

INVITATION TO BID

MONTGOMERY COUNTY HOSPITAL DISTRICT

MEDICAL SUPPLIES



**MONTGOMERY COUNTY HOSPITAL DISTRICT
1300 S LOOP 336 W
CONROE, TEXAS 77304**

**BID FORMS AND PRICING RESPONSES DUE BY 2:00 PM CDT ON
August 4th, 2017**

ALL BIDS WILL BE REQUIRED TO BE SEALED.

INVITATION TO BID

Bid Invitation Closing Time: 2:00 PM CDT
Bid Invitation Closing Date: August 4, 2017
Bid Invitation for: MEDICAL SUPPLIES

Montgomery County Hospital District (Documented as MCHD)
1300 S Loop 336 W
Conroe, Texas 77304

For further information contact: Eric Baldwin
ebaldwin@mchd-tx.org
(936) 521- 5621

INSTRUCTIONS TO BIDDERS:

Bids are solicited for: **Medical Supplies for EMS (general specifications attached)** as set forth in this Invitation to Bid. Completed bids must be received in the Montgomery County Hospital District, 1300 S Loop 336 W Conroe, TX, 77304, before the time indicated on the above "closing date". Bids must be in a sealed envelope address to: **Montgomery County Hospital District – Medical Supplies Bid. Bids will be publicly opened August 4, 2017 in the MCHD Boardroom at 2:30 pm.**

All Bidders must register with the contact information above to ensure any questions or addendums will be relayed to all Bidders.

The name and address of Bidder, the date of the bid opening and the items for which Bidder seeks an award, shall be placed on the outside of the envelope.

Late bids will be retained by the Montgomery County Hospital District; however, they will not be opened nor considered in the evaluation of the bids. Bids may be withdrawn at anytime prior to the official opening. Bids may not be altered, amended or withdrawn after the official opening without the approval of the Montgomery County Hospital District.

The Montgomery County Hospital District is exempt from Federal Excise and State Sales Tax and will provide the successful Bidder(s) with a tax exemption certificate.

The Montgomery County Hospital District reserves the right to accept or reject in part or in whole any bids submitted, and to waive any technicalities for the best interest of Montgomery County Hospital District. The bid(s) will be awarded to whichever Bidder(s) Montgomery County Hospital District finds to be responsible and who submit(s) the lowest and best bid(s). Consideration will be based primarily on lowest price, however, warehouse locations, past experiences, ability to order online, and the bidder's other capabilities will also be considered. Montgomery County Hospital District reserves the right to request information regarding a Bidder's responsibility in connection with its evaluation of a Bidder's bid.

A Bidder's bid must be submitted with this form. All bids must meet or exceed the attached specifications; however, alternate bids will be considered if accompanied by published specifications and a detailed listing of points that do not meet the attached specifications. MCHD reserves the right, however, to hold to the attached Specifications and to determine "or equal" status.

The undersigned agrees, if a bid is accepted, to furnish any and all items upon which prices are offered, at the price(s) and upon the terms and conditions contained in the specifications.

By submitting this bid form and executing the same, the Bidder and the person(s) executing below on Bidder's behalf hereby affirm that they are aware of the provisions of Texas Penal Code Sec. 36.02, 36.08, 36.09 and 36.10 (a copy of which appears on the attached), dealing with the Bribery and Gifts to Public Servants.

Bidder and the person(s) executing below on Bidder's behalf further affirm that they will adhere to such laws and instruct and require all agents, employees and sub-contractors to do the same. All Bidder is further aware that any violations of these rules subjects Bidder's bid and any subsequent award made to Bidder to potential revocation, its removal from bid lists, prohibiting future consideration in response to bid solicitations, revocation of permits and prosecution.

Company Name & Address

Company's Authorized Agent

Signature

Telephone No. (_____) _____

Name and Title (Typed or Printed)

Date _____

Background:

MCHD EMS responds to in excess of 55,000 requests for emergency and non emergency service each year. The agency transports approximately 35,000 annually. The agency operates a fleet of approximately 38 ambulances, three paramedic squads (paramedic in a sport utility vehicle) and four field supervisors. MCHD also purchases medical supplies for affiliated first responder organizations comprised primarily of fire stations.

Specifications for submission:

All bids shall be submitted in an electronic format. Interested Bidders are required to contact Eric Baldwin to register and to receive the bid packet and Excel spreadsheet detailing the items subject to this Invitation To Bid.

Bid pricing should be entered in to the spreadsheet and saved. The file name should reference the bidder's s company name.

