

# STATE OF DELAWARE



**DELAWARE HEALTH  
AND SOCIAL SERVICES**

DIVISION OF MANAGEMENT SERVICES

"DMS Serving Those Who Serve Delaware"

## SPECIFICATIONS AND CONTRACT DOCUMENTS NO. HSS-09-029

FOR

SPECIAL DIET FOODS FOR NOVEMBER 2009

Required for Use By

VARIOUS DELAWARE STATE AGENCIES

**Deposit  
Performance Bond  
Date Due  
Time**

**WAIVED  
WAIVED  
OCTOBER 14, 2009  
11:00 A.M LOCAL TIME**

**\*Please see  
new Delivery  
Requirement  
in Special  
Terms &  
Conditions**

DELAWARE HEALTH AND SOCIAL SERVICES  
DIVISION OF MANAGEMENT SERVICES  
PROCUREMENT BRANCH- MAIN BLDG., ROOM 260  
HERMAN M. HOLLOWAY SR. HEALTH AND SOCIAL SERVICES CAMPUS  
1901 N. DUPONT HIGHWAY  
NEW CASTLE, DELAWARE 19720

## INVITATION TO BID CONTRACT#HSS-09-029

Sealed bids for **SPECIAL DIET FOODS** for Various Delaware State Agencies must be received by the Delaware Health & Social Services, Procurement Branch, Main Administration Building, Second Floor, Room #260, 1901 North DuPont Highway, (Sullivan Street) Herman M. Holloway Sr., Health & Social Service Campus, New Castle, Delaware 19720, until **11:00 AM local time on OCTOBER 14, 2009** at which time they will be opened, read and recorded.

Specifications may be obtained at the above office. Phone: (302) 255-9295.

**PLEASE NOTE:** The following paragraphs hereby become part of the General Terms and Conditions of this bid.

**1, 2, 2A, 3, 3A, 4, 6, 7, 8, 9, 10, 11, 12, 17, 18, 19, 20, 21, 25, 27, 29 and 35** Contact Person: **Annette Opalczynski (302) 255-9295**

**Please review the General Rules and Conditions and the General Requirements, (for Food Only), which appear on the DHSS website. The following forms must be included with your bid: 1) the Bidder Signature Form, 2) the Vendor Certification Form and 3) the Office of Minority and Women Business Enterprise Forms. All of these documents can be accessed on the DHSS website:**

**<http://dhss.delaware.gov/dhss/rfp/dhssrfp.htm>**

**NOTE TO VENDORS:** Your bid **must be signed** and all information on the signature page completed. If you do not intend to submit a bid, please send an e-mail to the buyer for this bid, stating that you do not intend to bid and would like to remain on the mailing list.

**IMPORTANT:** ALL BIDS MUST HAVE ON THE OUTSIDE ENVELOPE OUR (8) EIGHT DIGIT CONTRACT NUMBER. IF THIS NUMBER IS OMITTED YOUR BID WILL IMMEDIATELY BE REJECTED.

**ALL BIDS MUST BE DELIVERED TO THE ADDRESS ON THE BID ENVELOPE. UNDER NO CIRCUMSTANCES WILL A BID BE ACCEPTED THAT IS :**

- LATE
- DELIVERED TO THE WRONG BUILDING
- SIGNED FOR BY A PERSON OTHER THAN A MEMBER OF THE PROCUREMENT STAFF.

**DELIVERY INSTRUCTIONS:**

TO INSURE THAT YOUR BID IS IN THE PROCUREMENT OFFICE ON THE DATE AND THE TIME SPECIFIED, THERE ARE THREE (3) RECOMMENDED METHODS OF DELIVERING BID PROPOSALS LISTED BELOW:

1. HAND DELIVER
2. FEDERAL EXPRESS
3. UPS

FOR FURTHER BIDDING INFORMATION PLEASE CONTACT:

BUYER: ANNETTE OPALCZYNSKI  
DELAWARE HEALTH & SOCIAL SERVICES  
PROCUREMENT BRANCH  
MAIN ADMIN. BLDG., ROOM 260  
1901 NORTH DUPONT HIGHWAY  
HERMAN M. HOLLOWAY SR.,  
HEALTH & SOCIAL SERVICES CAMPUS  
NEW CASTLE, DELAWARE 19720

PHONE: (302) 255-9295

## SPECIAL TERMS & CONDITIONS

- 1) **Prices are to be valid for one month.** The basis for awarding purchase orders against this quotation, include but are not limited to low bid, vendor performance record, lead time, trade and cash discounts, and shipping costs. Determining factors to be those in the best interest of the Department of Health & Social Services, State of Delaware.

