

SECTION 13

GENERAL INSTRUCTIONS FOR OFFERORS

13.1 AVAILABILITY OF SOLICITATION DOCUMENTS

The electronic versions of our solicitation documents are intended to provide convenience to you. Be advised that it is the responsibility of the prospective Offerors to monitor the VRE website for any addenda, notices or postings. Failure to submit signed addenda may be grounds to declare your offer non-responsive. The RFP can be downloaded from the website and submitted the same as if a hard copy of the solicitation had been requested from VRE.

13.2 WRITTEN COMMUNICATIONS

- A. VRE will assume no responsibility for any understanding or representations concerning conditions made by any of its officers or agents prior to the execution of the Contract, unless included in this RFP, the specifications, or related documents or addenda thereto.
- B. Oral explanations or instructions given before the award of the Contract will not be binding.

13.3 CLARIFICATION OF TERMS

If an Offeror has questions about the specifications or other solicitation documents, the Offeror should contact the VRE Contract Administration Manager whose name appears on the face of the solicitation. Any revisions to the solicitation will be made only by addendum issued by the VRE.

13.4 WITHDRAWAL OF PROPOSAL PRIOR TO CLOSING DATE

The Offeror may request withdrawal of its proposal under the following circumstances:

- A. Proposals may be withdrawn by written notice from the Offeror to VRE's Contract Administration Manager, prior to the RFP closing date and time. The withdrawal shall be made by the person signing the proposal or by an individual(s) who is authorized by the Offeror. The Offeror must provide written evidence of the individual's authority to



withdraw the proposal if the individual withdrawing the proposal is other than the person signing the proposal. Proposals may be withdrawn no later than two (2) business days prior to the closing date.

- B. Requests for withdrawal of proposals after opening of such proposal but prior to award shall be transmitted to VRE's Contract Administration Manager, in writing, accompanied by full documentations supporting the request. If the request is based on a claim of error, documentation must show the basis of the error.
- C. Proposals may be withdrawn for good cause after the closing date and prior to award. No Offeror who is permitted to withdraw a proposal shall, for compensation, supply any material or labor to or perform any subcontract or other work agreement for the person or firm to whom the Contract is awarded or otherwise benefit, directly or indirectly, from the performance of the project for which the withdrawn proposal was submitted.

13.5 LATE PROPOSALS

Proposals received after the proposal closing date and time shall not be considered. Late proposals will be returned to the Offeror UNOPENED, if the solicitation number, closing date and Offeror's return address is shown on the package.

13.6 WITHDRAWAL OF PROPOSALS AFTER PROPOSAL OPENING

- A. An Offeror may withdraw his proposal from consideration if the price/cost proposal was substantially lower than the other proposals due solely to a mistake therein, provided the proposal was submitted in good faith, and the mistake was a clerical mistake as opposed to a judgment mistake, and was actually due to an unintentional arithmetic error or an unintentional omission of a quantity of work, labor or material made directly in the compilation of a proposal, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of original work papers, documents and materials used in the preparation of the proposal sought to be withdrawn.
- B. The Offeror shall give notice in writing of his claim of right to withdraw his proposal along with his original work papers, documents, and materials used in the preparation of the proposal to the VRE Contract Administration Manager, within two (2) days of the conclusion of the proposal opening procedure.
- C. If VRE denies the withdrawal of a proposal within ten (10) calendar days after receiving notice from the Offeror under the provisions of this section, VRE shall notify the Offeror in writing stating the reasons for its decision and award the Contract to such Offeror at the proposed price, provided such Offeror is a responsible and responsive Offeror.



13.7 TRADE SECRETS OR PROPRIETARY INFORMATION

- A. Trade secrets or proprietary information submitted by an Offeror in connection with a procurement transaction submitted pursuant to Code of Virginia, subsection B of §2.2-4317 shall not be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).
- B. However, the Offeror shall:
 - 1. Invoke the protections of this section prior to or upon submission of the data or other materials;
 - 2. Identify the data or other materials to be protected by clearly marking the page with “CONFIDENTIAL” and “PROPRIETARY”; and
 - 3. State the reasons why protection is necessary.
- C. Except for the foregoing limitation, VRE may duplicate, use, and disclose in any matter and for any purpose whatsoever and have others do so, all data furnished in response to this RFP. VRE has the right to release trade secret or proprietary information to a third party which may assist VRE in the review and evaluation of the proposals.

