

Julie L. Jones
Executive Director

2900 Apalachee Parkway
Tallahassee, Florida 32399-0500
www.flhsmv.gov



Charlie Crist
Governor

Bill McCollum
Attorney General

Alex Sink
Chief Financial Officer

Charles H. Bronson
Commissioner of Agriculture

January 29, 2010

Addendum # 2
ITB # 016-10
Promotional Items with Safety Message

Dear Sir or Madam,

REMOVE PAGE: 5 (01/04/10)

ADD PAGE: 5 (01/29/10)

Please add the new page to your copy of the Invitation to Bid, and remove the earlier version of the same page issued prior to this Addendum # 2 as of January 29, 2010.

This addendum serves as notice to clarify the "Made in America" requirement of ITB 016-10, Promotional Items with Safety Message.

The funds for this solicitation are from the Federal Government which requires that all products must be compliant with the *Buy America Act*. The Buy America Act restricts the purchase of supplies that are not domestic end products. For manufactured end products, the Buy America Act uses a two-part test to define a domestic end product (Federal Acquisition Regulation, Part 25.101).

- 1.) The article must be manufactured in the United States; and
- 2.) The cost of the domestic components must exceed 50 percent of the cost of all the components.

The following questions were received on ITB 016-10, Promotional Items with Safety Message dealing with the "Made in America" requirement.

Question received from International Promotional Ideas

Question 31: What constitutes an American-made product? Several of the items do not originate in the USA; however, because they are imprinted here, over 51% of the cost is from the USA.

Answer to Question 31: The Department is using the definition of American-Made domestic end-product as defined by the Federal Acquisition Regulation, Part 25.101. Please see definition provided above. The products must be manufactured in America and 51% of the cost of the components that comprise the product must be American-made.

Answer to Question 31:

Question received from Innovative Incentives

Question 32: Several of the items requested are made in China, but printed in the United States, is this ok?

Answer to Question 32: No, this would not meet the requirements. Please see definition provided above.

Question received from Promoconcepts, Inc.

Question 33: The 'Made in America' tire gauge is a problem; many of the parts are American-made and it is assembled in America, is this sufficient?

Answer to Question 33: Product must be manufactured in America and the cost of the domestic components must exceed 50 percent of the product. Please see definition provided above.

Question received from Corporate Images

Question 34: What is the definition of made in America?

Answer to Question 34: The Department is using the definition of American-Made domestic end-product as defined by the Federal Acquisition Regulation, Part 25.101. Please see definition provided above.

Question received from 4imprint

Question 35: What if the item is not manufactured in the US, but is printed in the US?

Answer to Question 35: The products must be manufactured in America and the components must be 51% American-made. Please see definition provided above.

End of Question and Answers

All other dates and terms and conditions remain the same in this Invitation to Bid.

**Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.
Any notice of protest or protest to this solicitation which was filed prior to this notice is null and void.**

Sincerely,



Kevin Bailey, Chief
Bureau of Purchasing and Contracts

1.0 PURPOSE AND GENERAL INFORMATION

1.1 PURPOSE: The Department of Highway Safety and Motor Vehicles, hereinafter called the Department or the Customer, requests written offers from qualified firms for the purchase of American-made promotional items imprinted with safety messages and the logos of the Department for distribution to the public to promote vehicle occupant safety.

Offers must be inclusive of all fees for art, production and delivery

There are eight (8) American-made promotional items requested on this bid and award will be made to one vendor. Vendors must bid on all items to be considered responsive and must include samples of each item.

The funds for this solicitation are from the Federal Government which requires that all products must be compliant with the *Buy American Act*. Vendor will submit only products entirely manufactured in America and certify that their products meet this requirement. The Buy American Act restricts the purchase of supplies that are not domestic end products. For manufactured end products, the Buy American Act uses a two-part test to define a domestic end product. (Federal Acquisition Regulation, Part 25.101).

- (1) The article must be manufactured in the United States; and
- (2) The cost of domestic components must exceed 50 percent of the cost of all the components.

No substitutions will be accepted.

1.2 GLOSSARY: See attached PUR 1000, Paragraph 1, and PUR 1001, Paragraph 1 for further definitions.

Buy American Act: Passed by the U.S. Congress in 1933 mandating preferences for the purchase of domestically produced goods in direct procurement by the United States Government (Title 41 U.S. Code, 10a-10d). Other pieces of Federal legislation extend similar requirements to third-party purchases that utilize Federal funds, such as highway and transit programs.

Contractor: The proposer who is awarded a contract by the Department as a result of this solicitation.

Day: A Calendar day.

Department: Department of Highway Safety and Motor Vehicles

Direct Order: A Direct Order is a purchase order issued via the eProcurement system. See attached PUR Form 1000, paragraph 2.

FHP: Florida Highway Patrol

ITB: Invitation to Bid

Number of Verbs or Nouns: Throughout this solicitation, the singular may be read as the plural and the plural as the singular.

Packing: Tangible product shall be securely and properly packed for shipment, storage, and stocking in appropriate, clearly labeled, shipping containers and according to accepted commercial practice, without extra charge for packing materials, cases or other types of containers. All containers and packing shall become and remain Department property.

Proposer: Any firm or person who submits a proposal to the Department in response to this solicitation.

Proposal: All information and materials submitted by a proposer in response to this solicitation.

State: State shall be synonymous with the Department of Highway Safety and Motor Vehicles.

Subcontractor: Any person other than an employee of the contractor who performs any of the services listed in this solicitation for compensation paid by the contractor.

Vendor: Any firm or person who submits a proposal to the Department in response to this solicitation.