In case of any doubt or difference of opinion as to the items to be furnished hereunder the decision of the Chief of Procurement of the Department of Health & Social Services shall be final and binding upon both parties.

- 2) Vendors must submit only one product per bid item or their bid for that item will be rejected.
- 3) The State of Delaware reserves the right to award the entire bid to one vendor or to award individual line items to various vendors. The determining factors are to be those in the best interest of Delaware Health & Social Services.
- 4) **Vendors are required to bid on ALL of the items. Failure to do so will disqualify your bid.**
- 5) **DELIVERY REQUIREMENT- COMPLETION TIME FOR ALL ITEMS MUST NOT EXCEED 2 WEEKS.**
- 6) **MINIMUM CASE REQUIREMENTS WILL NOT BE ACCEPTED.**  
The State of Delaware reserves the right to increase or decrease the quantities of any item by twenty percent (20%).
- 7) **VENDORS MUST SUBMIT A COPY OF THEIR CURRENT DELAWARE BUSINESS LICENSE WITH THEIR BID. TO APPLY FOR A LICENSE, CALL 302-744-1085.**

- 8) Agencies are to be notified if deliveries cannot be made as specified  
In the event delivery provisions are not met, the Delaware Health & Social Services shall have the right to authorize the ordering agency to order equivalent material on the open market. Any cost above contract price resulting from this procedure will become the obligation of the successful vendor (s).  
The Delaware Health & Social Services, Procurement Office, in consultation with the ordering agency, will be the sole judge of material quality and equivalencies and such decision will be final.
- 9) **All prices will be rounded off to two decimal places. Three (3) decimal places will not be accepted. Example: \$10.624 - round off to \$10.62. Failure to do so will mean disqualification of said item.**
- 10) The successful vendor is required to "Bill as Shipped" to the respective ordering agency. Ordering agencies shall provide at a minimum the contract number, ship to and bill to address, contract name and phone number.
- 11) The agencies or school district involved will authorize and process payment of each invoice within thirty (30) days after the date of receipt. The vendor must accept full payment by credit card, or conventional check and/or other electronic means at the State's option, without imposing any additional fees, costs, or conditions.
- 12) All items delivered during the life of the contract shall be of the same type and manufacturer as specified unless specific approval is given by Procurement to do otherwise. Substitutions may require the submission of written specifications and product evaluation prior to approvals being granted.
- 13) Vendors are required to have either a local telephone number or a toll free number. Each agency is responsible for placing their orders and this may be accomplished by written purchase order, telephone, fax or computer online systems. The vendor must accept full payment by procurement credit card or conventional check and/or any other electronic means at the State's option without imposing any additional fees, costs or conditions.
- 14) Force Majeure: Neither the vendor or the ordering agency shall be held liable for non-performance under the terms and conditions of this contract due to, but not limited to, government restriction, strike, flood, fire or unforeseen catastrophe beyond either party's control. Each party shall notify the other in writing of any situation that may prevent performance under the terms and conditions of this contract.

- 15) **Hold Harmless:** The vendor agrees that it shall indemnify and hold the State of Delaware and all its agencies harmless from and against all claims for injury, loss of life, or damage to or loss of use of property caused or alleged to be caused by acts of omissions of the vendor, its employees and invitees on or about the premises and which arise out of the contractor's performance or failure to perform as specified in the agreement.
  
- 16). **Vendor Emergency Response Point of Contact:** The vendor shall provide the names and telephone numbers of those individuals who can be contacted twenty-four (24) hours a day, seven (7) days a week, if there is a critical need for commodities or when/if the Governor of the State of Delaware declares a State of Emergency. Failure to provide this information could render the bid non-responsive.

