



HOUSTON-GALVESTON AREA COUNCIL

04/12/21

SUBJECT: Letter of Clarification No. 1
Radio Communications/Emergency Response Equipment

REF: Solicitation No.: RA05-21

TO: All Prospective Respondents

This Letter of Clarification is issued for the following reasons:

To provide a response to potential respondent(s) questions. The following questions and H-GAC responses are hereby incorporated and made part of the Solicitation:

Question 1: Is Form E supposed to have a second tab?

Answer: No

Question 2: Can you please clarify how Form D Tab A and Form D Tab B differ from one another?

Answer: Please refer to the RFP, Part III, Page 14, Section K.

Question 3: If there was no contract with H-GAC in the past 2 years (we were partnered with another vendor) how will scoring on past performance be done?

Answer: Please refer to the RFP, page 35, Part VI, Past Performance.

Question 4: What do we need to do to extend our present contract (via the bid) into the next 2-year period?

Answer: **Any current contract is not being extended.** Contract RA05-18 will expire July 31, 2021. To be considered for award of the subsequent contract, RA05-21, a vendor will need to submit a proposal for the competition by the RFP deadline.

Question 5: When do we have to do the bidding by (deadline, etc.)?

Answer: Please refer to the RFP, page 1 for deadlines.



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Question 6: Can we just review/confirm what you already have on file for us; or must we start from scratch?

Answer: We will not be reviewing/confirming what your company had on file in the past as your proposal for this solicitation. This is a new contract, not an extension of the last, so all prospective vendors must submit a complete and responsive proposal to be considered for award.

Question 7: Can this be done online?

Answer: Please refer to RFP, page 1 for submission information.

Question 8: Regarding the requirement for providing letters from the manufacturers of devices and equipment,

- a) Is there a standard form preferred by H-GAC?
- b) Are there specific statement(s) which are required to be included in the Manufacturers Letters?

Answer: a) No.

b) Please refer to the RFP, Page 6, Item No.6. and Part III, Page 13, Section F, No.3.

Question 9: The systems proposed by our company for the proposal typically includes cables connectors, etc. Are we required to provide letters from every manufacturer or is it acceptable to provide for the manufacturers of the main components only?

Answer: If company is an authorized reseller of the proposed product then an approval letter should be submitted.

Question 10: For a typical solution purchase, is there allowance for the end user to purchase items that are not listed on the contract? For example, supporting components change frequently (cables, connectors, etc.) and sometimes end users require a component that we have not sold previously.

Answer: If awarded a contract, only items awarded can be sold. The contract change process can accommodate adding category related items if necessary and approved. Unpublished options are no longer acceptable.

Question 11: Is there an obligation to sell individual components, rather than a system in its entirety?

Answer: The question is a bit unclear – proposers can submit pricing for items offered within the categories outlined in the RFP.



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Question 12: Planned Authorized Retailers/Distributors/Dealer Form: Does this include our third-party manufacturer representatives? Also, we work with Tescos. If yes, their W-9 is required, correct?

Answer: *This form and corresponding documentation must be submitted for any offered item/service intended to be sold if awarded a contract.*

Question 13: Warranty, Service and Manual: Can we provide the link for the manual?

Answer: *A link is acceptable.*

Question 14: Regarding Form D and Form E:

- a) What is the biggest difference?
- b) Would this statement be true? Form D, price a manufacturer's published catalog and/or price lists with % discounts. Form E is Published Options Pricing.

Answer: *a) Please refer to the RFP, Part III, Page 14, Section K for details.*

b) Yes.

Question 15: Submission Instructions: Responses are accepted by electronic submission only. Instructions and upload link to submit can be found listed under the above named solicitation at <https://www.hgacbuy.org/bid-notices/> However, this link is not found. I did find submission instructions with other bids. Do the same instructions apply?

Answer: *Instructions and upload link are now available on the solicitation site.*

Question 16: I would like to know if this bid concerns the renewal of what we have already on site or if its for something totally new.

Answer: *Please refer to Q4 and Q6.*



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Question 17: The Planned Authorized Retailers Distributors Dealers Form asks for the Tax ID and a W-9 for each distributor and dealer. We do not have that information as we usually do not make payments to our dealers and distributors. Rather, they buy from us at a discount and resell to their customers. We have over 200 dealers and distributors and gathering this information will be very difficult. In addition, where we do have tax numbers, they are usually provided to us in confidence. We request to be exempted from providing this information.

