Request for Quote
For:
Network Equipment

ABA ProBAR
11/21/2019

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<th>Activity</th>
<th>Responsibility</th>
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<tr>
<td>RFQ distributed via e-mail to selected bidders.</td>
<td>ABA</td>
<td>11/27/2019</td>
</tr>
<tr>
<td>Deadline to submit clarifying questions via e-mail to Armando Lopez Jr at <a href="mailto:Armando.lopez@abaprobar.org">Armando.lopez@abaprobar.org</a></td>
<td>Bidders</td>
<td>12/4/2019</td>
</tr>
<tr>
<td>Please monitor the following website for any communications and/or status regarding this RFQ: <a href="http://www.americanbar.org">http://www.americanbar.org</a></td>
<td>Bidders</td>
<td></td>
</tr>
<tr>
<td>Electronic proposals must be received by <a href="mailto:Armando.lopez@abaprobar.org">Armando.lopez@abaprobar.org</a></td>
<td>Bidders</td>
<td>12/11/2019</td>
</tr>
<tr>
<td>(2) hard copy proposals must be received by the Armando Lopez at ABA ProBAR, 202 S 1st, Ste 300, Harlingen, Tx, 78550</td>
<td>Bidders</td>
<td>12/11/2019</td>
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The ABA will make every effort to adhere to the following schedule:
1.0 General Information

1.1 Purpose. The request for proposal (RFQ) provides to those interested in submitting proposals for the subject procurement (“Bidders”) sufficient information to enable them to prepare and submit proposals for the ABA ProBAR’s consideration on behalf of the American Bar Association.

1.2 Issuing Department. The ABA ProBAR (“Issuing department”) has issued this RFQ on behalf of the American Bar Association. The sole point of contact in the ABA for this RFQ shall be Armando Lopez Jr, Armando.lopez@abaprobar.org.

1.3 Problem Statement or Type of Goods Required. Bidder will provide a quote for network equipment to be installed on the first and second floor of the ABA ProBAR office and upgrade the existing network on the third and fourth floor in Harlingen, TX. The vendor, model and features to be bid will be provided to any respondents deemed viable bidders.

1.4 Scope. This RFQ contains instructions governing the requested quotes, including the requirements for the information and material to be included; a description of the goods/services to be provided; requirements which Bidders must meet to be eligible for consideration; general evaluation criteria; and other requirements specific to this RFQ.

1.5 Type of Contract. The contract needs to comply with the ABA Contract Policy and will be reviewed by the ABA’s General Counsel’s Office. ABA entities do not have separate legal standing to enter into oral or written contracts in their own names. All contracts are entered into on behalf of the American Bar Association. The Issuing Department, in its sole discretion, may undertake negotiations with Bidders whose proposal, in the judgment of the Issuing Department, show them to be qualified, responsible and capable of performing the project or providing the goods. Only staff authorized by the ABA Executive Director have authority to execute contractual agreements on behalf of the ABA.

1.6 Rejection of Quotes. The Issuing employee reserves the right, in their sole and complete discretion, to reject any quotes received as a result of this RFQ.

1.7 Incurring Costs. The ABA is not liable for any costs the Bidder incurs in preparation and submission of its quote, in participating in the RFQ process or in anticipation of the award of the contract.

1.8 Pre-quote Conference. There will be no pre-quote conference for this RFQ. If there are any questions, please forward them to the Issuing employee in accordance with Section 1-9.

1.9 Questions & Answers. If a Bidder has any questions regarding this RFQ, the Bidder must submit the questions by email to the Issuing employee named in Section 1.2 of the RFQ via email no later than the date indicated on the Bid Timetable. The Bidder shall not attempt to contact the Issuing employee by any other means. The Issuing employee shall
post the answers to the questions on the ABA website by the date stated on the Bid Timetable.

All questions and responses as posted on the ABA website are considered as an addendum to, and part of, this RFQ in accordance with RFQ Part I, Section I-10. Each Bidder shall be responsible to monitor the ABA website for new or revised RFQ information. The Issuing Employee shall not be bound by any verbal information nor shall it be bound by any written information that is not either contained within the RFQ or formally issued as an addendum by the Issuing Employee.

