**ADMINISTRATIVE SERVICES**
**PURCHASING DEPARTMENT**

BID NUMBER: AG-RSCH-ITB-1058

NOTICE TO BIDDERS:
WHERE TERMS AND CONDITIONS DIFFER FROM THE AGENCY'S TERMS AND CONDITIONS, THE AGENCY'S TERMS AND CONDITIONS SHALL SUPERCEDE AND BE ENFORCEABLE ONLY TO THE EXTENT ALLOWABLE BY THE LAWS OF THE STATE OF TEXAS. TERMS AND CONDITIONS INFORMATION IS LISTED AT THE BOTTOM OF THIS PAGE.

ANY CONTRACT RESULTING FROM THIS BID SOLICITATION SHALL BE CONSTRUED AND GOVERNED BY THE LAWS OF THE STATE OF TEXAS.

SPECIFICATIONS ARE MEANT TO BE DESCRIPTIVE RATHER THAN RESTRICTIVE. BIDDER SHALL SUBMIT EQUIPMENT LITERATURE AND SPECIFICATIONS WITH BID RESPONSE FOR EVALUATION. THE AGENCY WILL DETERMINE IF THE EQUIPMENT OFFERED IS EQUAL TO THAT SPECIFIED AND WILL MEET OUR NEEDS. THE AGENCY'S DECISION WILL BE FINAL.

BIDDER SHALL PROVIDE THE AGENCY WITH APPLICABLE EXPORT CONTROL CLASSIFICATION NUMBER (ECCN) OR CATEGORY (EAR OR ITAR) FOR ITEM(S), AND/OR INDICATE WHETHER THE ITEM(S) TO BE PURCHASED ARE EXPORT CONTROLLED.

ECCN OR ITAR CATEGORY:_____

PUBLIC INFORMATION: (A) VENDOR ACKNOWLEDGES THAT THE AGENCY IS OBLIGATED TO STRICTLY COMPLY WITH THE PUBLIC INFORMATION ACT, CHAPTER 552, TEXAS GOVERNMENT CODE, IN RESPONDING TO ANY REQUEST FOR PUBLIC INFORMATION PERTAINING TO THIS AGREEMENT, AS WELL AS ANY OTHER DISCLOSURE OF INFORMATION REQUIRED BY APPLICABLE TEXAS LAW.
(B) UPON THE AGENCY'S WRITTEN REQUEST, VENDOR WILL PROVIDE SPECIFIED PUBLIC INFORMATION EXCHANGED OR CREATED UNDER THIS AGREEMENT THAT IS NOT OTHERWISE EXCEPTED FROM DISCLOSURE UNDER CHAPTER 552, TEXAS GOVERNMENT CODE, THE AGENCY IS A NON-PROPRIETARY FORMAT ACCEPTABLE TO THE AGENCY. AS USED IN THIS PROVISION, "PUBLIC INFORMATION" HAS THE MEANING ASSIGNED IN SECTION 552.002, TEXAS GOVERNMENT CODE, BUT ONLY INCLUDES INFORMATION TO WHICH THE AGENCY HAS A RIGHT OF ACCESS.
(C) VENDOR ACKNOWLEDGES THAT THE AGENCY MAY BE REQUIRED TO POST A COPY OF THE FULLY EXECUTED AGREEMENT ON ITS INTERNET WEBSITE IN COMPLIANCE WITH SECTION 2261.253(A)(1), TEXAS GOVERNMENT CODE.

