



---

**HOUSTON-GALVESTON AREA COUNCIL**

---

**Date: August 12, 2021**

**SUBJECT:** Letter of Clarification No. 1  
Solicitation Title: Earth Moving and Construction Equipment  
**REF:** Solicitation No.: EM12-21  
**TO:** All Prospective Respondents

**This Letter of Clarification is issued for the following reasons:**

**To extend the closing date of the solicitation to Monday, August 23, 2021 at 1:00 p.m. CST.**

**To update the response opening of the solicitation to Monday, August 23, 2021 at 2:00 p.m. CST.**

**To amend the solicitation to include crawler carrier as a product category on pg. 9 under Product Codes and Categories. Form D has been updated to reflect the change.**

**To update the product code tables on Form D to account for higher option ranges.**

**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:**

- 1 Form D for the excavator category. What is the bucket digging force unit of measurement? Lbf, kgf?

*Answer: lbf*

- 2 Is there a way to bid used equipment on this bid, as well as new?

*Answer: No, please refer to pg. 20 of the solicitation, Q. Requirements Applicable to Physical Goods.*

- 3 On page 9 it states "Unpriced/unpublished options cannot be quoted on the Product Pricing Worksheet and may not be sold through this contract".

a) Does this refer to options/attachments coming from other manufacturers, the items we formerly quoted in Section B on the Contract Pricing Sheet?

b) Does this mean we cannot sell other manufacturer attachments in conjunction with a machine being sold through HGAC?



*Answer:*

*a) Yes.*

*b) Correct, attachments from other manufacturers need to be listed as options in order to be sold through this contract.*

- 4 Please provide clarification for Part IV, Section J, p. 17  
“Single Respondent Acting Alone or as “Lead” for a Group”

With this option, we understand that the dealer is considered a sub-contractor and may receive the PO from customer, but that Responder be the one to submit PO to HGAC for processing and pay the corresponding admin fee.

Is the dealer/subcontractor allowed to invoice the customer directly for payment in this case?  
As OEM we are not set up to receive direct payments from customers. We are able to pay fees on dealer behalf though.

*Answer: Only the contract holder can invoice the member and receive direct payments from customers/members.*

- 5 If we are under contract, can we add new products?

*Answer: To add products under your current contract, please refer to your current contract provisions. You may offer new items in your submission for EM12-21. Once the contract for EM12-21 is executed, items can only be added if they are replacing an item that has been discontinued and is no longer available (pg. 19, Section N Contract Item Changes).*

- 6 Form – D Loaders-Wheeled

We are a manufacturer of Wheel Loaders but our name is not listed as a Manufacturer. Would it be possible to include our name as a separate Manufacturer instead of under 53.Other?

*Answer: No, please list your name under "Other". The next time this contract is up for solicitation, your name will be listed as a manufacturer.*

- 7 Future Products

We are anticipating launching a new product line in early 2022. We have not disclosed to the general public and will not until after the close of this solicitation. Would we have the opportunity to add this line in the program once we launch?

*Answer: No, please see pg. 19, Section N Contract Item Changes.*

- 8 It is stated on page 5 of the EM12 package that dealers are considered a sub-contractor of the respondent. Would this mean we would have to fill out the small and minority business form? If so, how would we receive a solicitation number?

*Answer: Only the respondent must complete the form. The solicitation number is EM12-21.*



Houston-Galveston Area Council

- 9 If my base model exceeds the selections, what should I do?  
G 38 J J\* 41\* H\*  
Excavator, Menzi USA, 20,000lbs, 126 hp, 13,039, 25.5ft

*Answer: Category tables on Form D have been updated to include higher ranges.*

- 10 The current HP range is only for the mini excavators. Will HGAC update the form D to include the larger size excavators?

The wheel loaders are also only mid-size loaders as well based on operation weight and net power. Is it possible to increase these options for the larger equipment?

*Answer: Please see question 9.*

- 11 Please confirm, we do not have to submit Form E if we have price pages that outline option number, option description, and option price?

*Answer: Price pages may be submitted in lieu of Form E for options, in Excel format.*

- 12 All US-based dealers (as long as they fill out the proper form - Form A I believe) will be able to subcontract and sell under Respondent agreement?

*Answer: Form A must be completed by any joint Respondents. For a single Respondent, any subcontractor should be listed on the dealer/distributor form.*

- 13 Can I get an updated excel file that contains all necessary forms?

*Answer: Required forms are listed on the last page of the solicitation and available for download at the link provided.*

- 14 How do we handle Freight and Material surcharges that are becoming more and more of an issue and vary greatly?

