

State of Minnesota

MN Lottery



REQUEST FOR BID

Tower Toppers

Date Posted: November 22, 2021

- Responses must be received not later than 2 pm, Central Time, December 7, 2021
- Late responses will not be considered

Minnesota's Commitment to Diversity and Inclusion

The State of Minnesota is committed to diversity and inclusion in its public procurement process. The goal is to ensure that those providing goods and services to the State are representative of our Minnesota communities and include businesses owned by minorities, women, veterans, and those with substantial physical disabilities. Creating broader opportunities for historically under-represented groups provides for additional options and greater competition in the marketplace, creates stronger relationships and engagement within our communities, and fosters economic development and equality.

To further this commitment, the Department of Administration operates a program for Minnesota-based small businesses owned by minorities, women, veterans, and those with substantial physical disabilities. For additional information on this program, or to determine eligibility, please call 651-296-2600 or go to [the Office of Equity in Procurement home page, at www.mn.gov/admin/oep](#).

SPECIAL NOTICE: This is a request for bid. It does not obligate the State of Minnesota to award a contract or complete the proposed program, and the State reserves the right to cancel this solicitation if it is considered in its best interest.

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Solicitation Attachments

- Attachment A: Responder Declarations
- Attachment B: Pricing
- Attachment C: Responder Forms
 - Veterans Preference Form (If Applicable)
- Attachment D: Sample Image

Sample Contract

- Exhibit A: Contract Terms
- Exhibit B: Insurance Requirements
- Exhibit C: Specifications, Duties, and Scope of Work
- Exhibit D: Pricing

SECTION 1 – INSTRUCTIONS TO RESPONDERS

Steps for
Completing Your
Response

Follow the steps below to complete your response to this Solicitation:

- Step 1: Read the solicitation documents and ask questions, if any
- Step 2: Write your response
- Step 3: Submit your response

Incomplete
Submittals

A response must be submitted along with any required additional documents. Incomplete responses that materially deviate from the required format and content may be rejected.

STEP 1 – READ THE SOLICITATION DOCUMENT & ASK QUESTIONS, IF ANY

How to Ask
Questions

The contact person for questions is:

Kolby Sabrina, Buyer
Purchasing Department
purchasing@mnlottery.com

Questions should be emailed by Tuesday, November 30, 2021 no later than 2pm CT.
Other personnel are not authorized to answer questions regarding this Solicitation.

STEP 2 – WRITE YOUR RESPONSE

The Response Content section is in Section 4. Prepare a written response and supply all requested content. Responses should address the requested information and documents detailed in Section 4. **DO NOT INCLUDE** Non-Public/Trade Secret data (as defined by Minn. Stat. § 13.37).

Review, sign, and include the Responder Declarations with your response.

STEP 3 –SUBMIT YOUR RESPONSE

Where to Send
Your Response

Submit your response to:

Purchasing Department
purchasing@mnlottery.com
Kolby, Sabrina, Buyer

Bids must be received not later than 2 pm, Central Time, December 7, 2021

Late responses will not be considered. Responses received after End Date above will not be considered, even if errors or delays were caused by issues outside of responders' control. If you need assistance please contact the MSL Purchasing Department at 651-635-8101.

By submitting a response, your company is making a binding legal offer for the period of time set forth below in Section 5, Conditions of Offer.

SECTION 2 – SUMMARY OF SCOPE

1. **Procurement Overview and Goals.**

The MN Lottery displays a product called Tower Topper. Tower toppers are designed one side vertically and one side horizontally to help MSL retailers find effective placement throughout their store. Features current promotions or games. Will be purchased on an as needed basis.

2. **Sample Tasks and Deliverables.**

Review Exhibit C to the Sample Contract for Specifications, Duties, and Scope of Work.

SECTION 3 – BID INSTRUCTIONS AND ADDITIONAL INFORMATION

1. Anticipated Contract Term.

The term of this contract is anticipated to be from December 13, 2021 to December 12, 2022.