Answer: *Please refer to the RFP page 5, items 4 and 5, for clarification regarding Respondent as Manufacturer vs Respondent as Dealer/Reseller. Please also refer to Part IV, page 19, J–Structure of Response and EE – Distributors/Vendors/Resellers. We encourage the submission of the information readily available on potential retailers/distributors/dealers to be engaged if your company is awarded a contract under this solicitation.*

Question 18: We are a little confused by the instructions in Part III. Section B says we should submit the Signature Page and “all required forms of the checklist on the last page of this solicitation.” However, Section E says that we should include Form H, Section F implies that we should include Geographic Areas Served Form, and Section K says that we should include Forms D and E. At your earliest convenience, please provide clarification on which “Section” we should follow.

Answer: *Each of the forms stated in Sections B, E, and F are required to be submitted. (pg. 38)*

Question 19: Is the intent to only offer P25 radio equipment, or is the bid open to non-P25 radio equipment in this category as well?

Answer: *Please refer to the RFP, page 7, Category A. If respondent is providing P25 equipment, they must provide P25 CAP testing documentation.*

Question 20: Does Category D allow for vendors to specify services on a single vendor product line? That is, can a vendor/manufacturer propose services and pricing for offered categories using the appropriate and specific product code, but that vendor cannot propose services and pricing on other vendor’s/manufacturer’s potential product lines?

Answer: *A vendor may propose services and pricing for another vendor’s equipment. It must be clearly stated in the proposal that the pricing is in regard to the service only and does not include the equipment.*

Question 21: Our dealer list includes approximately 400 businesses. We have Tax ID information for each dealer; is the W-9 form required for all 400 businesses? If so, we would need additional time to collect and provide that information from each dealer to send to H-GAC.

Answer: *We encourage the submission of the information readily available on potential retailers/distributors/dealers to be engaged if your company is awarded a contract under this solicitation.*



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Question 22: The HGAC Contractor and Customer Handbook provided with the RFP materials seems to contradict the RFP itself with respect to the Order Process. Under Part III “Handling of Orders and Payments” of the HGAC Contractor and Customer Handbook there are references to Contract Pricing Worksheet approvals, but under Part II “Final Contract Deliverables” Section of the RFP there is reference to a quarterly reporting requirement. Will the resulting Contract under RFP RA05-21 be a reporting contract where the Contractor reports the sales on a quarterly basis and is invoiced for the 1.5% order processing fee, or will customers need to get order worksheets approved prior to making a purchase per Part III “Handling of Orders and Payments” of the HGAC Contractor and Customer Handbook?

Answer: *The handbook is provided for reference material only and does not constitute a contract. The ordering and approval process outlined in the Handbook applies to all customer orders and all contracts. Section II of the RFP applies to the contract requirements of any contractor who receives an award. The customer ordering process and contractor reporting requirements are two different and separate processes. Please refer to the RFP Part I, page 6, Item 7 – Administrative Fee.*

Question 23: Under Section J1, Part IV of RFP RA05-21 “Terms and Conditions” HGAC notes that “Unless stated otherwise, a manufacturer or wholesale distributor Respondent is assumed to have a documented relationship with their dealer network where that dealer network is informed of, and authorized to accept, purchase orders pursuant to any Contract resulting from this Solicitation on behalf of the manufacturer or wholesale distributor Respondent. Any listed dealer will be considered a sub-contractor of the Respondent.” Under Section EE, Part IV of RFP RA05-21 “Terms and Conditions” the language seems to contradict the previous statement with the following language: “Contractor is also responsible for receiving and processing any Customer purchase order in accordance with the Contract and forwarding of the Purchase Order to the designated distributor, vendor, reseller, etc. to complete the sale or service.” Can HGAC clarify whether a vendor who structures their response as a Single Respondent Acting Alone Or As “Lead” For a Group, utilizing a Dealer Network, can allow their Dealer Network (otherwise referred to as Subcontractors) to accept Orders and Payment on the behalf of the Contract Holder? It is assumed that if HGAC does allow the Dealer Network to accept orders and payment directly, that the Contract Holder would still be responsible for reporting the sale and paying the applicable order processing fee.

Answer: *Depending on the structure of the network, H-GAC recognizes in some cases it may be necessary for the Purchase Order to be issued in the name of the reseller/dealer, etc., however the reseller, dealer, etc. is recognized only as a sub-contractor and will not receive a separate contract award or be assigned any portion of the contract. Any Lead Respondent utilizing a dealer network who is awarded a contract will be responsible for the processing of the Purchase Order through the network and the activities of the sale, reporting requirements, and remittance of applicable order processing fees.*



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Question 24: Please confirm whether vendors must complete both Tabs A and B of the Form D Offered Items Pricing Spreadsheet or, if Vendors have the option to include a parts list on Tab B and include a separate pdf price book.

Answer: Please complete the applicable Tab that corresponds to your offerings. If offering Items use Tab A, if offering price book use Tab B, if offering both complete both tabs.

