

**INVITATION FOR SEALED BIDS
FOR
TACTICAL HEADSETS**
Solicitation # 022621-HEADSETS



**EAST-WEST GATEWAY
Council of Governments**

Creating Solutions Across Jurisdictional Boundaries

IFB

***1 S. Memorial Drive, Suite 1600
St. Louis, MO 63102***

January 27, 2021

Invitation for Sealed Bids For Tactical Headsets

East-West Gateway Council of Governments (the Council) is seeking sealed bids for twenty-five (25) tactical headsets that meet the specifications described in Attachment A – Detailed Bid Specifications.

Sealed bids are due no later than 1:00 p.m. local time on February 26, 2021 via e-mail only. **Due to the COVID-19 pandemic, the Council's offices are closed and printed or faxed bid documents will not be accepted.**

<p>Subject Line: IFB – 022621-HEADSETS E-mail address: BIDAdmin@ewgateway.org c/o Ms. Leah Watkins</p>
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The received date/time for the e-mailed sealed bid is measured based on date/time the e-mail is received by the Council.

Section I contains the formatting, content, and other requirements for a sealed bid. ***Unless otherwise due to extenuating circumstances and approved by the Council in advance, any sealed bids received after the date and time listed above will be rejected and will not be opened.***

The Council will hold a virtual opening for the sealed bids at 1:30 p.m. local time on February 26, 2021. Firms can attend the virtual opening either via computer or phone at the following:

Computer: <https://global.gotomeeting.com/join/826055005>

Phone: +1 (872) 240-3412

Access code: 826-055-005

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Attachments*

- A Detailed Bid Specifications
- B Firm Information
- C Firm Responsibility Information
- D Purchase Order Terms & Conditions Comments

**Fillable / savable version of the attachments can be found on the Council's website at www.ewgateway.org/about-us/what-we-do/doing-business-with-ewa/contracting-opportunities/*

Appendices**

- 1 Draft Purchase Order Terms & Conditions
- 2 Conflicts of Interest Policy
- 3 FAQs – Sealed Bid Requirements
- 4 Firm Responsibility Questionnaire

***Appendices are available on the Council's website at www.ewgateway.org/about-us/what-we-do/doing-business-with-ewa/contracting-opportunities/*

A. Formatting & Other Requirements

Sealed bids must conform to the following parameters*:

Page #	No more than 15 pages, exclusive of the required attachments
Page Size	8.5" X 11"
Page Orientation	Portrait, Landscape, or Both
Margins	1"
Font Size	Not less than 11 point font
Font Type	No requirement

*The submittal requirements listed above **do not** apply to samples, informational materials, OR to the Attachments (forms).

Each responding firm must provide electronic copies of its sealed bid, including samples, informational materials, and attachments that may be required. In addition to the parameters noted above, the sealed bids must adhere to the requirements described below for the electronic versions.

Print Version – Bid w/ Attachments A through D included*

# of Copies	0 – <u>bids must be submitted via e-mail</u>
Binding	N/A

***Attachments A through D are required in electronic format.**

Electronic Versions

Bid + Attachments	1 copy in *.pdf format
Attachment A	1 copy in *.xls or *.xlsx format

Several attachments require a signature and the electronic versions of these attachments **must include a signature**. A list of these attachments is provided below.

A	Detailed Bid Specifications
B	Firm Information
C	Firm Responsibility Information, Forms 1 – 3 must be signed
D	Purchase Order Terms & Conditions Comments

Additional information about the sealed bid requirements can be found in *Appendix 3 – FAQs – Sealed Bid Requirements*.

B. Content

All of the items listed below must be addressed and included in each sealed bid. ***If all of these items are not provided in a firm's sealed bid, then the Council may deem the firm's bid non-responsive and may not evaluate the bid.***

The Council reserves the right to waive minor errors, omissions, or technicalities as determined to be in the best interest of the Council and that do not impede the Council's ability to determine if the bidder responds in quality, fitness, and capacity to the project's requirements.

Sub-Part 1 – Attachment A – Detailed Bid Specifications

The Council intends to award a single, firm fixed price contract for the items described in this IFB; however, if this IFB is for multiple items, then the Council may, at its discretion, award multiple firm fixed price contracts. Each firm responding to this IFB must provide an electronic signed, version of its Attachment A. Each firm must also submit its price quote using *Attachment A – Detailed Bid Specifications* (Attachment A). Attachment A is available in *.xlsx format on the Council's website at www.ewgateway.org/about-us/what-we-do/doing-business-with-ewg/contracting-opportunities/. This spreadsheet may only be modified as noted in the file.

The specifications described in Attachment A are the minimum acceptable. When specific manufacturer and model numbers are used, they are to establish a design, type of construction, quality, functional capability, or performance level desired. When firms quote alternates, they must be identified by manufacturer, stock number, and other information necessary for the Council to establish equivalency. The Council / evaluators will determine whether the alternate offered is an equivalent item. The Council / evaluators may request a demonstration of the products prior to a contract award and the responding firm must make a reasonable effort to arrange a presentation of the proposed products.

*The Council reserves the right to reject, as non-responsive, a firm that does **not** submit:*

- ❖ *Attachment A in the required format*
- ❖ *All of the information requested in Attachment A, including a signature*

The Council reserves the right to select any single or combination of items, including optional items, and the final contract price will be determined based upon the items selected. In order to ensure that the project costs are reasonable and accurate, the Council also reserves the right to: (1) question elements of cost and request additional information regarding the basis for the costs; and (2) negotiate, and accept or reject, costs or elements of costs. A firm that refuses to provide information or documentation regarding its proposed costs may be deemed ineligible for a contract award.

Sub-Part 2 – Supporting Information

Each firm's sealed bid package must include the following items:

1. Information that provides a clear description of the warranties that will be supplied by the firm, if the firm is awarded a contract for the project.
2. Descriptive literature, brochures, or pictures and specifications showing the exact products that the bidder proposes to provide.
3. If applicable, two (2) copies each of operator's manual, parts book, and technical service manual. Note that the price quoted in Attachment A should include the cost of these materials, if applicable.
4. Any additional information specified in Attachment A.