2. Estimated Amount.

The estimated total dollar value of the contract for one year is \$20,000.00 to \$25,000. However, this shall not be construed as either the minimum or maximum amount. It shall also be understood and accepted by the responder that any quantities shown in this solicitation are estimated quantities only and impose no obligation upon the State either minimum or maximum.

3. Question and Answer Instructions.

Deadline for all questions: **Tuesday, November 30, 2021 no later than 2pm CT.**

All questions MUST be submitted **in writing** via email by the question deadline date, Email: purchasing@mnlottery.com and must include Subject line: **RFB_Tower Toppers dated 11-22-2021.**

Responses to questions will be posted by addendum on the Minnesota State Lottery (MSL) Vendors web page: <https://www.mnlottery.com/vendors/>. The MSL is not responsible for transmission failures due to a bidder submitting their question via email or MSL responding with an email notification.

All questions should be submitted no later than the date and time listed in Section 1, Instructions to Responders. The State is not obligated to answer questions submitted after the question due date and time.

Only personnel listed above are authorized to discuss this solicitation with responders. Contact regarding this solicitation with any personnel not listed above could result in disqualification. This provision is not intended to prevent responders from seeking guidance from state procurement assistance programs regarding general procurement questions.

If a Responder discovers any significant ambiguity, error, conflict, discrepancy, omission, or other deficiency in the solicitation, please immediately notify the contact person detailed above in writing of such error and request modification or clarification of the document.

4. Dispute Resolution Procedures.

Any issue a responder has with the RFB document, which includes, but is not limited to, the terms, conditions, and specifications, must be submitted in writing to the contact person for this solicitation prior to the solicitation opening due date and time. Any issue a responder has with the Contract award must be submitted in writing to the contact person for this solicitation within five business days from the time the intent to award or the Contract award date is made public. This public notice may be made by any of the following methods: notification by letter or email, posted on the OSP website, www.mmd.admin.state.mn.us, or electronic notification by our electronic procurement system, SWIFT. The State will respond to any protest received that follows the above procedure. For those protests that meet the above submission requirements, the appeal process is, in sequence: the contact person for this solicitation, the Office of State Procurement (OSP) Acquisitions Manager, and the OSP Director.

5. Sample Review by Bidder

Bidder may review a prior printed sample of previous prints of posters used by the MN Lottery by sending request to purchasing@mnlottery.com.

5.1 Prior print sample is for print quality viewing only and does not represent the actual size and substrate referenced.

5.2 Final product must meet or exceed print quality of sample provided by the Lottery. This includes sharpness/clarity and vibrancies of colors. The colors printed on the Game Plan must closely match the colors on the corresponding Lottery sample.

6. Vaccination/Testing Requirements

6.1 **Applicability.** This section applies to Contractor’s employees or subcontractors who are performing contracted work in the following types of project settings: indoors with regular in-person contact with State agency employees or members of the public; and outdoors with substantial and/or regular in-person, non-socially distanced contact with State agency employees or members of the public (“Covered Individuals”).

6.2 **Requirements.** In accordance with [HR/LR Policy #1446](#), Covered Individuals must be fully vaccinated against COVID-19 as defined in the policy or submit to testing at least once a week.

6.3 **Compliance.** Contractor is responsible for the following:

- a. Tracking and maintaining proof of vaccination status for vaccinated Covered Individuals;
- b. Ensuring Covered Individuals who are not vaccinated are tested on a weekly basis;
- c. Monitoring test results and ensuring that Covered Individuals with positive test results do not access the State workplace to perform contractual services until the Covered Individual has been medically cleared; and
- d. Ensuring its Covered Individuals do not access the location where the contracted work is occurring if the Covered Individual is not in compliance with the requirements stated in item 48.2 Requirements, above.

