



Department of Administration
 Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-0130

State of West Virginia
Master Agreement

Order Date: 2017-09-26

CORRECT ORDER NUMBER
 MUST APPEAR ON ALL PACKAGES,
 INVOICES, AND SHIPPING PAPERS.
 QUESTIONS CONCERNING THIS
 ORDER SHOULD BE DIRECTED TO
 THE DEPARTMENT CONTACT.

Order Number: CMA 0212 0212 SANPAP17	Procurement Folder: 359901
Document Name: Statewide Contract for Sanitary Paper Products	Reason for Modification: Change Order No.01 issued to modify the contract as attached.
Document Description: Sanitary Paper Products	
Procurement Type: Central Master Agreement	
Buyer Name: Brittany E Ingraham	
Telephone: (304) 558-2157	
Email: brittany.e.ingraham@wv.gov	
Shipping Method: Best Way	Effective Start Date: 2017-12-01
Free on Board: FOB Dest, Freight Prepaid	Effective End Date: 2018-11-30

DEPA	
Vendor Customer Code: 000000206075 LIBERTY DISTRIBUTORS INC PO BOX 498 TRIADELPHIA WV 26059 US Vendor Contact Phone: (999) 999-9999 Extension: Discount Percentage: 0.0000 Discount Days: 0	Requestor Name: Brittany E Ingraham Requestor Phone: (304) 558-2157 Requestor Email: brittany.e.ingraham@wv.gov

INVOICE TO	SHIP TO
ALL STATE AGENCIES VARIOUS LOCATIONS AS INDICATED BY ORDER No City WV 99999 US	STATE OF WEST VIRGINIA VARIOUS LOCATIONS AS INDICATED BY ORDER No City WV 99999 US

Total Order Amount	Open End
--------------------	----------

AGENCY COPY

*701
9-26-17*

PURCHASING DIVISION AUTHORIZATION SIGNED BY: <i>[Signature]</i> DATE: <i>9/28/2017</i> ELECTRONIC SIGNATURE ON FILE	ATTORNEY GENERAL APPROVAL AS TO FORM SIGNED BY: <i>[Signature]</i> DATE: <i>[Signature]</i> ELECTRONIC SIGNATURE ON FILE	ENCUMBRANCE CERTIFICATION SIGNED BY: <i>Beverly Toler</i> DATE: <i>[Signature]</i> ELECTRONIC SIGNATURE ON FILE
---	--	---

10-4-17

Extended Description:

Change Order

Change Order No.01 issued to modify the contract due to vendor protest and re-evaluation of the award documentation.

Item No.10 and Item No. 29 to be removed from the Master Agreement.

Effective date of change: 09/26/2017

All provisions of the original contract and subsequent change orders not modified herein shall remain in full force and effect.

No other changes.

Line	Commodity Code	Manufacturer	Model No	Unit	Unit Price
1	14110000			EA	\$0.000000
	Service From	Service To			

Commodity Line Description: Sanitary Paper Products and Accessories

Extended Description:

See Vendors submitted and accepted Exhibit A Pricing Sheet as attached.

Item No.06 was not awarded as it did not meet mandatory specifications

Item No.10 is removed in its entirety

Item No.29 is removed in its entirety



JIM JUSTICE
GOVERNOR

STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
PURCHASING DIVISION
2019 WASHINGTON STREET, EAST
CHARLESTON, WEST VIRGINIA 25305-0130

JOHN A. MYERS
CABINET SECRETARY

W. MICHAEL SHEETS
ACTING DIRECTOR

September 14, 2017

Joseph Gurzenda
Facility Solutions
Veritiv
4501 Westport Drive
Mechanicsburg, PA 17055
Email: Joseph.Gurzenda@veritivcorp.com

Re: SANPAP17 – Award Protest

Mr. Gurzenda,

I received your letter dated August 31, 2017, in which your firm is protesting the award of the above identified contract to Liberty Distributors ("Liberty"). In that protest, you raise six specific objections to items contained in the specifications. Those objections were forwarded to Liberty Distributors for further information. The objections and decisions are shown below. A copy of the response from Liberty distributors is enclosed herewith.

Objection 1: Item #6- Liberty Distributors quoted Kimberly Clark #07805- Bid references minimum of 0.0062 lbs./sq. ft. (3.1.1.3.6.3) The Kimberly Clark item submitted by Liberty Distributors is .0059 lbs./sq. ft. Liberty Distributors is non-compliant with the minimum requirement.

Purchasing Division Decision: Line item #6 was stricken from the contract award to Liberty Distributors and was not included in the award evaluation. After removing this line item, Liberty Distributors was still the lowest bidder.

