

INVITATION TO BID 2021-2022 Phase 2 MSBO Bus Purchasing Program

Michigan School Business Officials ("MSBO")

SECTION I – INSTRUCTIONS TO BIDDERS

1.1 Intent

MSBO are accepting sealed Proposals for the aggregate purchase of new latest-model school buses in the following styles and sizes:

Conventional	47, 53, 65, 71, and 77 passenger
Transit (front engine)	54, 66, 72, 78, 84 and 88/89 passenger
Transit (rear engine)	78, and 84 passenger
Conventional Special Needs	47, 53, 65, 71 and 77 passenger
A-II	19/20, 23/24, and 29/30

1.2 Purpose

The purpose of this Invitation to Bid is to allow the MSBO Member School Districts to purchase a quality bus at a competitive price. MSBO issues this Invitation to Bid to interested Vendors, receives and organizes the Vendors' Proposals and compiles a Vendor price list to allow the MSBO Member School Districts to electronically compare pricing on the various buses they design from all participating Vendors.

1.3 Proposal Format

Proposals must include:

1. The original form printed from the program, signed by the company's representative and emailed to slittle@msbo.org
2. Vendor contact information emailed to slittle@msbo.org
3. Copies of all warranties emailed to slittle@msbo.org
4. Clarifications and explanations emailed to slittle@msbo.org

1.4 Due Date

Proposals can be submitted via the Michigan School Business Officials Bus Purchase Program until **10:00 a.m., EDST, Thursday, January 6, 2022**, at which time Proposals will be publicly read aloud.

The **bid program will be locked at 10:00 a.m. on Thursday, January 6, 2022** and no further changes will be allowed to the pricing.

1.5 Right to Reject

MSBO reserve the right to accept or reject any or all Proposals, in whole or in part, and to waive any irregularities therein.

1.6 Withdrawal

No Proposals may be withdrawn following the Due Date. Proposal prices shall be firm by the Vendor from **Monday, January 17, 2022** through **Friday, July 29, 2022**.

1.7 Repair Facility in Michigan

All Vendors must have an inside repair facility within the boundaries of the State of Michigan.

1.8 Clarifications

If these specifications do not conform with federal or state specifications for the individual type of school bus, the dealer will immediately notify Scott Little, MSBO, at (517) 327-2582, for consideration of a possible revision for all bidders no less than ten (10) days before opening of bids. Issues deemed to need correction or clarification will be processed and faxed or e-mailed to all vendors in the form of bid addenda. **Note:** any deviation to any specification may result in the rejection of your bid.

SECTION II – SUPPLEMENTAL BIDDING INSTRUCTIONS

2.1 Bid Proposal Package

All pages of each bid package must be completed in full for each bus style that you are bidding. You must complete the form as specified in Section 2.2 below.

2.2 Bus Pricing

Provide all Base Bus Specifications and Option prices in whole dollars (no cents). In responding to this Invitation to Bid, each Vendor must complete each field in the Base Bus Specifications and in the Bus Specification Options for each bus type and size bid. An entry must be included in each price field. Therefore, if a field in the Base Bus Specifications or Bus Specification Options is left blank, the entire Proposal may be rejected on that basis.

2.3 Reduction in Base Bus Price

Place a minus sign (-), not a parenthesis, in front of all Option prices that, if selected, reduce the Base Bus Specifications unit price.

2.4 FOB

Bus prices must be Freight on Board (FOB) the School District.

2.5 Pricing

The bidder agrees that all the prices, terms, warranties and benefits granted by the bidder to districts through this program are comparable to or better than the equivalent terms being offered by the bidder to any present customer meeting the same qualifications or requirement.

Some Options require “per station” or “per unit” pricing. Provide a unit price, not a total bus price. These options have a reference to quantity in the option description.

2.6 Engine and Body Warranties

Due to the vast differences in engine warranties, each vendor shall supply pricing and documentation of what warranties are offered and what they cover. This is to be included as part of their bid, as indicated in Section 1.3.

2.7 Base Bus Specifications

Vendors must meet all Base Bus Specifications. For instance, if MSBO specifies 3M Scotchlite Diamond Grade reflective tape, every Vendor must supply this item as specified. This applies to everything in the Base Bus Specifications. By responding to this Invitation to Bid, each Vendor hereby certifies to MSBO and the MSBO Member School Districts that it meets **ALL** of the Base Bus Specifications outlined in this Invitation to Bid.

Vendors may not delete, change, modify or substitute a part or product from the Base Bus Specifications, except as permitted by the Bus Specification Options. Furthermore, Vendors may not modify Bus Specification Options. In other words, Vendors may not add new options to its Proposal that are not otherwise found on the Bus Specification Options list. A vendor may not list an item as not available or change the price and then add it as a dealer negotiated item. Notwithstanding the above, if you have a concern with the Base Bus Specifications and/or Bus Specification Options and you require a clarification, please contact Scott Little at 517-327-2582. Issues deemed to need correction or clarification will be processed and faxed or e-mailed to all Vendors in the form of bid addenda.