Submissions should include:

1. CD, or flash drive, containing the electronic bid
2. Hardcopy version of the Bidder's bid.

Pricing shall be valid and held firm from October 1, 2017 through September 30, 2018. Vendor may increase prices with 30 days notice. MCHD reserves the right to select the next qualified vendor if price increases occur before December 1, 2017.

MCHD reserve the right to use other vendors if the selected vendor is unable to ship orders promptly.

**Title 8: OFFENSES AGAINST PUBLIC ADMINISTRATION
TEXAS PENAL CODE**

B. 36.02 Bribery

- (a) A person commits an offense if he intentionally or knowingly offers, confers or agrees to confer with another, or solicits, accepts, or agrees to accept from another:
 - (1) any benefit as consideration for the recipient's decision, opinion, recommendation, vote or other exercise of discretion as a public servant, party official or voter,
 - (2) any benefit as consideration for the recipient's decision, vote, recommendation, or other exercise of official discretion in a judicial or administrative proceeding; or
 - (3) any benefit as consideration for a violation of a duty imposed by law on a public servant or party official
 - (4) any benefit that is a political contribution as defined by Title 15, Election Code, or that is an expenditure made and reported in accordance with Chapter 305, Government Code, if the benefit was offered, conferred solicited, acceptor agreed to pursuant to an express agreement to take or withhold a specific exercise of official discretion of such exercise of official discretion would not have been take or withheld but for the benefit; notwithstanding any rule of evidence or jury instructions allowing factual inferences in the absence of certain evidence, direct evidence of the express agreement shall be required in any prosecution under this subdivision.
- (b) It is no defense to prosecution under this section that a person whom the actor sought to influence was not qualified to act in the desired way whether because he had not yet assumed office or he laced jurisdiction or for any other reason.
- (c) It is no defense to prosecution under this section that the benefit is not offered or conferred or that the benefit is not solicited or accepted until after:
 - (1) the decision, opinion, recommendation, vote or other exercise of discretion has occurred;or
 - (2) the public servant ceases to be a public servant
- (d) It is an exception to the application of Subdivisions (1), (2), and (3) of Subsection (a) that the benefit is a political contribution as defined by Title 15, Election Code, or an expenditure made and reported in accordance with Chapter 305, Government Code.
- (e) An offense under this section is a felony of the second degree.

B. 36.08 Gift to Public Servant by Person Subject to His Jurisdiction

- (a) A public servant in an agency performing regulatory functions or conducting inspections or investigations commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows to be subject to regulation, inspection, or investigation by the public servant or his agency.
- (b) A public servant in an agency having custody of prisoners commits an offense if he solicits, accepts or agrees to accept any benefit from a person the public servant knows to be in his custody or the custody of his agency.
- (c) A public servant in an agency carrying on civil or criminal litigation on behalf of government commits an offense if he solicits, accepts or agrees to accept any benefit from a person against whom the public servant knows litigation is pending or contemplated by the public servant or his agency.
- (d) A public servant who exercises discretion in connection with contracts, purchases, payments, claims or other pecuniary transactions of government commits an offense if he solicits, accepts or agrees to accept any benefit from a person the public servant knows is interested in or likely

to become interested in any contract, purchase, payment, claim, or transaction involving the exercise of his discretion.

- (e) A public servant who has judicial or administrative authority, who is employed by or in a tribunal having judicial or administrative authority, or who participates in the enforcement of the tribunals decisions, commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows is interested in or likely to become interested in any matter before the public servant or tribunal.
- (f) A member of the legislature the governor, the lieutenant governor, or a person employed by a member of the legislature, the governor, the lieutenant governor or an agency of the legislature commits an offense if he solicits, accepts, or agrees to accept any benefit from any person.
- (g) A public servant who is a hearing examiner employed by an agency performing regulatory functions and who conducts hearings in contested cases commits an offense if the public servant solicits, accepts, or agrees to accept any benefit on who is appearing before the agency in a contested case, who is doing business with the agency, or who the public servant knows is interested in any matter before the public servant. The exception provided by Section 36.10(b) does not apply to a benefit under this subsection.
- (h) An offense under this section is a Class A misdemeanor.
- (i) A public servant who receives an unsolicited benefit that the public servant is prohibited from accepting under this Section may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the Benefit to a recognized tax-exempt charitable organization formed of educational, religious, or scientific purposes.