1.10 Addenda to the RFQ. If the Issuing Employee deems it necessary to revise any part of this RFQ before the quote response date, the Issuing Employee will post an addendum to the ABA website. It is the Bidder’s responsibility to check the website periodically for any new information or addenda to the RFQ. Answers to the questions asked during the Questions & Answers period also will be posted to the website as an addendum to the RFQ.

1.11 Response Date. To be considered for selection, hard copies of proposal and/or electronic submission must arrive to the Issuing employee on the date specified in the RFQ Bid Timetable. Bidders who send quotes by mail or other delivery service should allow sufficient delivery time to ensure timely receipt of their quotes. If, due to inclement weather, natural disaster, or any other cause, the ABA office location to which quotes are to be returned is closed on the quote response date, the deadline for submission will be automatically extended until the next ABA business day on which the office is open, unless the Issuing Employee otherwise notifies Bidders. The hour for submission of quotes shall remain the same. The Issuing Employee may reject unopened, any late quotes.

1.12 Quotes. To be considered, Bidders should submit a complete response to this RFQ, using the format provided in Section 2.0, providing 1 copies of the quotes to the Issuing employee. In addition to the paper copies of the quotes, Bidders must submit one complete and exact electronic copy of the quote via email. The Bidder shall make no other distribution of its quote to any other Bidder or ABA employee or ABA consultant. For this RFQ, the quote must remain valid for 120 days taking into consideration time required for evaluation of quote and processing of the contract or until a contract is fully executed. If the Issuing employee selects the Bidder’s quote for award, the contents of the selected Bidder’s quote will become, except to the extent the contents are changed through Best and Final Offers or negotiations, contractual obligations.

Each Bidder submitting a response specifically waives any right to withdraw or modify it, except that the Bidder may withdraw its response by written notice received at the Issuing Employee’s address for quote delivery prior to the exact hour and date specified for quote receipt. A Bidder or its authorized representative may withdraw its quote in person prior to the exact hour and date set for quote receipt, provided the withdrawing person provides appropriate identification and signs a receipt for the quote. A Bidder may modify its submitted quote prior to the exact hour and date set for quote receipt only by submitting a quote, which complies with the RFQ requirements.

1.13 Minority, Women, Small Disadvantaged, and Disabled Veterans Business Information: The ABA encourages participation by minority, women, small disadvantaged, and disabled veteran businesses as prime contractors, joint ventures, and subcontractors suppliers. MWBE Businesses are businesses that are owned and controlled by a Minority, Women-owned, small disadvantaged, and disabled veteran business that
have a 51% ownership. The Bidder must provide documentation from a state, federal or certified agency that provides certifications that verify they are a certified minority or women-owned business.

1.14 Economy of Preparation. Bidders should prepare quotes simply and economically, providing a straightforward, concise description of the Bidder’s ability to meet the requirements of the RFQ in the format required. Supplemental materials must be incorporated into the quote response and not simply referenced attachments.

1.15 Alternate Quotes. The Issuing Employee has identified the basic approach to meeting their requirements, allowing Bidders to be creative and propose their best solution to meet the specific requirements. The Issuing Department will not accept alternate quotes that do not specifically address the requirements as the primary response to the quote. A secondary response can be submitted as an addendum with supplementary information and considerations.

1.16 Discussions for Clarification. Bidders may be required to make an oral or written clarification of their proposals to the Issuing employee to ensure thorough mutual understanding and Bidder responsiveness to the solicitation requirements. The Issuing employee will initiate requests for clarification.

1.17 Prime Contractor Responsibilities. The contract will require the selected Bidder to assume responsibility for all services offered in its proposal whether it produces them itself or by subcontract. The Issuing employee will consider the selected Bidder to be the sole point of contact with regard to contractual matters.

1.18 Quote Contents. Bidders should not label quote submissions as confidential or proprietary. The Issuing employee will hold all quotes in confidence and will not reveal or discuss any quote with competitors for the contract, unless disclosure is required under the provisions of any State or United States statute or regulation; or by rule or order of any court of competent jurisdiction.