Question 25: Please confirm whether vendors have the option of including a parts list in lieu of system pricing as described under Part II Specifications/Scope of Work Minimum Requirements Section so that customers may better customize a system or parts list to suit their individual needs.

Answer: Please refer to Q24.

Question 26: Part III, Section A, requests a Summary Letter/Narrative Statement. It is not clear to us whether this is a one-page letter with narrative included, or a letter followed by a 1 page (maximum) narrative statement. Can you please clarify?

Answer: A one-page letter with narrative included.

Question 27: What Licenses/Certifications are required for Tab J? Respondent provides licenses/certifications as required when selling a system or components to an end user but not to H-GAC. Any certificates required by H-GAC will be provided in our response. Please clarify licenses.

Answer: FCC license for equipment (pg. 7). Provide other licenses/certifications as they may be applicable to your offering.

Question 28: For Tab F, it is requesting an Authorized Distributor Form, where is this form located?

Answer: Please refer to the RFP, page 4, Additional Resources and Required Forms and Part VIII, page 38.



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Question 29: Under Part IV. Terms and Conditions, Section J. Respondent has in the past co-assigned products to dealer partners for specific products. These products are distributed by multiple partners nationwide (i.e. video solutions). Under section 1 (1. Single Respondent Acting Alone Or As "Lead" For A Group:) and section 2 (2. Multiple Respondents Acting Jointly:), the new verbiage does not allow for multiple co-assignees. The H-GAC end users prefer to use many of our dealer's direct, however with the new structure, the purchase orders will have to be issued to Respondent. Does section 2 allow for us to jointly issue or use our partners for distributors with direct issuance of the purchase order going to their company? Also, does either section stated allow us to continue to sell any of these product categories if we use a dealer network for the same product? In the past, we have been able to sell the product category and allow dealers to do the same without being penalized for expanding our product distribution to H-GAC end users. It is important to our customers to continue with dealer relationships but have an alternative for direct Respondent purchasing of the same product category when necessary.

Answer: *Please refer to Q23. A Respondent utilizing a dealer network as subcontractors does not preclude respondent from also selling in the same category.*

Question 30: Bidder seeks clarification regarding the timeframe conditions for payment of the Order Processing Charge. Specifically, the requirement that the charge is paid "earlier of 30 calendar days or 10 business days from receipt of payment from Customer" (emphasis ours) as stated in Article 6 of the Special Considerations.

Answer: *H-GAC is unable to determine any reference to Article 6 contained in the RFP or timeframes associated with payment terms.*

Question 31: Bidder understands that the standard payment term is 30 days from delivery and acceptance. From a practical perspective, 10 days from payment is insufficient time for the Dealer to process the documentation and submit it to the Bidder for processing and payment of the fee. Please confirm if our understanding is correct.

Answer: *Please refer to Q30.*

Question 32: Section 4. Page 5: Respondent is a contractually authorized (and in some cases the only) distribution arm for these products. We typically do not employ a dealer for law enforcement sales unless directed by manufacturer. Can Respondent sell direct without a dealer?

Answer: *Yes.*



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Question 33: Section 6. Page 6: In most cases Respondent provides distribution and product sales only and can provide a letter from the MFR stating so. Respondent does not have installation or service capability. Cost of installation varies by product and airframe and is not predictable until those variables are defined; therefore, installations would be the end user's responsibility. Can Respondent quote without installation services included?

Answer: *A respondent is not required to provide offerings on all categories.*

Question 34: Category A. Page 7: Respondent is hoping to add Chelton tactical airborne radios and audio systems, AEM airborne PA/Siren systems and Artex/ACR ELT's and PLB's to the HGAC. These can all be considered Emergency Response Comm Systems for Tactical Aircraft (Law Enforcement, Air Ambulance, Fire Suppression). Do you concur these products fit the Category A description under RA05-21, or would you suggest putting them somewhere else within the HGAC?

Answer: *This equipment is not standard LMR (Land Mobile Radio) and does not fit within the product categories of this solicitation. The equipment may possibly fit on HGACBuy contract EC07-20: 9-1-1 Equipment & Emergency Notification Software & Services.*

Question 35: Page 9: Does Respondent add Chelton Radio and other related manufacturers on form D or does HGAC handle that task?

Answer: *Please refer to the RFP page 9.*

Question 36: Page 10 Installation & Service: Respondent does not perform installation or develop aircraft specific manuals, schematics and Interconnection diagrams, is this acceptable?

Answer: *Yes, please refer to the RFP, page 10, Installation and Service, bullet 3.*

Question 37: Page 11: While Chelton Radio and AEM are both capable of providing onsite training for a fee, since COVID they have resorted to video call training. Respondent, as a sales arm for these companies, may participate in the training, but does not have the same technical expertise as the MFR; thus, Respondent does not conduct training. Training from Respondent is limited to operations manual, not onsite. Training, if available, would be set up directly between the customer and the MFR. Acceptable?