B 36.09 Offering Gift to Public Servant

- (a) A person commits an offense if he offers, confers, or agrees to confer any benefit on a public servant that he knows the public servant is prohibited by law from accepting.
- (b) An offense under this section is a class A misdemeanor

B 36.10 Non Applicable

- (a) Sections 36.08 (Gift to Public Servant) and 36.09 (offering gift to Public Servant) do not apply to:
 - (1) a fee prescribed by law to be received by a public servant or any other benefit to which the public is lawfully entitled or for which he gives legitimate consideration in a capacity other than as a public servant;
 - (2) a gift or other benefit conferred on account of kinship or a personal, professional or business relationship independent of the official status of the recipient; or
 - (3) a benefit to a public servant required to file a statement under Chapter 572, Governmental Code, or a report Title 15, Election code, that is derived from a function in honor appreciation of the recipient if:
 - (A) the benefit and the source of any benefit in excess of \$50 is reported in the statement; and
 - (B) the benefit is used solely to defray the expenses that accrue in the performance of the duties or activities in connection with the office, which are non-reimbursable by state of political subdivision:
 - (4) a political contribution as defined by Title 15, Election Code;
 - (5) a gift, award, or memento to a member of the legislative or executive branch that is required to be reported under chapter 305, Government code;
 - (6) an item with a value of less than \$50, excluding cash or a negotiable instrument as described by Section 3,104, Business and Commerce code; or
 - (7) an item issued by a governmental entity that allows the use of property of facilities owned, leased or operated by the governmental entity.

- (b) Section 36.08 (Gift to Public Servant) does not apply to food, lodging, transportation, or entertainment accepted as a guest and, if the donee is required by law to report those items, reported by the donee in accordance with that law.
- (c) Section 36.09 (Offering Gift to Public Servant) does not apply to food, lodging, transportation or entertainment accepted as a guest, and if the donor is required by law to report those items, reported by the donor in accordance with that law.

VENDOR COMPLIANCE TO STATE LAW

The Texas Legislature passed House bill 620 (now Chapter 22S2 of Texas Government code) relative to the award of contracts to non-resident bidders (out-of-state contractors whose corporate offices or principal place of business are outside of the state of Texas). This law provides that, in order to be awarded a contract as low bidder, a non-resident bidder's response for construction, improvements, supplies or services in Texas be bid in amount lower than the lowest Texas resident bidder by the same amount that a Texas resident bidder would be required to underbid a non-resident bidder in order to obtain a comparable contract in the state in which the non-resident's principal place of business is located.

NON-RESIDENT BIDDERS;

The appropriate blanks must be filled out by all out-of-state or non-resident bidders in order for such bid to meet specifications. The failure of out-of-state or non-resident contractor to do so will automatically disqualify that bidder.

1. Nonresident vendors in _____(give state), our principal place of business are required to be _____percent lower than resident bidders by state law. Please attach a copy of that statute.

2. Non-resident vendors in _____ (give state), our principal place of business, are not required to underbid
resident bidders.

RESIDENT BIDDERS

Resident bidders must check below:

Our principal place of business or corporate offices are located in the State of Texas.

Yes: _____

BIDDER:

(Please Print)

Company: _____

By: _____

Title: _____

Signature: _____

Address: _____

THIS FORM MUST BE RETURNED WITH YOUR BID

BID EVALUATION

The MCHD reserves the right to accept or reject in part or in whole any bid submitted, and to waive any technicalities for the best interest of MCHD. MCHD reserves the right to determine "or equal" status for any items bid that do not meet the exact bid specifications therefor.

The bid award(s) shall be based on, but not necessarily limited, to the following factors:

1. Unit Price
2. Total bid price
3. Terms and discounts
4. Delivery date
5. Results of testing samples
6. Special needs and requirements of MCHD
7. Past experience with product/service
8. Vendor's past performance
9. District's evaluation of the vendor's ability, financial strength and high ethical standards
10. Demurrage charges, freight costs and mileage
11. Estimated cost of supplies, maintenance, storage, etc.
12. Estimated surplus value, life expectancy (all products shall have a minimum of 12 months Shelf life)
13. Location of manufacturing plant and/or factory
14. Location of maintenance facility/service person; ability to provide service for minimum downtime
15. Product warranty
16. Conformity to specification
17. Training requirement, location, cost
18. Replacement parts pricing
19. Reference information

PERFORMANCE

Local Sources: Consideration may be given to local Bidders for services and local stocks when evaluating bids, but only to the extent allowed by law. This consideration will be commensurate with the economic benefits provided to MCHD when making such purchases.