All materials submitted with the quote becomes the property of the ABA and may be returned only at the Issuing employee’s option. The Issuing employee, in its sole discretion, may include any person other than competing Bidders on its proposal evaluation committee. The Issuing employee has the right to use any or all ideas presented in any quote regardless of whether the quote becomes part of a contract.

1.19 Best and Final Offers. The Issuing employee reserves the right to conduct discussions with Bidders for obtaining “best and final offers.” To obtain best and final offers from Bidders, the Issuing department may do one or more of the following: enter into pre-selection negotiations, including the use of an on-line auction; schedule oral presentations; and request revised quotes.

1.20 News Releases. Bidders shall not issue news releases, Internet postings, advertisements or any other public communications pertaining to these project/goods without prior written approval and must comply with ABA news release guidelines.

1.21 Restriction of Contact. From the issue date of the RFQ until the Issuing Employee selects a quote for award, the Issuing Employee is the sole point of contact concerning this RFQ. Any violation of this condition may be cause for the Issuing Employee to reject the
offending Bidder’s quote. If the Issuing Employee later discovers that the Bidder has engaged in any violations of this condition, the Issuing Employee may reject the offending Bidder’s quote or rescind its contract award. Bidders must agree not to distribute any part of their quotes beyond the Issuing Employee. A Bidder who shares information contained in its quote with other ABA personnel and/or competing Bidder personnel may be disqualified.

1.22 Debriefing Conferences. Bidders whose quotes are not selected will be notified of the name of the selected Bidder and are given the opportunity to be debriefed. The Issuing Employee will schedule the time and location of the debriefing. The debriefing will not compare the Bidder with other Bidders, other than the position of the Bidder’s quote in relation to all other Bidder quotes.

1.23 Issuing Employee Participation. Bidders shall provide all services, supplies, facilities, and other support necessary to complete the identified work. No work will be completed using the ABA’s offices. Suppliers providing on-site services within the ABA’s offices must provide the appropriate certificate of insurance in advance of the work.

1.24 Term of Contract. The term of the contract will commence on the Effective Date and will end 5 years. The Issuing employee will fix the effective date after the contract has been fully executed by the selected Bidder and by the ABA. The selected Bidder shall not start the performance of any work prior to the effective date of the contract and the ABA shall not be liable to pay the selected Bidder for any service or work performed or expenses incurred before the effective date of the contract.

The contract is not considered approved until the terms have been reviewed and approved by the Office of General Counsel. An “American Bar Association Office of General Counsel” approval seal will appear on the contract with the signature of the attorney approving the terms of the contract.

The contract must be executed by both parties to be binding, see Section I.5 for the ABA’s signature authority requirements.

1.25 Bidder’s Representations and Authorizations. By submitting its quote, each Bidder understands, represents, and acknowledges that:

a. All of the Bidder’s information and representations in the quote are material and important, and the Issuing Employee may rely upon the contents of the quote in awarding the contract(s). The ABA shall treat any misstatement, omission or misrepresentation as fraudulent concealment of the facts relating to the Quote submission.

b. The Bidder has arrived at the price(s) and amounts in its quote independently and without consultation, communication, or agreement with any other Bidder or potential bidder.

c. The Bidder has not disclosed the price(s), the amount of the quote, nor the approximate price(s) or amount(s) of its quote to any other firm or person who is a Bidder or potential Bidder for this RFQ, and the Bidder shall not disclose any of these items on or before the quote submission deadline specified in the Calendar of Events of this RFQ.
d. The Bidder has not attempted, nor will it attempt, to induce any firm or person to refrain from submitting a quote on this contract, or to submit a quote higher than this quote, or to submit any intentionally high or noncompetitive quote or other form of complementary quote.

e. The Bidder makes its quote in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other noncompetitive quote.

f. To the best knowledge of the person signing the quote for the Bidder, the Bidder, its affiliates, subsidiaries, officers, directors, and employees are not currently under investigation by any governmental agency and have not been convicted or found liable for any act prohibited by State or Federal law in any jurisdiction, involving conspiracy or collusion with respect to bidding or proposing on any contract, except as the Bidder has disclosed in its quote.