Sub-Part 3 – Firm Information & Responsibility Certification

*****A signed version of Attachments B and C should be provided in electronic format (*.pdf format) via e-mail.***

1. Firm Information. Each responding firm must provide in its sealed bid an *Attachment B – Firm Information* (Attachment B). ***A sealed bid that does not include a completed and properly signed Attachment B may result in the Council deeming the bid non-responsive.***
2. Firm Responsibility Information. Each responding firm must provide in its sealed bid an *Attachment C – Firm Responsibility Information* (Attachment C). ***A sealed bid that does not include a completed and properly signed Attachment C may result in the Council determining that the responding firm is not responsible and, therefore, ineligible to move on to other steps of the procurement process or be awarded a contract for the project.***

Attachments B and C must be completed in their entirety. A responding firm is **not** permitted to substitute its own format or information for Attachments B or C.

Responding firms should be aware that the Council may deem a firm's submittal non-responsive and reject the submittal for: (1) failure to sign Attachments B or C, Forms 1 – 3; (2) failure to provide all of the information requested in Attachments B or C; or (3) failure to provide sufficient information for the Council to make an initial responsibility determination. The Council reserves the right to waive minor errors, omissions, or technicalities in Attachments B and C as determined to be in the best interest of the Council.

Sub-Part 4 – Purchase Order Terms & Conditions

*****A signed version of Attachment D should be provided in electronic format (*.pdf format) via e-mail.***

The draft purchase order (PO) terms and conditions are provided in Appendix 1. These terms will govern the project and may change if circumstances warrant it; however, any terms required by state or federal rules, regulations, or statutes or by the Council's agreement with a funding agency, are non-negotiable and are not subject to change. Each responding firm must review the terms and complete, sign, and submit *Attachment D – Purchase Order Terms & Conditions Comments*, which will notify the Council of the firm's questions or concerns about the PO terms and conditions. The firm that is selected for a contract award will be required to adhere the PO terms and conditions, subject to any changes that the Council may expressly agree to in writing.

The Council's selection of a firm to provide the items described in this IFB will be conducted in accordance with the Council's purchasing policies and procedures. Unless otherwise noted in this IFB, the Council will open each sealed bid that the Council received by the deadline described in Section VII, Part C. The Council will open each sealed bid at the time and location described in Section VII, Part D. Each bid will be evaluated according to the steps and criteria listed in this Section II.

Upon successful selection approval, the Council will make the contract award to lowest priced, responsible firm, which provided a bid that is responsive to this solicitation and best responds in quality and fitness to the requirements described in this IFB and is, therefore, in the best interest of the Council. If the Council decides to conduct discussions, it will proceed as described below. The Council reserves the right to select any individual firm or combination of firms to provide the items described in this IFB and that the Council determines is in its best interest. If this is a multiple award solicitation, then each item included in the sealed bid will be evaluated separately and may be awarded separately.

Discussions and Clarifications

At its option, and if the Council determines that it is in its best interest, the Council may conduct additional discussions with any firm at any time prior to making a final selection. These discussions may pertain, but are not limited to: clarifying information contained in the firm's sealed bid or provided by the firm to the Council, clarifying information contained in the solicitation documents, obtaining additional information from the firm, negotiating the items in the bid, permitting a firm to modify its bid, etc. As part of this process, the Council may elect to conduct oral discussions, request more information, and request presentations concerning the firm's bid and its ability to meet the project's requirements, including the budget. In general, the Council will conduct these discussions with a firm that is in the "competitive range." Competitive range means that the firm has a reasonable chance of being selected for the contract award, when relevant factors are considered (e.g. price, responsiveness); however, the Council may choose to conduct these discussions with all firms that provided a sealed bid or only those firms that were deemed responsible and that provided a responsive bid.

If these discussions lead the Council to determine that the solicitation documents were unclear or otherwise deficient and need to be modified, then the Council will follow the procedures described in Section V, Part I.

A. Step 1 – Responsiveness / Firm Responsibility

During Step 1 of the evaluation process, the Council will review a bid to ensure that it meets all of the minimum IFB requirements and will make an initial determination regarding the responding firm's responsibility. Each factor is described in more detail below.

Sub-Part 1 – Responsiveness

A sealed bid that does not meet the minimum IFB requirements may be rejected as non-responsive and may not continue to future steps of the evaluation and selection process.

The Council's procurement staff will review each bid that is received by the required due date and time in order to determine if the bid meets the minimum requirements described in the solicitation documents.

This stage of the process is based on the assignment of "yes/no/waived" for each minimum requirement. A bid that does not meet the minimum requirements described in Section I and does not receive a waiver for not providing the required information, may be rejected as non-responsive and the firm may be deemed ineligible to move on to other stages of the evaluation process or be considered for a contract award. *The Council reserves the right to waive minor errors, omissions, or technicalities as determined to be in the best interest of the Council and that do not impede the Council's ability to determine if the bidder responds in quality, fitness, and capacity to the project's requirements.*

Sub-Part 2 – Firm Responsibility

The Council will not award a contract for the project to a firm that the Council's determines is not responsible. The Council's responsibility review will be conducted as described below. The definition of a "responsible" firm is provided in Sub-Part 2, #2.

1. Initial Responsibility Review.

For each responsive bid, the Council will conduct an initial review of the firm's responsibility. The Council will make this initial determination based upon the responding firm's bid, Attachment C, and any other information the Council requests or determines is relevant to its determination. During the initial responsibility determination, the Council reviews the bid and assigns either a "yes" or a "no" to indicate whether the firm has been deemed initially responsible and eligible to move on to the next step of the evaluation process.

A bid that does not include the information necessary for the Council to make its initial determination regarding firm responsibility may result in the Council determining that the responding firm is not responsible and, therefore, ineligible to move on to other steps of the procurement process or be awarded a contract for the project.