6.4 **Reporting.** Upon request, Contractor shall provide the State with documentation demonstrating compliance with these requirements. Contractor shall maintain documentation for a minimum of thirty (30) days past the end date of the contract.

SECTION 4 – RESPONSE CONTENT

Please submit the following information:

1. Specifications. Responder must offer goods that meet the specifications detailed in Exhibit C: Specifications, Duties, and Scope of Work attached to the Sample Contract.
2. Cost Detail. Review Attachment B, “Pricing,” attached to this solicitation, and complete and submit Exhibit D Price Schedule, attached to the Sample Contract.
3. Product Documentation. Responder must provide equipment sales literature, technical data or specifications, a user manual, or other documentation about the product upon request by the State, and at no cost to the State. Product documentation should include items such as, but are not limited to, product information, product functionality, and operation instructions. Product documentation may be provided digitally unless the State requires the documentation be provided in print.
4. Printed Substrate Sample. If bidding on substrate other than the one specified, please submit a printed substrate sample that includes the following:
 - (1) Printed Substrate samples is required with bid response or within 2 days of bid closing date.
 - Requirements:
 - Manufacturer’s specification sheet should include:
 - Brand/Name of paper
 - % of Post-consumer waste (PCW) recycled content, weight & brightness.
 - Delivery charges is the responsibility of the bidder.
 - MSL will not accept late sample delivered beyond the deadline as indicated above. Failure to provide samples may result in rejection of the Solicitation response.
 - Deliver sample to the following address:

MN State Lottery
2645 Long Lake Road
Roseville, MN 55113
Attn: Purchasing/Contracts Dept.

Submit all requested documentation, including, but not limited to, the following documents:

1. Attachment A: Responder Declarations
2. Attachment C: Responder Forms
 - a. Veterans Preference Form (If Applicable)
3. Attachment D: Additional Information
4. Exhibit D: Pricing

DO NOT INCLUDE Non-Public/Trade Secret data (as defined by Minn. Stat. § 13.37).

SECTION 5 – SOLICITATION TERMS

1. Competition in Responding

The State desires open and fair competition. Questions from responders regarding any of the requirements of the Solicitation must be submitted in writing to the Solicitation Administrator listed in the Solicitation before the due date and time. If changes are made the State will issue an addendum.

Any evidence of collusion among responders in any form designed to defeat competitive responses will be reported to the Minnesota Attorney General for investigation and appropriate action.

2. Addenda to the Solicitation

Changes to the Solicitation will be made by addendum with notification and posted in the same manner as the original Solicitation. Any addenda issued will become part of the Solicitation.

3. Joint Ventures

The State allows joint ventures among groups of responders when responding to the solicitation. However, one responder must submit a response on behalf of all the others in the group. The responder that submits the response will be considered legally responsible for the response (and the contract, if awarded).

4. Withdrawing Response

A responder may withdraw its response prior to the due date and time of the Solicitation. For solicitations in the SWIFT Supplier Portal, a responder may withdraw its response from the SWIFT Supplier Portal. For solicitations done any other way, a responder may withdraw its response by notifying the Solicitation Administrator in writing of the desire to withdraw.

After the due date and time of this Solicitation, a responder may withdraw a response only upon showing that an obvious error exists in the response. The showing and request for withdrawal must be made in writing to Solicitation Administrator within a reasonable time and prior to the State's detrimental reliance on the response.

5. Rights Reserved

The State reserves the right to:

- Reject any and all responses received;
- Waive or modify any informalities, irregularities, or inconsistencies in the responses received;
- Require responders to conduct presentations, demonstrations, or submit samples;
- Award by location or item, including category, by groups of items, or all items (therefore, the responder is encouraged to offer a response for all locations or items); and
- Interview key personnel or references.

6. Samples and Demonstrations

Upon request, responders are to provide samples to the State at no charge. Except for those destroyed or mutilated in testing, the State will return samples if requested and at the Responder's expense. All costs to conduct and associated with a demonstration will be the sole responsibility of the Responder.