g. The Bidder is not currently under suspension or debarment by any state or the federal government.

h. Until the selected Bidder receives a fully executed and approved written contract from the ABA, there is no legal and valid contract, in law or in equity, and the Bidder shall not begin to perform services or provide goods. See 1.5 and 1.24.

i. The Bidder shall represent and warrant that it has sufficiently ascertained and informed itself in all matters affecting the performance of the work or the furnishing of labor, supplies, material and equipment needed in performing the specifications. In addition, the bidder is responsible for ensuring that the quote has been checked for errors and omissions; that the prices stated in the quote are correct and as intended; and that it has submitted a complete and correct statement of the prices.

j. The terms and conditions of the RFQ shall be incorporated, without substantial alteration, into the general terms and conditions of the final contract. All sections of the RFQ, including the specifications and the completed RFQ document with attachments specified by the RFQ, will become part of the contract documents. Vendors should exercise the utmost care in the completion of the RFQ and other submissions.

1.26 Notification of Selection. The Issuing Employee will notify the selected Bidder in writing of its selection for negotiation after the Issuing Employee has determined, taking into consideration all of the evaluation factors, the quote that is the most advantageous to the ABA.

1.27 Use of Electronic Versions of this RFQ. This RFQ is being made available by electronic means. If a Bidder electronically accepts the RFQ, the Bidder acknowledges and accepts full responsibility to insure that no changes are made to the RFQ.
2.0 Quote Requirements

Bidders must submit their quotes in the format outlined below. To be considered, the quote must respond to each and every requirement in this part of the RFQ. Bidders should provide any extraneous information only as a separate attachment to their quote.

The Issuing Employee may make investigations as deemed necessary to determine the ability of the Bidder to perform the project or provide the goods, and the Bidder shall furnish to the Issuing Employee all requested information and data. The Issuing Employee reserves the right to reject any quote if the evidence submitted by, or investigation of, such Bidder fails to satisfy the Issuing Employee that such Bidder is properly qualified to carry out the obligations of the RFQ and to complete the project or provide the goods as specified.

2.1 Statement of the Problem or Goods Required. Briefly state your understanding of the problem presented, service(s) required or goods required by this RFQ. Include a high level management summary of how your company will effectively satisfy the services required.

2.2 Proposed Solution and Approach. Describe your solution in detail for accomplishing the work as specified in Section 4.0 of this document. This document should be as detailed and comprehensive as appropriate. Use as many of the task descriptions in Section 4.0 of this RFQ as possible.

2.3 Price Submittal. Bidders must not include any assumptions in their price submittals. If the Bidder includes assumptions in its price submittal, the Issuing employee may reject the proposal. All prices must be included so that the total annual spend required by the ABA is clearly defined. The following information, as applicable, should be part of the Price Submittal:

a. Direct Labor Charges. Itemized as follows to show what the bidder will charge for direct labor:
   1. Job title (e.g., partner, project manager, analyst, senior auditor, research associate).
   2. Estimated hours.
   3. Rate per hour.
   4. Total cost for each category and for all direct labor costs.

b. Travel and Subsistence. Itemize per diem for transportation, lodging and meals separately. If airfare expense anticipated, have bidder specify class of service; if hotel expense anticipated, have bidder indicate quality level of hotel (2 star, 3 star, etc.)

c. Consultant Costs. Itemized to indicate all consultant-related expenses.
d. **Subcontract Costs.** Itemize as in (a) above, if any.

e. **Cost of Supplies and Materials.** Itemize, if applicable.

f. **Other Direct Costs.** Itemize.

g. **General Overhead Expense.** General and administrative overhead includes salaries, equipment and other costs related to headquarters management external to the service, but in support of the activity being completed. Specify what specific items are included and the rates used.

h. **Fee or Profit.**

i. **Total Price.** This should be comprehensive and reflect all charges and expenses paid by the ABA for however long the agreement is for.