2. Definition. A "responsible" firm is one that:

- (a) does not have any corporate, legal, or financial barriers to successful performance,
- (b) has, or has the ability to obtain, the financial and resource capacity to successfully produce or deliver the items described in this IFB within the estimated performance period,
- (c) has a satisfactory performance record, and
- (d) is not currently suspended or debarred or is not currently being considered for suspension or debarment.

B. Step 2 – Bid Evaluation

The Council will evaluate each bid that is deemed to be responsive and that was submitted by a firm that the Council deemed initially responsible. The Step 2 evaluation will be conducted using the process described below.

Sub-Part 1 – Specification Review

The Council / evaluators will review Attachment A – Detailed Bid Specifications (Attachment A) and any supplemental materials that the firm submitted in its bid to determine if the item offered by the firm meets the minimum specifications described in Attachment A. If a firm did not indicate in the Attachment A that the minimum specification was met (i.e. if the field is left blank), then the Council will assume that the firm's product does not meet the specification.

A firm's bid must meet or exceed the minimum specifications described in Attachment A in order to continue to the next step in the evaluation process. If a firm's bid does not meet *all* of the minimum specifications, the firm's bid will be deemed non-responsive and the firm will not advance to the next step in the evaluation process.

Sub-Part 2 – Price Review

Following the specification review, the Council will review the price for each bid that met or exceeded the minimum specifications. The Council will also review the total price offered in each bid, including any additional costs like warranties, license fees, maintenance costs, shipping or delivery fees, transportation costs, life cycle costs, etc. in order to determine which firm offered the lowest price for the item(s) described in this IFB. When determining which price is the lowest, the Council will also consider any discounts that are offered by the responding firm.

C. Step 3 – Selection & Contract Award

The final selection and contract award process will proceed as described below. The award process is considered open and on-going until all final negotiations have concluded.

1. Selection. After the conclusion of the evaluation process, the Council will recommend a contract award to the lowest priced, responsible firm, which provided a bid that is responsive to this solicitation and best responds in quality and fitness to the requirements described in this IFB and is, therefore, in the best interest of the Council. The Council will make this recommendation to the Council's Board of Directors, which will indicate the firm selected for the contract award, the not-to-exceed contract price, and, if applicable, an alternate firm / firms that may be awarded the contract if the Council cannot come to terms with the selected firm. If the Board of Directors approves the selection recommendation and contract price, then the Council can award the contract to the selected firm.

2. Contract Award.

- (a) *Firm Notifications.* Once the Board of Directors has approved the selection recommendation and amount of funding for the contract, the Council will notify the selected firm that it has been awarded the contract. The Council may notify the unsuccessful firms of the results at any time after the Board of Directors has approved the selection recommendation and contract funding. The Council may, at its option, elect to notify unsuccessful firms only after all negotiations have been concluded and a purchase order has been issued.
- (b) *Final Responsibility Determination.* At the conclusion of the evaluation and selection process, after a firm has been selected, and the Council's Board has approved the selection decision, the Council will make a final responsibility determination for the firm that is selected for a contract award. The selected firm may be required to complete and submit a Firm Responsibility Questionnaire. A copy of this questionnaire is provided in *Appendix 4 – Firm Responsibility Questionnaire*. The Council may make its final determination regarding the selected firm's responsibility based upon any one or combination of: the firm's bid, the questionnaire, a review of the firm's financial situation, and any other information the Council requests or determines is relevant to its determination. See Step 1, Sub-Part 2, #2 for the definition of a "responsible" firm. The factors that the Council may use to make its final determination are described in Appendix 1. If the Council cannot determine that the firm is responsible, then the Council may formally, and in writing, end all negotiations with the selected firm and may elect to:
 - (i) make a contract award to the next lowest priced, responsible firm, which provided a bid that is responsive to this solicitation and best responds in quality and fitness to the requirements described in this IFB and is, therefore, in the best interest of the Council; or
 - (ii) close the procurement process without making a contract award to any other firms.

A. Modifications of the Solicitation Documents

During the procurement process (including the evaluation and selection process), if the Council determines that this IFB is unclear, information is missing, or is otherwise deficient, the Council may decide to modify the solicitation documents by issuing an Addendum. In the event the solicitation documents are modified, the Council will determine how the evaluation and selection process will proceed (i.e. revert back to Step 2) and will explain this process in the Addendum document. The Council will notify the appropriate firms and provide instructions on how to provide a modified sealed bid. The Council is not required to notify any firms that had a bid that was deemed non-responsive or any firms that were not deemed responsible. *The Council is under no obligation to modify the solicitation documents or provide any particular firm an opportunity to change its bid. At all times, the Council will make its decisions based upon what is in the Council's best interest.*

B. Withdrawing or Modifying a Bid

A responding firm may withdraw or modify its sealed bid up to date and time noted in Section VII, Part C. A responding firm that wishes to withdraw or modify its bid must provide a written notice (signed and on company letterhead) to the Council's designated point of contact identified in Section VII, Part A. Except as noted in Section III, Part A, once the deadline specified in Section VII, Part C has passed, a responding firm will not be permitted to withdraw or modify its bid, unless the Council determines that it is in the Council's best interest to permit a firm to do so.

C. No Obligation to Award Contract or Pay for Cost to Develop Bid

This IFB does not commit the Council to award a contract, to pay for any costs incurred in the preparation of a sealed bid, or to procure or contract for any particular goods or services.

D. Cancellation of this Request

The Council reserves the right to accept or reject any or all of the bids received as a result of this IFB. The Council may also cancel this IFB, in whole or in part, at any time including, but not limited to, after the Council's Board of Directors has authorized the Executive Director to enter into a contract. The Council will make these determinations based upon what is in the Council's best interest.

E. Unauthorized Communications

After the release of this IFB, a responding firm's contact regarding this IFB or the subject of this IFB must be limited to the person identified in Section VII, Part A. Unless the person contacted is the person identified in Section VII, Part A, any communication (whether oral or written) about this IFB or the subject of this IFB with any person or organization listed below is prohibited and may result in the responding firm's disqualification from the procurement process.