Answer: *Please provide information and pricing in your proposal response that delineates the details related to items/services offered.*



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Question 38: Part III Section K: Respondent will provide catalog pricing when available. Catalog pricing is possible with AEM and Artex/ACR products, but not so with Chelton Radio products. Many tactical radios have options and configurations defined by the mission requirements of the end user and are not able to be priced in advance. Also, Chelton Radio stopped providing Respondent published catalog pricing of all products beginning in 2021. They have instructed us to call for price. Can Respondent reference “call for price” where catalog pricing is not provided by the manufacturer?

Answer: No.

Question 39: Part IV Section L: Can Respondent reference “call for price” where catalog pricing is not provided by the manufacturer?

Answer: Please refer to Q38.

Question 40: Must every channel partner be listed on the Authorized Dealer, Distributer, Form and have a W9 on file before they can sell off the contract? Or must the W9 be submitted when they report their sales for the first time?

Answer: Please refer to Q21 and Q23.

Question 41: In regard to the Verification of Filing Form, where would we get the Certificate Number? Do you have this information that you could provide to complete this form?

Answer: Please refer to the RFP, page 26, Section MM.

Question 42: If Respondent is selected as an eligible/new H-GAC manufacturer and plans to sell direct to agency via the HGACBuy contract terms, does Respondent need to include a list of dealers authorized by Respondent as part of our response?

Answer: No.

Question 43: If Respondent includes list of dealers and distributors in our RFP response, can an agency apply the HGACBuy if the dealer or distributor did not submit a response to RA05-21?

Answer: Please refer to Q23.

Question 44: Can Contractors submit exceptions to the General and Special Provisions contained in the Sample contract that are not addressed in the RFP?

Answer: No. If awarded a contract – H-GAC may allow a review of exceptions during the contracting phase.



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Question 45: Contractor bills services separately: non-recurring services as incurred and for recurring services such as maintenance, upon commencement. Services are bundled in the RFP. Can Contractor separate invoicing terms for services to reflect recurring vs non-recurring services.

Answer: *Invoicing and payment terms are at the discretion and agreement of the Customer and the Contractor. Please refer to the RFP, Part IV, Page 25, Section GG and HH.*

Question 46: Can Contractor remove or modify the Most Favored Customer Clause?

Answer: *No.*

Question 47: We intend to offer higher discounts on products for higher volume purchases. How do we reflect these volume discounts in Form D spreadsheet?

Answer: *Volume discounts should be quoted on Form E as an option.*

Question 48: As it relates to the Pricing Form, several of the components we use in developing our system is manufactured by a third party. Generally, we are unaware of a price change by one of our third-party manufacturers until the time of purchase; as such we are unable to accurately denote the Catalog Expiration Date.

- a) Given the scenario above, what is your recommendation for the Catalog Expiration Date?
- b) In the event we do not complete a line item on the Pricing Form (i.e. Catalog Expiration Date), will the exclusion of the requested information disqualify us from the bid?

Answer: *a) Form D, Tab B, "Catalog Expiration Date" is amended to "Catalog Effective Date".*

b) No, however, incomplete information will affect evaluation scoring. (pg. 35, Products and Pricing)

Question 49: In connection with the form Small and Minority Women Surplus Affirmation Form, there may exist circumstances where Respondent may use a subcontractor for labor purposes in lieu of using our own labor resources. The subcontractor Respondent may use will not be a part of the contracting process.

- a) Since use of a subcontractor may be on a case by case basis, and subcontractor resources may vary from job to job, does Section A of the referenced form need to be completed with the information of potential subcontractors?



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Answer: Yes, please submit the form with as much information as possible regarding any anticipated use of subcontractors that are qualified as Small or Disadvantaged business entities.

Question 50: Ref: 5-day shipping requirement

With over 3000 items on our price sheet it is unlikely we will be able to ship all products within 5 days. Many of the most popular products could be shipped within 5 days via our Houston warehouse, but without forecasting and coordination with the end user and our dealer partners, we would not consistently meet the 5-day requirement. Can this requirement be amended to “best effort” to ship within 5 days?

Answer: If awarded a contract, any customer purchase order issued and agreed to can outline specific shipping time – however if no shipping time is indicated the contract terms will prevail. Please refer to the RFP, Part IV, Page 22, Section R.

When issued, Letter(s) of Clarification shall automatically become a part of the solicitation documents and shall supersede any previous specification(s) and/or provision(s) in conflict with the Letter(s) of Clarification. It is the responsibility of the respondent to ensure that it has obtained all such letter(s). By submitting a proposal on this project, respondents shall be deemed to have received all Letter(s) of Clarification and to have incorporated them into their proposals.