Vendor clarifications and explanations for their products should be presented in one document as a paper copy and on jump drive provided by MSBO, as indicated in Section 1.3.

2.8 Stock Buses

Vendors may offer stock buses for sale to districts through this program, as long as the stock bus conforms to the Base Specifications and Options listed in the program.

2.9 2021-2022 Program Changes

The following changes have been made to either the Base Specifications or Options from 2020-2021 Bus Program.

Base Bus

- Overhead warning lights to be LED and strobe.
- Stop Arm Signals to be LED and strobe.

Options

- Overhead Warning Light: non strobe.
- School Bus Sign- LED First Light Safety

SECTION III – GENERAL TERMS AND CONDITIONS

3.1 Role of MSBO

This Project is under the auspices of the MSBO. MSBO have created this Invitation to Bid and the Specifications herein. MSBO's sole responsibility in the Bus Purchasing Program is to solicit Proposals from Vendors, inform the MSBO Member School Districts of the bid results and coordinate the purchase of buses. MSBO is not responsible for delivery arrangements or for payment by participating school districts to Vendors.

The role of the MSBO in the Bid Review Process is limited to compiling a Vendor price list. MSBO are not verifying or guaranteeing that the Vendors have met the Base Bus Specifications. MSBO are simply a clearing house for the Proposals in order to create a spreadsheet to enable the MSBO Member School Districts to compare the various prices and Options offered by each Vendor. As such, a Vendor's bid is not deemed "accepted" even if the MSBO places the Vendor on the comparison spreadsheet. It is not "accepted" until an order is placed by a participating MSBO Member School District.

It is the intent of MSBO to open the School Bus Purchase Program to participating MSBO Member School Districts at 9:00 am on **Monday, January 17, 2022** to design and purchase buses to meet their particular needs.

3.2 Purchase Orders

Each participating MSBO Member School District shall issue its own Purchase Order detailing specific Options and delivery instructions and shall be responsible to make payments directly to the Vendors for all buses ordered.

3.3 Tax Exemption

All purchases made by Michigan public school districts are exempt from all state and federal taxes. Exemption certificates will be provided upon request.

3.4 Right to Request Additional Information

MSBO reserve the right to request any additional information that may be deemed necessary after opening the Proposals.

3.5 Incurred Costs

MSBO are not responsible for any costs incurred by any Vendor for any work performed relative to the preparation of a Response to this Invitation To Bid, including the costs for the preparation of the information solicited herein.

3.6 Contract Requirements

MSBO consider this Invitation to Bid legally binding and will require that this Invitation to Bid and the resulting Vendors' Proposals be incorporated by reference into any subsequent contracts or Purchase Orders between the Vendor and the individual School District. It should be understood by the Vendors that this means that the individual School Districts expect the Vendors to satisfy substantially all the requirements listed herein.

Minimally, the contract or Purchase Orders must contain the following language and respective components:

1. Identification of Parties to the Agreement Clause – Both the Vendor and the School District shall be clearly identified by name. Neither of the identified parties to the Agreement shall assign or encumber any of its rights, or delegate or subcontract any of its duties defined in the Agreement, in whole or in part, to other third parties unless the other third party to the Agreement gives its prior written consent. Subject to the foregoing covenant against assignment and delegation, the rights created by the Agreement shall pass to the benefit of the identified party and the duties and obligations resulting from the Agreement shall bind the identified party and their respective successors and assignees.
2. Entire Agreement Clause – This Agreement, including appendices and referenced attachments, constitutes the entire Agreement between the Vendor and the School District and super cedes all proposals, presentations, representations, and communications, whether oral or in writing, between the parties on this subject.
3. Applicable and Governing Law Clause – The Agreement shall be subject to all laws of the Federal Government of the United States of America and to the laws of the State of Michigan. All duties of either party shall be legally performable in Michigan. The applicable law for any legal disputes arising out of this Agreement shall be the law of (and all actions hereunder shall be brought in) the State of Michigan.
4. Notices Clause – All notices or communications required or permitted as a part of the Agreement shall be in writing (unless another verifiable medium is expressly authorized) and shall be deemed delivered when:
 - i. Actually received, or

- ii. Upon receipt by sender of a certified mail, return receipt signed by an employee or agent of the party, or
- iii. If not actually received, ten (10) days after deposit with the United States Postal Service authorized mail center with proper postage (certified mail, return receipt requested) affixed and addressed to the respective other party at the address set out in the section of the Agreement titled "Identification of the Parties to the Agreement" or such other address as the party may have designated by notice or Agreement amendment to the other party.