1. Members of the evaluation team or selection committee.
2. A Council or STARRS staff member.
3. A member of the STARRS Board of Directors or other committees, including the following:
 - (a) Law Enforcement
4. A member of the Council's Board of Directors or other committees.
5. The staff persons or personnel of an organization that will benefit from the project / IFB, including:
 - (a) Jefferson County Sheriff's Department

The restrictions noted here apply equally to any of the responding firm's subcontractors or joint venture partners.

F. Gratuities, Favors, Gifts Prohibited
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A responding firm is prohibited from offering any gratuity, favor, gift, or anything of monetary value to any officer, employee, agent, director, or Board or committee member of the Council or STARRS for the purpose of influencing a favorable disposition toward the firm's selection for contract award or otherwise affecting the procurement process. *The restrictions noted here apply equally to any of the responding firm's subcontractors or joint venture partners.*

G. Non-Endorsement

If a firm is selected for contract award, the firm shall not issue any news releases or other statements pertaining to the award or the agreement that state or imply the Council's endorsement of the firm's services or products.

H. Public Records & Information
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Responding firms should be aware that any information submitted in response to this IFB might be subject to disclosure under the Missouri Sunshine Act or the Federal Freedom of Information Act. The Council will handle all requests for information related to this IFB in accordance with applicable federal and state statutes. The Council will not disclose any information submitted in response to this IFB *prior* to the bid opening unless the firm provides the Council with written authorization or the Council is compelled to disclose the information by law or judicial decree.

Quoted prices cannot and will not be withheld from disclosure under the Missouri Sunshine Act or the Federal Freedom of Information Act.

J. Other Terms & Conditions

1. Quantities. The quantities shown in this solicitation are based on estimated needs. The Council reserves the right to increase or decrease the quantities to meet actual needs. The Council reserves the right to accept any item or group of items offered, unless the responding firm qualifies its bid by specific limitations. The bid can be on an “all or none” basis if wording in the bid so states and if all items solicited are included in the bid package. A responding firm must check the appropriate box in Attachment A if it intends its bid to on an “all or none” basis.
2. Quality. Unless otherwise indicated in this solicitation, all material offered must be first quality. Items which are used, demonstrators, obsolete, seconds, or which have been discontinued are unacceptable without prior written approval by the Council. Poor quality will be sufficient reason for the Council to reject all or any part of the completed project. The deduction for rejected items will be prorated proportionate to the total bid price.
3. Warranty. The firm selected for the contract award must warrant all work again defects in materials and workmanship and lack of durability for the term specified in the solicitation documents. All costs associated with warranty repair will be at the selected vendor’s expense. Additional warrant restrictions are provided in the PO Terms & Conditions in Appendix 1.
4. Delivery. Each responding firm must provide an estimated delivery schedule, as described in Attachment A. All deliveries must be FOB. All delivery costs or charges must be included in the FOB destination bid price. Each responding firm agrees and understands that delivery of the products in accordance with the delivery schedule approved by the Council is considered a material component of any contract award made to the selected firm. Failure by the selected firm to adhere to the delivery schedule will be considered a material breach of the contact and the Council may rescind the contract award or seek other legal remedies available to the Council. Failure of the selected firm to adhere to the delivery schedule or to promptly replace rejected materials will render the firm liable for all costs in excess of the contract price when alternate procurement is necessary. Excess costs shall include administrative costs.
5. Pricing and Discount. The Council qualifies for governmental discounts, including U.S. General Services Administration (“GSA”) pricing for information technology equipment. Quoted unit prices must reflect these discounts. Unit prices shown in the bid and subsequent contract must be the price per unit of sale (e.g., gal., cs., doz., ea.) as stated in this solicitation. For any given item, the quantity multiplied by the unit price will establish the extended price and the unit price will govern in the bid evaluation and contract administration.

Prices established in continuing agreements and term contracts may be lowered due to general market conditions, but prices will not be subject to increase for ninety (90) calendar days from the date of the contract award. Any increase proposed must be submitted to the Council thirty (30) calendar days before the proposed effective date of the price increase, and will be limited to fully documented cost increases which are demonstrated to be industrywide. The conditions under which price increases may be granted will be expressed in the contract.

In determination of the contract award, the Council will consider discounts for early payment only when all other conditions are equal and when payment terms allow at least ten (10)

calendar days, providing the discount terms are deemed favorable. All payment terms must allow the option of net thirty (30) calendar days.

All prices included in the bid package must be guaranteed for a minimum of ninety (90) calendar days.

6. Taxes. The Council is exempt from payment of all state, county, and city sales taxes in the state of Missouri on its purchases and these costs must be excluded from the bid. The Council will provide the selected firm a copy of the Council's tax exempt letter. The Council may be subject to other states' taxes on its purchases in that state depending on the laws of that state.
7. Ordering. A contract, if issued, will be placed directly to the selected firm by the Council's authorized representative. No other contracts / purchase orders are authorized.
8. Payment Terms and Invoicing. The Council will pay properly submitted vendor invoices within thirty (30) calendar days of receipt provided that the goods or services have been delivered, installed (if required), and accepted prior to the issuance of the invoice. Invoices presented for payment must be submitted in accordance with instructions contained in the contract including reference to purchase order number and submitted to the correct address for processing. A good faith dispute creates an exception to prompt payment.
9. Material Safety Data Sheet. If any item(s) on an order(s) resulting from the contract award is a hazardous chemical, as defined under 29 CFR 1910.1200, the selected firm must provide one (1) copy of a Material Safety Data Sheet for each item with the shipped container(s) and one (1) copy with the invoice(s).
10. Safety Requirements. All materials, equipment, and supplies provided to the Council must comply fully with all safety requirements as set forth by the Missouri Administrative Code and all applicable Occupational Health & Safety Administration (a.k.a. OSHA) Standards.
11. Federal Labor Laws. The selected firm guarantees that the products described in this solicitation were manufactured or produced in accordance with applicable federal labor laws.
12. Patent Infringement. The selected firm guarantees that the sale or use of the products described in this solicitation will not infringe any United States patent.
13. PO Terms & Conditions. In addition to the terms described above, the PO terms and conditions provided in Appendix 1 apply to this solicitation and any subsequent contract. If the project funding for this solicitation comes from federal sources, the terms and conditions described in Appendix 1, Attachment 2 will apply. If this solicitation includes services, the terms and conditions described in Appendix 1, Attachment 3 will apply.