7. Responses are Nonpublic during Evaluation Process

All materials submitted in response to this Solicitation will become property of the State. During the selection process, with the exception of information that becomes public after bids are due, all information concerning the responses submitted will remain private or nonpublic and will not be disclosed to anyone whose official duties do not require such knowledge. Responses are private or nonpublic data until the completion of the selection process as defined by Minn. Stat. § 13.591. The completion of the selection process is defined as the State having completed its evaluation and has ranked the responses. The State will notify all responders in writing of the selection results.

8. Trade Secret Information

8.1 Responders must not submit as part of their response trade secret material, as defined by Minn. Stat. § 13.37.

8.2 In the event trade secret data are submitted, Responder must defend any action seeking release of data it believes to be trade secret, and indemnify and hold harmless the State, its agents and employees, from any judgments awarded against the State in favor of the party requesting the data, and any and all costs connected with that defense.

8.3 The State does not consider cost or prices to be trade secret material, as defined by Minn. Stat. § 13.37.

8.4 A responder may present and discuss trade secret information during an interview or demonstration with the State, if applicable.

9. Conditions of Offer

Unless otherwise approved in writing by the State, Responder's response pertaining to the sale of goods will remain firm for 90 days, until it is accepted or rejected by the State.

10. Award

Any award that may result from this solicitation will be based upon the established selection process. The State reserves the right to award this solicitation to a single responder, or to multiple responders, whichever is in the best interest of the State, providing each responder is in compliance with all terms and conditions of the solicitation. The State reserves the right to accept all or part of an offer, to reject all offers, to cancel the solicitation, or to re-issue the solicitation, whichever is in the best interest of the State.

11. Requirements Prior to Contract Execution

Prior to contract execution, a responder receiving a contract award must comply with any submittal requests. A submittal request may include, but is not limited to, a Certificate of Insurance.

12. Targeted Group, Economically Disadvantaged Business, Veteran-Owned and Individual Preference

Unless a greater preference is applicable and allowed by law, in accordance with Minn. Stat. § 16C.16, businesses that are eligible and certified by the State as targeted group (TG) businesses, economically disadvantaged (ED) businesses, and veteran-owned businesses will receive points equal to 6% percent of the total points available as preference.

For TG/ED/VO certification and eligibility information visit [the Office of Equity in Procurement website at https://mn.gov/admin/business/vendor-info/oep/](https://mn.gov/admin/business/vendor-info/oep/) or call the Division's Helpline at 651.296.2600.

13. Reciprocity

State shall comply with Minn. Stat. § 16C.06, subd. 7, as that applies to a non-resident vendor. This paragraph does not apply for any project in which federal funds are expended.

14. DEED and DHS Preference

In accordance with Minn. Stat. § 16C.155, eligible DEED/DHS providers will receive points equal to 6% percent of the total points available.

15. Preference Environmental

The State desires to purchase environmentally responsible goods and services where practicable. When feasible and when the price of recycled materials does not exceed the price of non-recycled materials by more than 10%, the Commissioner, and State agencies when purchasing under delegated authority, must purchase recycled materials. See Minn. Stat. § 16C.0725.

16. Specifications

A response will be held to strict compliance with the specifications. If a response deviates from the specifications, the deviation must be clearly noted and the State reserves the right to reject the response. All specifications are for new items unless otherwise noted in the solicitation. When brand name or manufacturer's name or numbers are stated in the specifications, they are intended to establish a standard only and are not restrictive unless the solicitation states: "No Substitute." Responses may be considered on other alternate makes, models, or brands having comparable quality, style, and performance characteristics. Any alternates included in a response are subject to State approval.

17. Prompt Payment Discounts Offered

If a responder offers a discount for a payment made in less than 30 days, this discount will not be considered in the evaluation of the response. A prompt payment discount will be calculated from the date of acceptance of an undisputed invoice or upon the date a disputed invoice is resolved.