>	<p>This has been corrected on both tabs.</p>

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<p>49 On the bottom of each of the Category/Subcategory Tabs (10), there are listed (starting around line 210 -220) around 45 general subcategories that seem to be the related to the Janitorial Category/Subcategory. What are these for or are they may be a mistake on the spreadsheet? If a mistake, can the spreadsheet be revised/corrected and resent back to us?</p>	<p>The additional sub-categories on each tab have been removed.</p>
<p>50 What, if any data, would you like us to present at this time, since we are not on the current state MRO contract? Would we fill out "Not Applicable" at this time?</p>	<p>None at this time is due</p>
<p>51 Has the minimum discount changed on any of the commodity tabs?</p>	<p>Yes, and please note the adjusted minimum required.</p>
<p>52 Questions about the Diversity certifications.</p> <p>What is the requirement? i.e. State, City, or National certification.</p> <p>What is the diverse % requirement? i.e. xx% MBE, xx WBE% etc.</p>	<p>Certification is not required. However, we encourage certification if you believe you are eligible. This would be certification with the State of Tennessee. You can access the application by going to <a href="http://TN.DiversitySoftware.com">TN.DiversitySoftware.com</a>. In order to qualify the majority owner must own and control at least 51% of the business.</p>