I. Contract Type

The Council intends to award a single, firm fixed price contract for the items described in this IFB.

K. Project Funding

The Council anticipates funding the project using the following sources:

U.S. Department of Homeland Security, Urban Area Security Initiative Grant, CFDA 97.067 100%

The vendor shall not discriminate on grounds of the race, color, national origin, religion, sex, disability, or age of any individual in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The vendor shall not participate either directly or indirectly in the discrimination prohibited by 6 CFR Part 21 or 44 CFR Subtitle A, Part 7 including employment practices.

These nondiscrimination requirements apply to all solicitations either by competitive bidding or negotiation made by the vendor for work to be performed under a subcontract, including procurement of materials or equipment. The vendor shall notify each potential subcontractor or supplier of these requirements relative to nondiscrimination on grounds of the race, color, religion, sex, disability, age, national origin, or ancestry of any individual.

A. D/S/W/MBE Participation for the Council's Project

The Council has adopted a Disadvantaged Business Enterprise (DBE) Program to ensure that DBEs have an equal opportunity to participate in Council projects. Additionally, the Council encourages participation from small (S), women-owned (W), and minority owned (M) business enterprises (collectively S/W/MBEs). D/S/W/MBEs are encouraged to provide a submittal as prime contractors for this project. Non-disadvantaged firms are encouraged to use D/S/W/MBEs as subcontractors or form joint ventures on the project.

All DBE and SBE participation will be governed by the Council's DBE Program and W/MBE participation will be governed by applicable policies, requirements, and regulations of the Council's funding agencies. Responding firms are also required to comply with the federal requirements described in Section V, Part D.

B. Definitions

1. Disadvantaged Business. The term "Disadvantaged Business" means a small business concern:
 - (a) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals, or, in the case of any publicly owned business, at least 51 percent of the stock is owned by one or more socially and economically disadvantaged individuals; and
 - (b) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
2. Presumption of Disadvantage. Members of the following named groups will be presumed to be both socially and economically disadvantaged by the Council:
 - (a) Black Americans,
 - (b) Hispanic Americans,
 - (c) Native Americans,
 - (d) Asian Pacific Americans,
 - (e) Asian Indian Americans,
 - (f) women (regardless of race, ethnicity or origin), and
 - (g) persons certified as socially and economically disadvantaged by the Small Business Administration (SBA) under the SBA Section 8(a) program.
3. Women's Business Enterprise & Minority Business Enterprise. The terms "Women's Business Enterprise" and a "Minority Business Enterprise" have the meanings set forth by the Missouri Office of Equal Opportunity (MoOEO), found at: <https://apps1.mo.gov/MWBCertifiedFirms/>.

4. Small Business Enterprise. The term “Small Business Enterprise” is defined in accordance with the SBA’s definition, as follows:
- (a) *“... a small business concern is one that is independently owned and operated, is organized for profit, and is not dominant in its field. Depending on the industry, size standard eligibility is based on the average number of employees for the preceding twelve months or on sales volume averaged over a three-year period.”*
 - (b) The Council will use the SBE size standards provided in 13 CFR Part 121 (as it may be amended from time-to-time) to determine a small business enterprise’s eligibility.

C. Certifications

Any firm that wishes to participate as a D, S, W, or MBE for the Council’s project must first be currently certified and registered. The certification / registration requirements are described below.

1. DBE. In order to be considered a DBE, a firm must be certified and must be registered as a DBE through the Unified Certification Process (UCP) used by the State of Missouri. Missouri’s UCP directory is maintained by the Missouri Department of Transportation (MoDOT). The UCP directories can be found at the following URL:
 - (a) [Missouri Regional Certification Committee \(MRCC\) Directory](#)
2. W/MBE. In order to be considered a WBE or MBE, a firm must be certified and must be registered with MoOEO, must be registered as a female-owned or minority-owned DBE through Missouri’s UCP, or must demonstrate WBE status through its certification with the federal System for Award Management (SAM). The directories / SAM site can be found at the following URLs:
 - (a) [MoOEO W/MBE Directory](#)
 - (b) [MRCC Directory](#)
 - (c) [Federal System for Award Management](#)
3. SBE. In order to be considered an SBE, a firm must meet the definition of a small business, as indicated above, and be registered as an SBE through Missouri’s UCP or through SAM.
 - (a) [MRCC Directory](#)
 - (b) [Federal System for Award Management](#)

A D/S/W/MBE may include in its submittal a copy of its MoDOT, MoOEO, or SAM certification, as applicable.

D. Other Federal Requirements

Federal regulations require that responding firms take affirmative steps to ensure that S/W/MBE and labor surplus area firms have an equal opportunity to participate in and are used, when possible, on projects that are wholly or partially funded with DHS grant funds. These affirmative steps include:

1. placing qualified S/W/MBEs on solicitation lists for subcontracts or joint ventures;
2. assuring that S/W/MBEs are solicited whenever they are potential sources of work or supplies;
3. dividing total project requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by S/W/MBEs;
4. establishing delivery schedules, where the solicitation documents permit, which encourage participation by S/W/MBEs; and
5. using the services and assistance, as appropriate, of the SBA and the Minority Business Development Agency of the Department of Commerce.

E. Documenting D/S/W/MBE Participation

As described in Section I, Sub-Part 3, #1, each firm responding to this solicitation must complete and submit Attachment B to document the level of D/S/W/MBE participation.

In the course of this IFB and the evaluation and selection process, a responding firm (bidder or offeror whose direct economic interest would be affected by the award of the contract) may file a protest when, in the firm's opinion, actions were taken by the Council's staff or the selection committee which could unfairly affect the outcome of the evaluation and selection process.

