

M – E – M – O – R – A – N – D – U – M

TO: Freelance Graphic Design Service Providers
(Who Wish to be Considered for Addition to the Qualified Provider List)

FROM: Petrina Marsh, SCEL Senior Procurement Specialist

DATE: Thursday, January 7, 2016

RE: **SCEL's Fixed Price Bid for Freelance Graphic Design Service Providers**

In April 2014, the South Carolina Education Lottery advertised for Freelance Graphic Design Service Providers in a Fixed Price Bid through the South Carolina Business Opportunities website (SCBO). The maximum contract period is for three years with the total expenditures limited to fifty thousand (\$50,000.00) dollars. One year and three months remain in the contract period; however, once the \$50,000 spending threshold or three-year time limit is reached (May 13, 2017) -- the contract ends immediately.

After the first year, providers who wish to be considered for addition to the Qualified Provider List (QPL) must complete the same process as those placed on the list in the original solicitation. (PAGE 16)

QUESTIONS MUST BE RECEIVED BY: Thursday, Jan. 14, 2016, at 11 a.m. ET
SUBMIT OFFER BY (Opening Date/Time): Thursday, Jan. 21, 2016, at 4 p.m. ET.
(Not a public bid opening)
NUMBER OF COPIES TO BE SUBMITTED: One (1) original hard copy by mail, 2) an electronic copy via email to Procurement@sclot.com or 3) instructions on how to download samples from a dropbox or FTB site, including a contact name and phone number.
AWARD WILL BE POSTED: Thursday, February 11, 2016

Fixed Price Bid for Freelance Graphic Design Service Providers

Quotation/Solicitation Number: **FPB GD FY14**

Email Address: Procurement@sclot.com

Bid Document Link:

<http://www.sceducationlottery.com/images/pdf/Procurement/FPBGDFY14.pdf>

Amendment 1 Link:

http://www.sceducationlottery.com/images/pdf/Procurement/FPBGDFY14_QuestionsandAnswers.pdf

PLEASE NOTE: Change Order [1] in Compliance with the Iran Divestment Act:

As of January 28, 2015, in compliance with the Iran Divestment Act (Code of Laws of South Carolina, 1976, §§ 11-57-10 *et seq.*), the Budget and Control Board has requested that all procurements with a value above one thousand dollars (\$1,000.00) include three clauses. The Iran Divestment Act was revised by Act No. 63 of 2015. Effective June 4, 2015, the Iran Divestment Act certification is now required only for contracts over \$10,000.

The following clauses appear in the solicitation document:

- 1) The first clause under instructions to offerors creates the bidder's certification he is not on the Iran Divestment Act List. See clause [02-2A077-1] on page 8, under Instructions to Offerors.
- 2) The second clause: a) creates a duty to advise the buyer if, after award but before a renewal a contractor is added to the list; and 2) prohibits subcontracting with persons on the list. Clause [07-7A072-1] appears on page 20, under Section VII TERMS AND CONDITIONS -- A. GENERAL.
- 3) The final clause, under Section VII. TERMS AND CONDITIONS -- B. SPECIAL appears on page 25. The clause modifies an existing clause used where the contract term includes renewal options.

PLEASE NOTE: Change Order 2 in Compliance with Act No. 63 of 2015:

In August 2015, the State Fiscal Accountability Authority, (the successor to the Budget and Control Board), informed Procurement Staff at State Agencies of the enactment of Act No. 63 (A63, R96, H3583) of 2015. New Code Section 11-35-5300 prohibits contracting with discriminatory businesses. It requires a pre-award representation from a contractor that the business is not currently engaged in, and an agreement that the business will not engage in, the boycott of a person or an entity based in or doing business with a jurisdiction with whom South Carolina can enjoy open trade, as defined in S.C. Code Section 11-35-5300.

The two new clauses are:

OPEN TRADE REPRESENTATION (JUN 2015): By submitting an Offer, Offeror represents that Offeror is not currently engaged in the boycott of a person or an entity based in or doing business with a jurisdiction with whom South Carolina can enjoy open trade, as defined in SC Code Section 11-35-5300. [02-2A083-1]

OPEN TRADE (JUN 2015): During the contract term, including any renewals or extensions, Contractor will not engage in the boycott of a person or an entity based in or doing business with a jurisdiction with whom South Carolina can enjoy open trade, as defined in SC Code Section 11-35-5300. [07-7A053-1]

All of the clauses added by Change Order are highlighted in yellow in the body of the solicitation.

Offerors will need to return copies of:

- 1) pages 1 and 2 completed and signed;
- 2) the information listed on pages 14, 15 and 16;

- 3) the **BIDDING SCHEDULE** on page 27; and
- 4) sign the **attestation** on page 27 certifying that the Offeror and its employees are in compliance with the Ethics Act and the South Carolina Education Lottery Act. The submission of the attestation is deemed a substitute for the \$5,000.00 deposit requirement for criminal background check(s) for the purposes of this procurement.

NOTE: The **AWARD CRITERIA** is provided on page 17. Text of the applicable Code Sections dealing with Lottery vendors; background investigation; disclosure; vendor noncompliance; criminal record; restrictions; contingency contracts; and Lottery vendor performance bond; residency; public official ownership interest; resident vendor preference is found on pages 22 – 25. Text of the **Ethics Act** is found at the following link: <http://www.scstatehouse.gov/code/statmast.php>.

Qualified Providers may be added every three (3) months, in January, April, July, and October, starting in the second year, i.e. April 2015.

Any Offerors who wished to be considered for addition to the Qualified Provider List must acknowledge they have read any amendment to this solicitation: (1) by signing and returning the amendment, (2) by identifying the amendment number and date in the space provided for this purpose on Page Two of the solicitation document, (3) by letter, or (4) by submitting a bid that indicates in some way that the bidder received the amendment. In addition to completing and returning the information on pages 1 and 2, potential Offerors must also submit the information required in Sections IV. Information for Offerors to Submit and VIII. Bidding Schedule/Cost Proposal.

The initial contract period is for one (1) year, with the option of two (2) one-year (1) renewals. The maximum contract period is for three (3) years. The total combined expenditures are limited to fifty thousand (\$50,000.00) dollars. If the fifty thousand (\$50,000.00) dollar limit is reached prior to expiration of the three-year (3) term, the contract will terminate immediately.

Being placed on the QPL does not guarantee any level of usage of Provider's services. Failure of a Provider to receive business from SCEL shall not be grounds for a contract controversy under Section 11-35-4230 of the South Carolina Consolidated Procurement Code.

As the need arises, SCEL will contact one or more the Providers on the QPL and inform them of the specific services needed or desired and request a proposal at the predetermined hourly rate along with an estimated number of hours, a proposed timeline or schedule, and the total price. SCEL may also request a Not To Exceed Price for each request for services.