Consequences to be borne due to failure to receive a notice due to improper notification by the intended receiving party of a new address will be borne by the intended receiving party.

5. General Indemnification – The Vendor agrees to indemnify, defend and hold harmless the MSBO and the MSBO participating Member School Districts, its successors, assigns, employees and agents from and against any and all claims, costs, expenses, damages, and liabilities, including reasonable attorney's fees, arising out of (i) the negligent acts or willful misconduct of the Vendor, its officers, directors and employees, agents or subcontractors; (ii) any breach of the terms of this Agreement by the Vendor; or (iii) any breach of any representation or warranty by the Vendor under this Agreement.
6. Warranty – The Vendor warrants that all labor and equipment provided on each Bus, whether installed initially or under subsequent Purchase Orders, shall be newly manufactured equipment or assembled from newly manufactured parts. The Vendor further warrants that each bus will be free from defects in workmanship and material in accordance with the manufacturer's standard warranty from the date of delivery of that bus.

SECTION IV – DIRECTIONS FOR USING THE MSBO ONLINE PROGRAM

4.1 Instructions for Entering Prices for the Vendor Proposal Portion of the Program

1. Go to the MSBO purchasing web site: <http://michigan.cooppurchase.com/>.
2. Select Vendor Login and insert your user name and password.
3. Click "Maintain Bids" from the menu.
4. To copy your previous year's bid, refer to Section 4.2 below.
5. Select the product category that you want to insert pricing on. Click "Continue."
6. Under the base price, unlock those categories that you will be bidding on by clicking on the padlock icon. You should see the column for that product appear below in the options area.
7. If you are not bidding a product style or a bus size within a bus style, do not unlock that product so the column does not appear.
8. To save time entering information for the different product configurations in that category and the option value is the same, you may enter the value for the option in the "Copy to All" column and it will copy to each product category.
9. Double-click on the space next to the option under the appropriate bus size or Copy to All. The space will change from white to yellow to white with a yellow border.
10. Specify the prices or availability for each product configuration option. Valid option values are a **dollar value** (positive or negative) indicating the cost of the option, "**SE**" (Standard Equipment), "**NA**" (Not Available), or "**NC**" (No Charge; same as \$0).
11. Options that are "state quantity" or "each" are indicated with an asterisk (*).
12. When completed with prices for a product category, click Save. NOTE: Work in progress can be saved at any step in the entry process. You may save, leave the program, and return at any point.
13. Repeat this process for all bus styles and sizes. The program requires all price cells to be filled in for the buses you are bidding.
14. The program will compile information for each body style. If pricing information is incomplete, the program will return you to the incomplete cells for data entry. This occurs for each blank cell.
15. If you have any problems with any of these steps, contact MSBO for further instructions.

4.2 Instructions for Copying Prior Year's Bid

1. Click "Maintain Bids" in the left menu.
2. Click the RFX which is open for bidding. You can sort the list chronologically by clicking the column heading "Response Period."
3. Click "Participate" to indicate you intend to bid. You only need to do this once.
4. Find the product category for which you wish to copy pricing. A "Copy from Prior Bid" action appears if the copy function is available. Click the "Copy" action to begin the copy process, or click the product category link to directly edit the new bid.
5. Check all the passenger sizes in the "Upgrade?" column which you want to copy, then Next, then Confirm. If you only wish to **view** the changes from the prior bid (but not copy your bid), simply leave all checkboxes blank and click Next.
6. All of the prior year's pricing will appear, along with any changes made to either the Base Specifications and/or Options. Make changes where necessary and click Next.
7. This completes the upgrade to the current bidding session.
8. The "Copy from Prior Bid" action remains visible until all products within a category have been bid. You can re-copy multiple times, but each time your new bid will be completely replaced with the prior bid.
9. Click the product category link (instead of the "Copy" action) to revise the copied values or to bid additional products which were not copied from the prior bid.

4.3 Instructions to Print Vendor Price Report

1. To print a summary of all prices for your bid submission, go to "Reports".
2. Click on "Vendor Prices."
3. Choose the product category that you want to print, and then click on "continue."
4. Click on Export; then Save.
5. Open Excel. Open the downloaded file.
6. Reformat the file to fit on one page, if possible
7. Print a copy for your records

4.4 Instructions for Submitting Stock Buses

1. Click on "Stock Products"
2. Select the appropriate Product Category
3. Click on "Create New"
4. Complete the Stock Product Details and save
 - a. Each unit or group of identical units must have a unique "Stock Number"
5. Repeat for additional units
6. Once the program is open for purchase by districts, it is recommended that the stock buses be built in the program so they are ready to clone to any district that may be interested.