Objection 2: Item #8- Liberty Distributors quoted Georgia Pacific dispensers but only quoted Kimberly Clark product. This dispenser will not work for the quoted tissue.

Purchasing Division Decision: Liberty Distributors asserts that the dispenser quoted is a universal dispenser and will work with the product quoted. The Purchasing Division accepts the explanation provided by Liberty Distributors.

Objection 3: Item #9- Liberty Distributors quoted Georgia Pacific dispensers but only quoted Kimberly Clark product. This dispenser will not work for the quoted tissue.

Purchasing Division Decision: Liberty Distributors asserts that the dispenser quoted is a universal dispenser and will work with the product quoted. The Purchasing Division accepts the explanation provided by Liberty Distributors.

Objection 4: Item #10- Liberty Distributors quoted Kimberly Clark # 09507. The bid requires a single roll dispenser (3.1.2.4.3.1)-The Kimberly Clark is a double roll dispenser. Liberty Distributors is non-compliant with the minimum requirement.

Purchasing Division Decision: This item will be eliminated from the contract award and the award evaluation. After removing this item, Liberty Distributors still had the lowest bid.

Objection 5: Item #29- Liberty Distributors quoted Kimberly Clark # 09217. The bid requires a metal dispenser (3.1.6.4.1.1). The Kimberly Clark is made of plastic. Liberty Distributors is non-compliant with the minimum requirement.

Purchasing Division Decision: This item will be eliminated from the contract award and the award evaluation. After removing this item, Liberty Distributors still had the lowest bid.

Objection 6: Item #37- Liberty Distributors quoted KC #05325 is not a valid Kimberly Clark product code. Liberty Distributors is non-compliant as this is not a valid code and not available for purchase.

Purchasing Division Decision: Liberty Distributors claims to have made a clerical error when inserting the product number, but inserted the appropriate support documentation. The Purchasing Division reviewed the file and found that Liberty Distributors did in fact submit the correct product sheet. The clerical error in Liberty Distributors' bid is waived as a minor irregularity pursuant to the authority vested in my office by W. Va. CSR § 148-1-4.6.

Accordingly, the contract award to Liberty Distributors will be modified to remove line items #10 and #29. The relief you have requested in the form of cancelation of the contract award to Liberty Distributors and re-award to Veritiv is hereby denied.

Sincerely,



W. Michael Sheets, CPPO,
Acting Director
West Virginia Purchasing Division

Encl: Liberty Distributors Protest Response
Cc: Liberty Distributors



LIBERTY DISTRIBUTORS, INC.

(Corporate Office)
PO Box 498
6015 National Road
Triadelphia, WV 26059-0498
1-800-828-9920

September 8, 2017

Mr. Mike Sheets
State of West Virginia
Department of Administration
Purchasing Division
2019 Washington Street East
Charleston, WV 25305

Subject: Response to Contract # SANPAP17 Protest from Veritiv

Dear Mr. Sheets,

The following is Liberty Distributor's response to the protest letter from Veritiv for the above named contract:

Item #6: The product quoted is the current product that the State of WV has been using for the past 10 years. We feel that this was a formulation error. We are sure that the State of WV would not disqualify a product based on a difference of three ten thousandths of a pound per square foot.

Items #8 and #9: The dispensers quoted are UNIVERSAL dispensers and will fit the products quoted.

Item #10: Line item 5 is a 12" Jumbo Toilet Tissue. Since there was no request for a 12" Jumbo Dispenser, Liberty quoted a dispenser that will fit a 12" roll of toilet tissue. In addition, the dispenser quoted has a "stub roll" feature that allows a partially used roll to be moved to the front while putting a new 12" roll into place. This is a time saver for maintenance. The dispenser will also serve to be used for 2, 9" Jumbo Junior toilet tissue rolls, should the customer choose to do so. The descriptive literature was included with the bid.


Item #29: The product quoted is the same as on the current bid. It is made of ABS plastic (same as football helmets for durability). Liberty has merely changed brands from the current bid in place. Metal is not a standard in the industry and we feel that it was specified in error. There has been no usage on this item this year.

Item #37: This was merely a typo when entering the item number. The correct Kimberly Clark code is 05925. The correct product sheet was submitted.

"Paper Products, Packaging Materials, and Janitorial Supplies"

Please feel free to contact me directly with any questions or additional clarification.

Sincerely,



F. Mark Peluchette
President

Cc: Brittany Ingraham

State of West Virginia
Department of Administration
Purchasing Division
2019 Washington Street East
Charleston, WV 25305
Attn: Ms. Brittany Ingraham
Date: August 31, 2017

August 31, 2017

Subject : Protest Contract Award to Liberty Distributors – Contract # SANPAP 17

Veritiv/xpedx is protesting the contract award to Liberty Distributors for the Sanitary Paper Supplies contract issued on August 31, 2017 by the State of West Virginia purchasing division. The contract has an effective start date of December 1, 2017. Contract # SANPAP 17.

