

**Questions and Answers**

**PUBLIC HEALTH DEPARTMENT OF THE  
DEPARTMENT OF HEALTH**

**REQUEST FOR PROPOSALS (RFP)**

**FRUIT & VEGETABLE PRESCRIPTION PROGRAM**



**RFP#**

00-66500-22-PHD032022

**Issue Date:**

Friday, April 14, 2022

**Proposal Due Date:**

Friday May 16, 2022

# Questions about RFP

1. Question - What is the required response format for this RFP?

**Answer - Responses to this RFP should follow the RFP guidelines established in Section III Response Format and Organization.**

2. Location: Section I.D.

**Question: What is the physical address for Gabriel as to where to physically deliver binder to? None is listed.**

**Answer – 1190 S. St. Francis Drive, N-3215 Santa Fe, NM 87505**

3. Location: Appendix E: Box #1:

**Question: What does the FED ID refer to?**

**Answer – This is the taxpayer ID# issued by the IRS.**

4. Location: Section IV.C. Business Specifications (p. 23)

**Question: – Where does the “Financial Stability” document go in the order of submission? (Other items are all listed in the Proposal Content and Organization, Section III C. 1)**

**Answer – The placement of Financial Stability documents is outlined in (Section III C. 1 G. 4.)**

5. Location: Section: Section IIIC.

**Question: Is the Cost proposal the ONLY item in the Cost proposal binder?**

**Answer –Yes, the Cost Proposal is the ONLY item that is in the Cost Proposal Binder**

6. Location: COST PROPOSAL: APPENDIX D

**Question a): Should the offeror include a bid that may be higher than the dollar award that is expected in case other offerors do not submit bids? (E.G. If multiple awards are made, but the offeror does not know what the other bids will include, should the offeror provide a bid that encompasses the highest bid amount that their organization would be able to handle, and then it will be up to the Evaluation Committee to decide how to split up the award between offerors?)**

**Question b): If yes, should anything be noted in the cost proposal?**

**Answer – We cannot advise offerors on what their cost proposal should be. We leave that up to the offerors to evaluate and establish their own unique cost proposals.**

7. Location: Section IV.C.1. Financial Stability

**Question: What does “10K” refer to in the following sentence? “Offerors must submit copies of the most recent years independently audited financial statements and the most current 10K, as well as financial statements for the preceding three years, if they exist.”**

**Answer – A 10-K is a comprehensive report filed annually by a publicly-traded company about its financial performance and is required by the U.S. Securities and Exchange Commission (SEC).**

Location: Appendix C: 15. Draft Contract

**Question #7.1: Do the contracts state that there will only be one singular**

**payment/reimbursement at the END of the fiscal year? In each contract scenario, the language around payment says the following: “All invoices MUST BE received by the Agency no later than**

fifteen (15) days after the termination of the Fiscal Year in which the services were delivered. Invoices received after such date WILL NOT BE PAID.”

**Answer – Appendix C is a draft template to be utilized by offerors when evaluating the legal terms and conditions. We ask vendors to bill more timely during the month of July so that we can close out our Fiscal Year without delay. The frequency with which you bill is entirely up to you as an offeror and should be included in your proposal. We identify the frequency of payment in 2 A. directly above the section you cited in your question. Please refer to this language when assessing your billing criteria.**

Question #7.2: **If the answer to the above question is “yes”** (the state only intends to provide one payment/reimbursement to the offeror, **in what manner should the offeror refuse this method?** It is confusing because the Section II.C.15 of the RFP says:

The Agency discourages exceptions from the contract terms and conditions as set forth in the RFP Draft Contract. Such exceptions may cause a proposal to be rejected as nonresponsive when, in the sole judgment of the Agency (and its evaluation team), the proposal appears to be conditioned on the exception, or correction of what is deemed to be a deficiency, or an unacceptable exception is proposed which would require a substantial proposal rewrite to correct.

Should an Offeror object to any of the terms and conditions as set forth in the RFP Draft Contract (APPENDIX C) strongly enough to propose alternate terms and conditions in spite of the above, the Offeror must propose specific alternative language. The Agency may or may not accept the alternative language. General references to the Offeror’s terms and conditions or attempts at complete substitutions of the Draft Contract are not acceptable to the Agency and will result in disqualification of the Offeror’s proposal.

**Answer – We will not require offerors only bill at the end of a fiscal year. it is anticipated that offerors will be bill frequently based on how their business may be structured. The Compensation section of the draft contract is a negotiable article**

Question #7.3: **Can you please provide a sample of language that would be acceptable for changing these Terms & Conditions?** This seems important because the RFP (Section II.C.15) also states:

*Should an Offeror object to any of the terms and conditions as set forth in the RFP Draft Contract (APPENDIX C) strongly enough to propose alternate terms and conditions in spite of the above, the Offeror must propose **specific** alternative language. The Agency may or may not accept the alternative language. General references to the Offeror’s terms and conditions or attempts at complete substitutions of the Draft Contract are not acceptable to the Agency and will result in disqualification of the Offeror’s proposal.*

**Answer – Proposing alternative language should be made by the offeror when submitting your proposal to DOH. We utilize the negotiation portion to establish whether alternative language is acceptable or not. We cannot propose sample language as each contractor has different language they may want changed.**