2.4 **Project Timeline.** Provide a detailed schedule with tasks enumerated, including customer and supplier responsibilities with appropriate timelines for completing tasks assigned.

2.5 **Billing.** All invoices are submitted electronically to the ABA's Accounts Payable, referencing a valid purchase order number. A prompt payment discount of 2% must be offered, net 15 days after receipt of validated invoice. ACH payments are preferred and must be accepted for expedited payments.

2.6 **Other Financial Incentives.** Discuss other options to receive greater discounts or contain costs. These options may be considered as alternatives and accepted if offered.

2.7 **Training.** If appropriate, indicate recommended training of ABA personnel. Include the ABA personnel to be trained, the number to be trained, duration of the program, place of training, curricula, training materials to be used, number and frequency of sessions, and number and level of instructors. **Provide a sample of training materials provided to new customers.**

2.8 **Standard Order Processing.** Illustrate standard ordering and billing procedures. The ABA issues purchase orders from authorized buyers for its procurement activities. Illustrate your standard procedures for making changes to orders and relevant fees that apply.

2.9 **Financial Capability.** Describe your company’s financial stability and economic capability to perform the contract requirements. Financial documents such as audited financial statements or recent tax returns will be acceptable to the ABA. Include any applicable ratings by local or national agencies, i.e. D&B, BBB.

2.10 **Objections to Contract Terms and Conditions.** The Bidder will identify which, if any, of the terms and conditions it would like to renegotiate and what additional terms and conditions the Bidder would like to add to the ABA standard contract terms and conditions. The Bidder’s failure to make a submission under this paragraph will result in its waiving its right to do so later, but the Issuing Employee may consider late objections and requests for additions if to do so, in the Issuing Employee’s sole discretion, would be in the best interest of the ABA. The ABA’s General Counsel may, in its sole discretion, accept or reject any
requested changes to the standard contract terms and conditions. The Bidder shall not request changes to the other provisions of the RFQ, nor shall the Bidder request to substitute completely its own terms and conditions for the attached Terms and Conditions. All terms and conditions must appear in one integrated contract. The Issuing Employee will not accept references to the Bidder’s, or any other, online guides or online terms and conditions contained in any quote.

Regardless of any objections set out in its quote, the Bidder must submit its quote, including the cost quote, based on the terms and conditions set out in the attached Terms and Conditions. The Issuing Employee will reject any quote that is conditioned on the negotiation of terms and conditions other than those set out in the attached Terms and Conditions.

3.0 Criteria for Selection

3.1 Mandatory Responsiveness Requirements. To be eligible for selection, a quote must:

a. Be received according to dates set in the Bid Timetable;
b. Be properly signed by a representative of the Bidder who is eligible to bind them in contract with the ABA;
c. Be in accordance with all instructions as set forth.

3.2 Technical Nonconforming Proposals. The Issuing employee reserves the right, in its sole discretion, to waive technical or immaterial nonconformities in a Bidder’s proposal.

3.3 Criteria for Selection. The following criteria will be used, in no particular order, in evaluating each quote.

- Delivery Time
- Bidder Qualifications
- Financial Capability
- Best total overall value
- Cost over period of proposed term of agreement
4.0 Specifications and Work Statement

Potential bidders should contact Armando Lopez Jr via email at armando.lopez@abaprobar.org. Please use “Construction Network Equipment Quote” as the subject and indicate your interest in bidding on this project. Provide a brief description of your company, the products you sell, whether you provide professional services and your website address. After we quickly verify that you are a business capable of providing a quote for this project, you will be provided with a spec sheet to bid with the specific vendor, model and service information. We will also provide a more detailed description of the project. The details are being withheld because we are required to make this project public but we don’t want to make the specific security equipment we are using public.

4.1 Objectives.

   a. **General.** Upgrade the network equipment to provide a more efficient network, increase network bandwidth, and reduce support costs.

   b. **Specific.** This will be provided to bidders by ABA.

4.2 Nature and Scope of the Project. This will be provided to bidders by ABA.

4.3 Requirements. This post will be public for 14 days. When you send an email, you will get a response within 48 hours. If you do not get a response within 48 hours, please send another email stating so.