Veritiv/xpedx, via a fax on August 31st, was notified that Veritiv/xpedx was not the successful bidder. In addition, I spoke and confirmed with Ms. Brittany Ingraham and Mr. Guy Nisbet on Thursday August 31st via telephone that the contract was awarded to Liberty Distributors but was not yet posted to the state's purchasing website. In review of the bid tabulations, the low cost bidder was Liberty Distributors. This protest has merit as the products that were submitted by Liberty Distributors were not to the specifications outlined and referenced in solicitation SWC 1800000001.

Specifically, Liberty Distributors submitted the following:

Item #6- Liberty Distributors quoted Kimberly Clark #07805- Bid references minimum of 0.0062 lbs/sq ft (3.1.1.3.6.3) The Kimberly Clark item submitted by Liberty Distributors is .0059 lbs/sq ft. Liberty Distributors is non-compliant with the minimum requirement.

Item #8- Liberty Distributors quoted Georgia Pacific dispensers but only quoted Kimberly Clark product. This dispenser will not work for the quoted tissue.

Item #9- Liberty Distributors quoted Georgia Pacific dispensers but only quoted Kimberly Clark product. This dispenser will not work for the quoted tissue.

Item #10- Liberty Distributors quoted Kimberly Clark # 09507. The bid requires a single roll dispenser (3.1.2.4.3.1)-The Kimberly Clark is a double roll dispenser. Liberty Distributors is non-compliant with the minimum requirement.

Item #29- Liberty Distributors quoted Kimberly Clark # 09217. The bid requires a metal dispenser (3.1.6.4.1.1). The Kimberly Clark is made of plastic. Liberty Distributors is non-compliant with the minimum requirement.

Item #37- Liberty Distributors quoted KC #05325 is not a valid Kimberly Clark product code. Liberty Distributors is non-compliant as this is not a valid code and not available for purchase.

Veritiv/xpedx requests that the State of West Virginia cancel the contract award to Liberty Distributors and awards to Veritiv as we were the next lowest responsive and responsible bidder.

Thank you in advance for your review. All communication pertaining to this protest should be communicated to me directly as I am the National Government Account Manager. I can be reached at 717-215-4249 or email joseph.gurzenda@veritivcorp.com. Any mail correspondence should be sent to:

Veritiv
4111 Copperfield Dr
Harrisburg, PA 17112

Sincerely

Joseph A. Gurzenda

Joseph A. Gurzenda

Protestor

Veritiv Operating Company
Bid Department
7016 A.C. Skinner Parkway
Jacksonville FL 32256

RE: Bid #SWC1800000001
Bid Title: Statewide Contract for Sanitary Paper Products

Liberty Distributors.

VENDORS SHOULD COMPLETE ALL COLUMNS. COLUMNS HIGHLIGHTED IN GREEN INDICATE INFORMATION INPUTTED BY THE VENDOR. GRAY HIGHLIGHTED AREAS ARE NOT APPLICABLE TO THE PRODUCT LISTED.