All protests should be in writing and directed to:

Executive Director
East-West Gateway Council of Governments
1 S. Memorial Drive, Suite 1600
St. Louis, MO 63102

Protests should be made immediately upon the occurrence of the incident in question, but no later than three days after the responding firm received notification of the outcome of the evaluation and selection process. The protest should clearly state the grounds for the protest.

Upon receipt of the protest, the Executive Director will review the actual procedures followed during the evaluation and selection process and the documentation available. If it is determined that the action(s) unfairly changed the outcome of the evaluation and selection process, negotiations with the selected firm will cease until the matter is resolved.

A. Inquiry Submission & Deadline

Inquiries regarding this IFB must be submitted no later than 1:00 p.m. local time on February 19, 2021. The Council will not accept any inquiries after this date and time. Inquiries include questions about or requests for clarification of the information contained in this IFB or about the project in general. All inquiries must be submitted to:

Leah Watkins
Contracts and Grants Coordinator
East-West Gateway Council of Governments
(314) 421-4220 ext. 208
leah.watkins@ewgateway.org

*****Note that due to the COVID-19 pandemic, the Council's offices are closed and staff is working remotely; therefore, firms are encouraged to submit inquiries via e-mail.***

Before submitting a question, firms are encouraged to review Appendix 3 – FAQs – Sealed Bid Requirements.

B. Q & A – Addendums Posted On-Line

In order to ensure that all firms receive the same information about this IFB or the project, the Council will post its response to any inquiry on its website at www.ewgateway.org/about-us/what-we-do/doing-business-with-ewg/contracting-opportunities/. Each firm should visit the Council's website periodically to check for any additional information. If a firm wishes to have a printed copy of the information mailed to it, then the firm must mail or e-mail a written request to the person identified in Section IX, Part A. This request must be received no later than 1:00 p.m. local time on February 19, 2021.

C. Submission Date, Time & Address

Sealed bids are due no later than 1:00 p.m. local time on February 26, 2021 via e-mail only. **Due to the COVID-19 pandemic, the Council's offices are closed and printed or faxed bid documents will not be accepted.**

Subject Line: IFB – 022621-HEADSETS
E-mail address: BIDAdmin@ewgateway.org
c/o Ms. Leah Watkins

The received date/time for the e-mailed sealed bid is measured based on date/time the e-mail is received by the Council.

Section I contains the formatting, content, and other requirements for a sealed bid. ***Unless otherwise due to extenuating circumstances and approved by the Council in advance, any sealed bids received after the date and time listed above will be rejected and will not be opened.***

All sealed bids, including any attachments, appendices, and work samples, that are received in response to this IFB will become the exclusive property of the Council and will not be returned to the responding firm unless otherwise noted in this IFB or the Council determines that returning the submitted materials is warranted.

D. Bid Opening Time & Location

The Council will hold a virtual opening for the sealed bids at 1:30 p.m. local time on February 26, 2021. Firms can attend the virtual opening either via computer or phone at the following:

Computer: <https://global.gotomeeting.com/join/826055005>

Phone: +1 (872) 240-3412

Access code: 826-055-005

E. Solicitation Schedule

Below is a tentative schedule for this solicitation. This schedule may be modified, as needed.

Description	Time (Local)	Date
Deadline for questions	1:00 p.m.	2/19/21
Sealed bids due	1:00 p.m.	2/26/21
Sealed bids opened	1:30 p.m.	2/26/21
Selection Committee review / firm selection	n/a	3/05/21
Board meeting / contract award approval	n/a	3/31/21
Selection notifications sent	n/a	3/31/21

ATTACHMENTS

Fillable / Savable versions of the attachments are available on-line at:

www.ewgateway.org/about-us/what-we-do/doing-business-with-ewg/contracting-opportunities/

Attachment A - Detailed Bid Specifications
Invitation for Sealed Bids for Tactical Headsets
Solicitation # 022621-HEADSETS

Refer to the Instructions worksheet for important information about completing this Attachment A.

Quantity Required:	25
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Required Minimum Specifications: <i>All sizes indicated are approximate, and where manufacturers/brands are listed, equivalents are acceptable.</i>	Vendor's Product Meets Minimum Specifications (Exceeds, Yes or No)	Product Offered by Vendor, If Different from the Specifications
A Atlantic Signal Comtac V or equivalent tactical headsets		
1 Must include Ops-Core style rail kits		
2 Must be tan / brown in color		
3 Must include noise cancelling, ambidextrous boom microphone that features noise-cancelling capabilities		
4 Must have a removable, interchangeable over-the-head, stainless steel to allow switching between helmet-mounted and over-the-head frames.		
5 Must include downlead cable connection that allows for single, dual or multi-comm push-to-talk features		
6 Must provide nonlinear hearing protection		
7 Must be battery-powered (please specify battery type)		
8 Must be capable of being powered for 300 hours or greater.		
9 Must have a minimum submersion rating of approximately 3 feet / 30 minutes.		
10 Please specify warranties.		
B N/A		
1 n/a		
C Price	QTY	Unit Cost
1 Cost of 25 Tactical Headsets	25	\$0.00
2 Delivery of equipment will be to one location in the St. Louis region. Equipment must be delivered by July 31, 2021.	1	\$0.00
TOTAL COST OF TACTICAL HEADSETS		\$0.00
<i>*Refer to Appendix 1, Attachment 1, Paragraph 7.0 and Section D of this Attachment A for information regarding delivery requirements.</i>		

Attachment A - Detailed Bid Specifications
Invitation for Sealed Bids for Tactical Headsets
Solicitation # 022621-HEADSETS

Refer to the Instructions worksheet for important information about completing this Attachment A.

D		Additional Information Requested
1	Is your firm an authorized dealer / distributor of the	
2	Is your firm capable of providing product information, warranty	
3	What is the estimated delivery time frame once you have	
4	If your firm cannot meet the July 31, 2021 delivery date, what is the delivery date that your firm can meet?	

