

INSTRUCTIONS TO PROSPECTIVE PROPOSERS**3. FACSIMILE PROPOSALS**

The proposer may submit a facsimile (FAX) proposal as a response to this solicitation provided the response is received at the place and by the time specified in the attached cover letter. Please note however, the complete original signed proposal is still required and must be submitted with a postmark of the same day as the facsimile proposal was transmitted. The SLAC FAX No. is 650-926-2000.

If the Proposer chooses to transmit a facsimile proposal, the University shall not be responsible for any failure attributed to the transmission or receipt of the facsimile proposal including, but not limited to, the following:

- (1) Receipt of garbled or incomplete proposal.
- (2) Incompatibility between the sending and receiving Equipment.
- (3) Availability or condition of the receiving facsimile Equipment.
- (4) Delay in transmission receipt of the proposal.
- (5) Failure of the proposer to properly identify the Proposal.
- (6) Security of proposal data.

4. AWARD

- a. A purchase order or subcontract will be awarded to the responsible proposer whose proposal is determined to be most advantageous to the University, price and other factors considered.
- b. The University reserves the right to reject any and all proposals and to waive informalities and minor irregularities in proposals received.

5. PREPARATION OF PROPOSALS

- a. Proposers are expected to examine the drawings, specifications, and all instructions, and shall promptly notify the University of any discrepancies, omissions or ambiguities. Failure to do so will be at the proposer's risk.
- b. Each proposer shall furnish the information required by the Proposal Form. The proposer shall print or type its name on the space provided on the Proposal Form. Erasures or other changes must be initialed by the person signing the proposal. Any proposal signed by an agent must be accompanied by evidence of its authority.
- c. Time, if stated as a number of days, shall be interpreted to be calendar days.

6. LATE PROPOSALS AND MODIFICATIONS OR WITHDRAWALS

The University reserves the right to consider proposals or modifications received thereto after the date indicated for such purpose, but before award, should such action be determined to be in the best interest of the University.

7. EXPLANATION TO PROPOSERS

Any explanation desired by a proposer regarding the meaning or interpretation of the Request for Proposals, Drawings, specifications, etc., must be requested in writing and in sufficient time for a reply thereto to reach all Proposers before their proposals are submitted. Any interpretation made will be in the form of a letter of interpretation or an addendum to the Request for Proposals which will be furnished to all prospective proposers. If the interpretation is an addendum to the Request for Proposals, its receipt must be acknowledged in the space provided on the Proposal form, or by letter or telegram before the time specified in paragraph 2; oral interpretations, explanations, or instructions will not be provided.

8. DRAWINGS AND DATA

In submitting a proposal hereunder, the proposer agrees to furnish such supplemental information regarding the items or services to be supplied hereunder as the University shall request. This supplemental information shall be furnished by the University within (3) days after receipt of written request therefore.

9. LABOR INFORMATION

If the purchase order or subcontractor resulting from this request for proposals is subject to the Walsh-Healy Public Contract Act, a minimum wage determination under the act is applicable to all employees of the subcontractor who are engaged in the manufacture or furnished of the supplies required under the purchase order or subcontract. Information in this connection as well as general information regarding requirements of the Act concerning overtime payment, child labor, safety and health, etc., should be obtained from the Employment Standards Administration Wage and Hour Division, Department of Labor, Washington D.C., 20210, or from any of the Division's offices throughout the various states. It is important that requests from information include the proposal number, name and address of the issuing agency, and a description of the supplies.

10. STATE AND LOCAL TAXES

All supplies covered by this Request for Proposals are for resale by the University to the United States Government. Accordingly, the proposer will assume that the sale of such supplies to the University is a sale for resale and therefore exempt from the imposition of California Sales or Use Taxes and will not include any sales or use taxes in its proposal price. In the event that it is later determined that the sale is not in fact exempt and that the University cannot furnish appropriate exemption certificates to the supplier, the subcontract, will be modified to provide for an increase in payment to cover the amount of the tax pursuant to the terms of the Provision concerning FEDERAL, STATE, and LOCAL TAXES.

11. PROPOSERS QUALIFICATIONS

Before a proposal is considered for award, the proposer may be required by the University to submit the following: A statement regarding its previous experience in performing comparable work, its business and technical organization, financial resources and plant available to be used in performing the work. The University expressly reserves the right to reject any proposal upon which the facts as to business and technical organization, plant, financial and other resources, or business experience justify rejection in the opinion of the University.

12. BRAND NAME OR EQUAL

(As used herein the term "brand name" includes identification of products by make and model.)

- a. If items called for by, this Request for Proposals have been identified in the Technical Specifications by a "brand name" or "brand name or equal" description, such identification is intended to be descriptive, but not restrictive, and is to indicate the quality and characteristics of products that will be satisfactory. Proposers offering "equal" products will be considered for award if such products are clearly identified in the proposal and are determined by the University to be equal in all material respects to the brand name products referenced in this Request for Proposals.
- b. Unless the proposer clearly indicates in its proposal that it is offering an "equal" product, its proposal shall be considered as offering a brand name product referenced in this Request for Proposals.

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- c. 1) If the proposer proposes to furnish an "equal" product, the brand name, if any, of the product to be furnished shall be inserted in the space provided in the Proposal Form. The evaluation of proposals and the determination as to equality of the product proposed shall be the responsibility of the University and will be based on information furnished by the proposer or identified in its proposal as well as other information reasonably available to the purchasing activity. CAUTION TO PROPOSERS: the University is not responsible for locating or securing any information which is not identified in the proposal and reasonably available to the University. Accordingly, to insure that sufficient information is available, the proposer must furnish as a part of its proposal all descriptive material (such as cuts, illustrations, drawings, or other information) necessary for the University to (i) determine whether the product proposed meets the requirements of the Request for Proposals and (ii) establish exactly what the proposer proposes to furnish and what the University would be binding itself to purchase by making an award. The information furnished may include specific references to information previously furnished or to information otherwise available to the purchasing activity.
- 2) If the proposer proposes to modify a product so as to make it conform to the requirements of the Request for Proposals, it shall (i) include in its proposal a clear description of such proposed modifications and (ii) clearly mark any descriptive materials to show the proposed modifications.

13. BUY AMERICAN ACT

The proposer is required to certify on the Proposal Form that each end product is domestic source end product (as defined in the article entitled "Buy American Act"); and that components of unknown origin have been considered to have been mined, produced, or manufactured outside the United States. For the complete listing of items exempted from this requirement. See Federal Acquisition Regulation (FAR) Part 25.104.

14. PARENT COMPANY

A parent company for the purpose of this proposal is a company which either owns or controls the activities and basic business policies of the proposer. To own another company means the parent company must own at least a majority (more than 50%) of the voting rights in that company. To control another company, such ownership is not required; if another company is able to formulate, determine, or veto basic business policy decisions of the proposer, such other company is considered that parent company of the proposer. This control may be exercised through the use of dominant minority voting rights use of proxy voting, contractual arrangements, or otherwise.

15. EMPLOYER'S IDENTIFICATION NUMBER

The proposer shall insert in the applicable space on the Proposal Form, if it has no parent company, its own Employer's Identification Number (E.I.NO.) (Federal Social Security Number used on Employer's quarterly, Federal Tax Return, U. S. Treasury Department Form 941) or, if it has a parent company, the Employer's Identification Number of its parent company.

16. GOVERNMENT-FURNISHED PROPERTY

No material, labor, or facilities will be furnished by the Government unless provided for in the Request for Proposal.