7/7/2017

Miscellaneous Paper Products

Item	Eligible Item Description				Item Information and Pricing		
	Description	Manufacturer	Manufacturer Model/Product Number	Dispenser No. (If applicable)	Contract Price (Per Case)	Items per Case (Rolls or Packages of Paper for Contract Price)	Item Price (Cost Per Item)
All references to brand names are for illustration purposes only and vendors may bid the brand listed or an equal product.							
The information below is necessary to fully evaluate the vendor's bid response. Failure to provide the information requested may result in the disqualification of the vendor's bid.							
Bathroom Tissue							
1	Small Single Ply Roll	GP14585 or Equal	KIMBERLY CLARK	5102.00	\$39.70	80	\$0.50
2	Small Double Ply Roll	GP16840 or equal	KIMBERLY CLARK	17713.00	\$29.84	60	\$0.50
3	Small Double Ply Roll	GP19880/01 or equal	KIMBERLY CLARK	4460.00	\$35.29	80	\$0.44
4	Large Single Ply Roll	GP13718 or equal	KIMBERLY CLARK	7223.00	\$26.40	12	\$2.20
5	Large Double Ply Roll	KC07827 or Equal	KIMBERLY CLARK	7827.00	\$24.13	6	\$4.02
7	Large Double Ply Roll	GP12798 or equal	KIMBERLY CLARK	7805.00	\$24.10	12	\$2.01
Bathroom Tissue Dispensers							
8	Double Dispenser Basic	GP57120/01 or equal	GEORGIA PACIFIC	57120.00	\$2.00	1	\$2.00
9	Enclosed Two-Roll Plastic	GP59206 or equal	GEORGIA PACIFIC	59206.00	\$2.00	1	\$2.00
Roll Towels							
11	Hard Roll Towel Unbleached	KC04142 Or Equal	KIMBERLY CLARK	4142.00	\$39.58	12	\$3.30
12	Hard Roll Towel Bleached	KC50806 or equal	GEORGIA PACIFIC	26601.00	\$23.47	6	\$3.91
13	Hard Roll Towel Bleached	KC01080 or equal	GEORGIA PACIFIC	28000.00	\$35.64	12	\$2.97
14	Roll Towel Bleached	KC01040 or equal	KIMBERLY CLARK	1040.00	\$47.02	12	\$3.92
15	High Capacity Touchless	GP89420 or equal	GEORGIA PACIFIC	89420.00	\$47.50	6	\$7.92
16	High Capacity Towel Bleached	GP89460 or equal	GEORGIA PACIFIC	89460.00	\$51.07	6	\$8.51
17	High Capacity Towel Un-bleached	GP2530 or equal	KIMBERLY CLARK	25630.00	\$41.66	6	\$6.94
18	Hardround Roll Unbleached	GP28401 or equal	GEORGIA PACIFIC	28401.00	\$16.95	12	\$1.41
Roll Towel Dispensers							
19	Wall Mount Automatic Dispenser	GP59488 or equal	GEORGIA PACIFIC	59488.00	\$2.00	1	\$2.00
20	Wall Mount Automatic Dispenser	GP59460 or equal	GEORGIA PACIFIC	59460.00	\$5.00	1	\$5.00
21	Wall Mount Automatic Dispenser	GPADS2008 or equal	KIMBERLY CLARK	9992.00	\$2.00	1	\$2.00
22	Push Paddle Dispenser	GP54338 or equal	KIMBERLY CLARK	9785.00	\$2.00	1	\$2.00
Folded Towels							
23	Single Fold Bleached	GP20904 or equal	GEORGIA PACIFIC	20904.00	\$18.06	16	\$1.13
	Single Fold	GP23504	GEORGIA				

25	C-Fold Bleached	GP20803 or equal	GEORGIA PACIFIC	20603.00		\$17.50	10	\$1.75
26	C-Fold Unbleached	GP21924 or equal	GEORGIA PACIFIC	21924.00		\$17.50	10	\$1.75
27	Z/Multiple Fold Bleached	GP21000 or equal	KIMBERLY CLARK	1890.00		\$17.21	16	\$1.08
28	Z/Multiple Fold Unbleached	GP23304 or equal	GEORGIA PACIFIC	23304.00		\$16.08	16	\$1.01
Folded Towel Dispensers								

30	Wall Mount Pull Dispenser	GP56650/ 01 or equal	KIMBERLY CLARK	39719.00		\$2.00	1	\$2.00
Miscellaneous								
31	Facial Tissue	GP47410 or equal	GEORGIA PACIFIC	47410.00		\$15.25	30	\$0.54
32	Kitchen Paper Towel Bleached	GP27700 or equal	GEORGIA PACIFIC	27700.00		\$19.83	12	\$1.65
33	Kitchen Paper Towel Unbleached	GP28290 or equal	GEORGIA PACIFIC	28290.00		\$18.10	12	\$1.51
34	Toilet Seat Covers	GP47052 or equal	GEORGIA PACIFIC	47052.00		\$12.92	4	\$3.23
35	Toilet Seat Cover Dispenser	GP57710 or equal	GEORGIA PACIFIC	57710.00		\$2.00	1	\$2.00
36	Wipers, Light Duty	GP29221 or equal	KIMBERLY CLARK	5320.00		\$29.17	18	\$1.62
37	Wipers, Heavy Duty	GP29414 or equal	KIMBERLY CLARK	5325.00		\$25.30	1	\$25.30

10.5
NAME: _____ LIBERTY DISTRIBUTORS, INC.
ADDRESS: _____ 6015 NATIONAL ROAD (PO BOX 498)
_____ TRIADDELPHIA, WV 28059
PHONE: _____ 1-800-628-9920 EXT. 113
FAX: _____ 304-547-0490
EMAIL: _____

CONTACT
PERSON: _____ MARK PELUCHETTE
_____ (Release print)

AUTHORIZED
REPRESENTATIVE: _____
_____ (Signature)

AUTHORIZED
REPRESENTATIVE: _____ F. MARK Peluchette
_____ (Print)

7/18/2017
(Date)