Contact Information for Firm

Firm Name

DUNS # (Required)

Name & Title

Email Address

Phone #

Certification & Signature

By signing below I certify that I am authorized to submit this bid on behalf of my firm and I commit this bid for a minimum of 90 calendar days. I have read and understood the terms and conditions provided in Appendix 1 and agree to abide by each.

Name & Title of Authorized Official

Signature of Authorized Official

Date

ATTACHMENT B Firm Information

TACTICAL HEADSETS IFB - #022621-HEADSETS

A. Bidding Firm's Name & Address

Firm Name _____

Business Address (Street, City, State & Zip) _____

B. FEIN / DUNS / U.S. System for Award Management (SAM) Registration

FEIN _____ DUNS # _____ ☐ No DUNS # Is your firm registered with SAM? ☐ Yes CAGE Code _____ ☐ No

C. Prior Business with the Council

Has your firm conducted business with the Council in the previous 12 months? ☐ Yes ☐ No

If no, then your firm needs to include a current W-9 in its sealed bid package.

D. D/S/W/MBE Registration

Use the check boxes below to indicate if your firm is a certified D, S, W, or MBE. Check as many categories that apply. The Council will verify your firm's certification status.

- ☐ Disadvantaged Business Enterprise (DBE) ☐ Small Business Enterprise (SBE)
☐ Women-Owned Business Enterprise (WBE) ☐ Minority-Owned Business Enterprise (MBE)
☐ None - my firm is not certified.

Name & Contact Information for Questions About Bid

Provide the following information about the person the Council can contact with questions about your firm's bid.

Name _____ Phone # _____ Email _____

Certification

By signing below, I certify that I am authorized to sign this Firm Information form on behalf of my firm and that the information contained on this form is accurate and complete to the best of my knowledge.

Name & Title of Authorized Official _____

Signature of Authorized Official _____

Date _____

ATTACHMENT C

Firm Responsibility Information

TACTICAL HEADSETS IFB - #022621-HEADSETS

Firm Name _____

As described in Section II, Part A, Sub-Part 2 of the solicitation documents, the Council will not award a contract for the project to a firm that the Council's determines is not responsible. For each responsive sealed bid, the Council will conduct an initial review of the firm's responsibility. As part of this initial responsibility determination, the Council will review the information your firm provides in its sealed bid and on this Attachment C - Firm Responsibility Information (Attachment C). More information regarding the Council's responsibility determination can be found in Section II, Part A, Sub-Part 2 of the solicitation documents. A responding firm must provide in its sealed bid a fully completed Attachment C. Please type the information into this Attachment C using Adobe Reader or other compatible Adobe product. If you have any issues with the forms please contact the Council's staff person designated in Section VII, Part A of the solicitation documents.

Attachment C include the following forms, that each must be signed:

- (1) Debarment & Suspension Certification
- (2) Lobbying Certification
- (3) Conflicts of Interest Questionnaire & Disclosure Statement

You are NOT permitted to substitute your own format or information for the forms included in this Attachment C.

If you need additional space to provide the information requested in this Attachment C, please use the space on page 4 or attach additional sheets.

An authorized representative of your firm **must sign and date** the certification provided on each form. ***A typed signature is not acceptable.*** The Council will use the information contained in this Attachment C during the evaluation and selection process. For additional information, refer to Section II of the solicitation documents.

The Council may contact your firm to obtain additional information based on your firm's answers to the questions on this Attachment C.

If your firm is selected for a contract award, your firm, and each of its subcontractors / joint venture partners may be required to complete, sign, and return the *Firm Responsibility Information - Detailed Questionnaire*, so that the Council can make a final firm responsibility determination in accordance with Section II, Part C of the solicitation documents. A copy of this questionnaire is provided in Appendix 4 to the solicitation documents. A firm selected for a contract award for this project (including subcontractors / joint venture partners) may be deemed not responsible or ineligible for contract award if the firm fails to complete the questionnaire, as requested, or if the firm's questionnaire reveals any unexplained, material misstatements on this Attachment C.

Your firm should be aware that the Council may deem your firm's bid non-responsive and reject the bid for:

- (1) Failure to sign each form in this Attachment C,***
- (2) Failure to provide all of the information requested in this Attachment C, or***
- (3) Failure to provide sufficient information for the Council to make an initial responsibility determination.***

The Council reserves the right to waive minor errors, omissions, or technicalities in this Attachment C as determined to be in the best interest of the Council.

ATTACHMENT C

Firm Responsibility Information

TACTICAL HEADSETS IFB - #022621-HEADSETS

Form 1 - Debarment & Suspension Certification

Firm Name _____

As part of the procurement process, your firm must submit a Debarment & Suspension Certification. Select one of the options below and sign and date this form. Your firm's certification is a material representation of fact upon which reliance will be placed when the Council determines whether to enter into a transaction with your firm. If it is later determined that your firm knowingly rendered an erroneous certification, in addition to other remedies available to the federal government, the Council may terminate any agreement for cause. Your firm must provide immediate written notice to the Council if it learns that its certification was erroneous because of changed circumstances at any time between when it submits a response to the Council's solicitation and the contract being issued.

☐ #1 - The responding firm certifies that:

- A. it will comply with Executive Order 12549, Executive Order 12689, and 2 CFR Part 180 as supplemented by 2 CFR Part 3000,
- B. to the best of its knowledge and belief, it and its principals are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency,
- C. it shall not knowingly enter into any lower tier covered transaction with a person who is or entity that is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized in writing, by the Council, and
- D. it shall review the "Excluded Parties Listing System" at www.sam.gov/portal/public/SAM/ and the Missouri "Suspended Vendors List" at <https://oa.mo.gov/sites/default/files/suspven.pdf> to ensure that it does not enter into any lower tier covered transaction with a person who or firm that is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction.