Texas Resident Bidders: Except for contracts involving federal forms, a contract may not be awarded to a non-resident out-of-state bidder unless a non-resident's bid is lower than the lowest bid submitted by a responsible Texas resident bidder by the same amount that the Texas resident bidder

would be required to underbid a non-resident bidder to obtain a comparable contract in the state in which the non-resident's principle place of business is located. This does not apply in circumstances where non-resident bidder is owned by a majority owner or a parent company with its principle place of business in the Texas Government Code, Chapter 2252 relating to bids by non-resident bidders.

ALL BIDS MUST BE SIGNED BY HAND IN THE SPACE MARKED "SIGNATURE"

Firm Prices: Unless otherwise stated in the specification all prices will be considered firm for acceptance within thirty days of bid opening. Any exception to this must be so stated on face of Bidder's offer.

Lowest and Best Price: Quote your lowest and best net price, F.O.B., destination freight pre-paid, unless specified otherwise, on each item. If delivery and shipping quantities affect unit bid price, multiple bids may be made to indicate "at price break" quantities in order for MCHD to determine maximum economic benefits. Pricing discount should include packaging and shipping costs unless otherwise specified. Pricing should always be entered on the bid form in ink or typewritten and total must be entered in the TOTAL NET PRICE columns. In case of discrepancy between unit price and extended price, the unit price will be presumed to be correct.

Pricing For Lease/Purchase Plan: Provide alternate pricing for a Lease/Purchase Plan. Terms are five (5) years with a One Dollar (\$1) buyout option at the end of the contract. Provide example of stand or Lease/Purchase documents with Rate of Interest stated.

Early Payment Discounts: MCHD does consider all early payment discounts in computing the low bid. MCHD encourages vendors to offer early payment cash discounts.

All Offers Must Be Firm: If the Bidder believes it necessary to base price on a price adjustment factor, such an offer May be considered but only as an alternate offer unless the invitation indicates otherwise.

Shipping Charges: If the quoted net price does not include shipping charges, such charges must be itemized separately if bid is based on F.O.B destination. Preference will be given when prices quoted are F.O.B, delivered with all shipping charges prepaid. Unless otherwise stated all items shall be considered as F.O.B delivered.

Prices should be itemized: MCHD reserves the right to award by item or lot.

Taxes: MCHD is exempt and does not pay Federal Excise Tax, Texas state land local retail sales, tax, or certain use taxes. In addition the County is exempt from Texas diesel fuel and gasoline "highway use" taxes and gasoline "off highway use" tax.

Partial Bid Items: Bidders may submit bids on one or all solicited items. A bid on only a partial quantity of a Solicited item, however, will be considered as alternate bid.

Delivery: Time, as stated in number of days, must include Saturdays, Sundays, and holidays. Time of delivery is part of the bid and is of the essence. The required delivery date indicated is at the point of designation. If the requested date cannot be met or the date is not indicated in the bid invitation, you should state your best delivery time.

Alternate bids: If the invitation requests a brand name or "buyer approved equal", the Bidder may offer an "equal" Product as an alternate bid. Final determination of "approved-equal" remains with MCHD. Any Catalog or manufacturer's reference in this bid is descriptive, but not restrictive, and is used only to indicate type and grade. Other items of similar and equal quality will be considered provided the Bidder states on the face of the bid exactly what is intended to be furnished. Otherwise the Bidder will be required to furnish the items as specified on the bid.

Acknowledgement of Amendments: Any changes, additions, or clarifications to this Invitation to Bid will be made by amendments (addenda). The addends are sent to all registered Bidders on our vendor register, and must be acknowledged upon receipt. This is done by signing the addendum, and returning it with the completed bid response when the Bidder's bid is submitted.

Partial Awards: Unless the bid document specifies otherwise, Montgomery County Hospital District may award a contract for any item or group of items shown on the bid request.

Reservations: MCHD expressly reserves the right to:

- Waive as an informality minor deviations from specification and amend bid specifications through written agenda.
- Waive any defect, irregularity of informality in any offer of solicitation procedures.
- Reject any, all, or portions of a bid.
- Reissue a bid request.
- Extend the bid opening time and date.
- Procure any items by other means.
- Increase or decrease the quantity specified in the bid invitation, unless the bid specified otherwise
- Consider and accept an alternate offer when it is in the best interests of MCHD.
- To seek and obtain its own financing arrangements with one or more financing entities of MCHD choice.
- Extend the contracted price to future purchases over the next one (1) year(s). Percentage increases may be specified by bidder or negotiated at a later date.

Please insure that you obtain as much information as possible before you submit your bid.

Montgomery County Hospital District
Eric Baldwin
1300 S Loop 336 W
Conroe, Texas 77304