*Answer: Please see pg. 13, Section I.3 of the solicitation for freight charges. Material surcharges will be stated on the contract pricing sheet that accompanies the purchase order at the time of sale. Contractor must also provide a letter from the manufacturer justifying the surcharge at that time.*



- 15 Page 5, #4: I think this section also falls in place with Page 17, Section J: I am not sure I understand the expectation of #1 Single Respondent vs #2 Multiple Respondents. I need more explanation of what this means and HGAC expectation for Single and Multiple.

- a) Single: Manufacture (MFG) submits the bid and if accepted, then all dealers under the MFG umbrella will be able to sell under the contract and the dealers sell, process, and pay the fee directly to HGAC and if dealers fails to pay, it then falls back on the MFG?
- b) Are the dealers still responsible for submitting the paperwork directly to HGAC or is HGAC expecting this all to be handled by the MFG?
- c) Multiple: Manufacture (MFG) submits the bid and if accepted, we also submit the items listed in PART VIII for any dealer that wants to join the contract?
- d) Each dealer that joins would be responsible for their sales, processing and fee payment?
- e) If a dealer (or we added new dealers at a later time) wants to join the contract at a later date, can they be added at a later time period?

*Answer: Pg. 17, Section J describes the differences between a Single Respondent and Multiple Respondents, as well as their respective requirements.*

- 16 Page 7, #7: Where is the status forms located for A, B, C in this section that need to be filled out and submitted?

*Answer: Information for A, B, and C will be entered on the Contractor Status & Contact Form.*

- 17 Page 8: General Requirements: C: can this information be referenced to our public website OR do you need copies of each to be submitted?

*Answer: Provide copies in submittal.*

- 18 Page 9 (and page 13, I, 6)(and page 21, V): Upgrade/Downgrade reference: Can you please provide an example of what this might look like and what is expected?

I assume it might be a MODEL X is a canopy unit and UPGRADE MODEL X with AC-Heat Cab? Example would be great to review.

*Answer: Please see example below.*

PRODUCT ITEM	HGAC PRODUCT CODE	PRODUCT CODE	QTY	LIST PRICE	DISCOUNT %	NET PRICE	NET PRICE X QTY
A520 Base Upgrade							\$ -
A520 Certified Factory Rebuild Upgrade							\$ -
A450 Base Upgrade							\$ -
A380 Certified Factory Rebuild Upgrade							\$ -
A320 Base Downgrade							\$ -
A260 Base Upgrade							\$ -
A520 - H Series Option Package							\$ -
A450 - H Series Option Package							\$ -



- 19 Page 12, Section E, #2: Do we need to list our current dealers or can we refer this list to our dealer locator on our public website? This list changes and the website is the most accurate list.

*Answer: All dealers must be listed on the Planned Authorized Retailers/Distributors/Dealers Form (pg. 13, Section F).*

- 20 Page 13, Section I: I understand on listing out the product codes for our machines we are putting in the contract. We also have a list of Attachments that I believe would go under Published options, but do not require product codes and the assigned MFG part number will work?

*Answer: Yes, please see pg. 21, Section W.b of the solicitation.*

- 21 Page 18, Section M, #3: I am not sure I understand the correct process of for applying a "Steel Surcharge". These type of temporary charges that ramp up during this current time are part of cost that are passed along but removed when things return to normal. So, what is the proper process for this temporary situation?

*Answer: Please see question 14.*

- 22 Page 20, Section R: the phrase "in conformance with any terms alternately established with the customer" means that we can confirm with the HGAC member an estimated delivery date that could be outside the 5 working days mention, correct?

*Answer: Yes.*

- 23 Page 21, Section W, b: Will MFG part numbers work in this case?

*Answer: Yes, MFG part numbers will work.*

- 24 Page 23, EE: This would apply to MFG and/or each dealer under the contract under the Multiple submission?

*Answer: Please see question 15.*

- 25 Excavators on Form D only goes up to 57,000 lb operating weight on the HGAC Product Code cheat sheet. Can you please provide more ranges so that we can build unique HGAC product codes for large excavators?

*Answer: Please see question 9.*

- 26 On form D, we list the product code for the base unit and any UPGRADE/DOWNGRADE units go on the FORM E listed as OPTIONS, or should we list these in form D so the machines stay together?

*Answer: You are bidding the base configuration on Form D. Any upgrades/downgrades to these configurations should be listed as options on **Form E**.*



Houston-Galveston Area Council

- 27 As for HGAC Price for FORM D and E, can we refer to a % off list price pages attached in PDF?

EX: we would put the product code on form D or options part numbers on form E and in HGAC pricing put "XX% off List Price". I plan to provide LIST PRICE PDF pages with the Product Codes listed (including UPGRADE/DOWNGRADE items) and Part Numbers for attachments to refer to. Need to make sure this will work?

*Answer: Yes.*

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.