☐ #2 - The responding firm is unable to certify any of the statements above. *An explanation must be provided in the space below.*

CERTIFICATION

By signing below, I certify that I am authorized to sign this Debarment & Suspension Certification on behalf of my firm and that the information contained on this form is accurate and complete to the best of my knowledge.

Name & Title of Authorized Official _____

Signature of Authorized Official _____

Date _____

ATTACHMENT C

Firm Responsibility Information

TACTICAL HEADSETS IFB - #022621-HEADSETS

Form 2 - Lobbying Certification

Firm Name _____

As part of the procurement process, your firm must submit a Lobbying Certification. Select one of the options below and sign and date this form. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Your firm's certification is a material representation of fact upon which reliance will be placed when the Council determines whether to enter into a transaction with your firm. If it is later determined that your firm knowingly rendered an erroneous certification, in addition to other remedies available to the federal government, the Council may terminate any agreement for cause. Your firm must provide immediate written notice to the Council if learns that its certification was erroneous because of changed circumstances at any time between when it submits a response to the Council's solicitation and the contract being issued.

☐ #1 - The responding firm certifies that:

- A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the responding firm, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the responding firm shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The responding firm shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

The undersigned acknowledges that any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

☐ #2 - The responding firm is unable to certify any of the statements above. *An explanation must be provided in the space below.*

CERTIFICATION

By signing below, I certify that I am authorized to sign this Lobbying Certification on behalf of my firm and that the information contained on this form is accurate and complete to the best of my knowledge.

Name & Title of Authorized Official _____

Signature of Authorized Official _____

Date _____

ATTACHMENT C

Firm Responsibility Information

TACTICAL HEADSETS IFB - #022621-HEADSETS

Form 3 - Conflicts of Interest Questionnaire & Disclosure Statement

Firm Name _____

As part of the Council's procurement process, your firm and each of your firm's subcontractors / joint venture partners must complete this Conflicts of Interest Questionnaire & Disclosure Statement (Statement). Please review the Council's Conflicts of Interest Policy (the Policy) that was included as part of the solicitation documents for the above-captioned project. The Policy provides a description of the Council's policies and procedures regarding this Statement. For example, in the Policy, Part G, you can find further explanation regarding the types of communications that do and do not have to be disclosed on this Statement. Select one of the options below and sign and date this form. Your firm's certification is a material representation of fact upon which reliance will be placed when the Council determines whether to enter into a transaction with your firm. If it is later determined that your firm knowingly rendered an erroneous certification, in addition to other remedies available to the federal government, the Council may terminate any agreement for cause. Your firm must provide immediate written notice to the Council if learns that its certification was erroneous because of changed circumstances at any time between when it submits a response to the Council's solicitation and the contract being issued. Refer to Section E of the Council's Policy for information about after-discovered conflicts of interest.

Additional Documentation Required -- If your firm checks box #2, then it must attach the following: (i) the applicable question number; (ii) a concise description of the conflict; (iii) an explanation as to why the situation does not affect the firm's ability to objectively perform the contract or does not / will not present an unfair competitive advantage to the firm; and (iv) a concise description of the efforts the firm has taken, or proposes to take, to mitigate the effects of the interest.

☐ #1 - The responding firm certifies that it does not have a conflict of interest as defined in the Council's Conflicts of Interest Policy because:

- A. it does not have a prior interest (Policy, Section B, Parts 3(a)(i) and (ii)), a present interest (Policy, Section B, Part 3(b)), or a planned interest (Policy, Section B, Part 3(c)).
- B. none of its employees are presently members of any Council or STARRS committees or sub-committees.
- C. in the past year (preceding the date the solicitation was issued), none of its employees were members of any Council or STARRS committees or sub-committees.
- D. none of its employees attended any Council or STARRS committee or sub-committee meeting where the project / solicitation was discussed.
- E. except as described in the Policy, Section G, #5, the firm's employees did not communicate with:
 - (i) any staff / personnel of the Council or STARRS,
 - (ii) any staff / personnel of the organizations that are expected to benefit from the project / solicitation, or
 - (iii) any member of a Council or STARRS committee or sub-committee.
- F. none of its employees assisted with the development of the specifications / scope of work for the project / solicitation

☐ #2 - The responding firm is unable to certify that it does not have a conflict of interest. *Additional information must be attached to this form.*

CERTIFICATION

By signing below, I certify that I am authorized to sign this Conflicts of Interest Questions & Disclosure Statement on behalf of my firm and that the information contained on this form is accurate and complete to the best of my knowledge.

Name & Title of Authorized Official _____

Signature of Authorized Official _____

Date _____

ATTACHMENT D
Purchase Order Terms & Conditions Comments

TACTICAL HEADSETS IFB - #022621-HEADSETS

Use this form to notify the Council about any concerns you may have about the draft purchase order (PO) terms and conditions. The draft PO terms and conditions can be found as Appendix 1 on the Council's website at www.ewgateway.org/about-us/what-we-do/doing-business-with-ewg/contracting-opportunities/. These concerns can include, but are not limited to: questions, comments, or requests for changes.

If the draft PO terms and conditions are acceptable and you do not have any questions, comments, or requests for changes, please check the "No" box.

If you have any questions, comments, or request for changes please check the "Yes" box and use the space provided below to explain your concerns. Please make sure that you reference the applicable contract Paragraph and Part number.

This form must be signed and returned to the Council with your sealed bid.

It is the responsibility of each responding firm to review the draft PO terms and conditions. The Council may not consider a firm's requests for changes to the PO terms and conditions if the firm's concerns are not noted on this form. It is within the Council's sole discretion to consider requests for changes that the selected firm did not include on this form.

It is within the Council's discretion to decide whether or not to change any PO terms and conditions, even if concerns are noted on this form. Any terms that are required by state or federal rules, regulations, or statutes or by the Council's agreement with a funding agency are not negotiable and are not subject to change.

☐ No - The firm does not have any questions, comments, or requests for changes.

☐ Yes - The firm has a question, comment, or request for a change as noted below.

Responding Firm _____

Name & Title of Authorized Official _____

Signature of Authorized Official _____

Date _____