PAYMENT TERMS: NET 30 DAYS UPON RECEIPT, ACCEPTANCE AND INSTALLATION OF ITEMS OR RECEIPT OF CORRECT INVOICE, WHICHEVER IS LATER.
BIDDERS PLEASE NOTE: TEXAS A&M AGRILIFE RESEARCH RESERVES THE RIGHT TO ACCEPT OR REJECT ANY OR ALL BIDS, TO WAIVE INFORMALITIES AND TECHNICALITIES, TO ACCEPT THE OFFER CONSIDERED MOST ADVANTAGEOUS AND AWARD THE BID BASED ON BEST VALUE CRITERIA. IN DETERMINING WHAT IS THE BEST VALUE TO THE AGENCY, THE AGENCY SHALL CONSIDER:
1) PURCHASE PRICE.
2) THE PRODUCT'S ABILITY TO MEET THE CRITERIA AS STATED IN THE SPECIFICATIONS.
3) THE QUALITY OF THE VENDOR'S GOODS OR SERVICES.
4) THE EXTENT TO WHICH THE GOODS OR SERVICES MEET THE AGENCY'S NEEDS.
5) THE VENDOR'S PAST RELATIONSHIP WITH THE AGENCY.

6) THE TOTAL LONG-TERM COST TO THE AGENCY IN ACQUIRING THE VENDOR'S GOOD OR SERVICES.
7) THE DELIVERY TIME.
8) THE REPUTATION/REFERENCES OF THE VENDOR AND THE VENDOR'S GOODS OR SERVICES.
9) ANY OTHER RELEVANT FACTOR THAT A PRIVATE BUSINESS ENTITY MIGHT CONSIDER IN SELECTING A VENDOR.

PROHIBITION ON CONTRACTS WITH COMPANIES BOYCOTTING ISRAEL:
BY EXECUTING THIS AGREEMENT, THE VENDOR CERTIFIES IT DOES NOT AND WILL NOT, DURING THE PERFORMANCE OF THIS CONTRACT, BOYCOTT ISRAEL. VENDOR ACKNOWLEDGES THIS AGREEMENT MAY BE TERMINATED IF THIS CERTFICATION IS INACCURATE.

CERTIFICATION REGARDING BUSINESS WITH CERTAIN COUNTRIES AND ORGANIZATIONS:
PURSUANT TO SUBCHAPTER F, CHAPTER 2252, TEXAS GOVERNMENT CODE, VENDOR CERTIFIES IT IS NOT ENGAGED IN BUSINESS WITH IRAN, SUDAN, OR A FOREIGN TERRORIST ORGANIZATION. VENDOR ACKNOWLEDGES THIS AGREEMENT MAY BE TERMINATED IF THIS CERTIFICATION IS INACCURATE.

**NEW NIR SYSTEM WITH THE FOLLOWING MINIMUM SPECIFICATIONS:**

1. **MUST BE COMPATIBLE AND ABLE TO TRANSFER AND PROVEN QUALITY OF THE EXISTING MODEL/CALIBRATION CURVES FROM OUR CURRENT FOSS XDS MODEL TO THE NEW SYSTEM TO FULL SATISFACTION (30 DAYS FROM DELIVERY OF NEW SYSTEM). ALL EXISTING DATA MUST BE ABLE TO BE TRANSFERRED TO OUR SATISFACTION INTO THE NEW OPERATING SYSTEM.**
2. **ABLE TO ANALYZE SORGHUM GROUNDED AND DRY SORGHUM BIOMASS AND WHOLE GRAINS OF SORGHUM**
3. **SPECTRUM RANGE (680 NM TO 2600 NM)**
4. **BUILT IN COMPUTER AND SCREEN**
5. **SOFTWARE PACKAGE AND CONVERSION CURVES REQUIRED**
6. **WINDOWS OPERATING SYSTEM**
7. **CALIBRATION SOFTWARE (DEVELOPMENT)**
8. **TRAINING**
9. **INSTALLATION**
10. **DEVELOPMENT OF SPECIAL CALIBRATION CURVES SUPPORT (MINIMUM 1 YEAR)**
11. **ONE YEAR WARRANTY OF PARTS, SOFTWARE AND LABOR**
12. **DATA REPORTS MUST BE EASY TRANSFERABLE TO EXCEL, IN BULKS**
13. **SAMPLE RUNNING SPEED MUST BE LESS THAN 2 MINUTES**

NOEL MASON
BUYER II