

## **EN06-10 - Clarifications - Feb 23, 2010**

1. In the case of any conflicting statements or requirements in Section A versus Section B, Section B takes precedence. For example in this procurement, Subsection 27.1 of Section A is superceded by Subsection 7.b) of Section B.
2. Form B is required in all cases, even if Bidder/Proposer is not planning on using any subcontractors.
3. Subsection 5.b) of Section B does not conflict with Subsection 45.c. of Section A. For example, routinely offering a 10% to every buyer for no plausible reason is not the same as a negotiated discount on a particular order due to volume or more efficient use of manpower or to keep staff busy in a slow period.
4. The request for "...employees at each." in Subsection 7.b) Tab B refers to the number of employees, not to their names or titles.
5. The "Most Favored Customer Clause", Article 10 in our standard contract (Section D, ProForma) applies only to business activity with Texas customers. This is being reviewed and will probably be changed in future procurements, but for EN06-10 it stands as written.
6. The required Forms (A and B) are available for download from our website at the following URL:  
<https://www.hgacbuy.org/bids/>  
The document is an Excel workbook named "EN06-10 Forms" containing three worksheets. Look at the tabs at the bottom. This separate workbook was posted together with the complete RFP document, "EN06-10 Final", which contains copies of the Forms that cannot be worked with.
7. Only the proposing entity should fill out forms and submit a proposal. If you plan to use subcontractors in the event you are awarded an **H-GAC** contract, such use should be detailed and explained in your proposal, but no paperwork is required from the subs. Proposers should also address the requirements of Form B.
8. The references required under Subsection 7.b. Tab B must be references for the Proposer, not references for any subcontractors that may be involved.
9. Public schools and universities are considered to be public entities and eligible for membership in the **HGACBuy** Program.
10. **H-GAC** itself does not have any HUB goals, but requires contractors to comply with any requirements in that area that a buying member might have. See Form B.