

proposer offers other governmental clients. Discount practices are examined and evaluated based on historical data, sales information and other market research techniques.

The Cooperative has the right to award to multiple companies supplying comparable products or items, also known as a multiple award schedule, but reserves the right to make a single award if determined to be in the best interest of the members.

Once a proposal is awarded, a vendor must generate a minimum of \$15,000 annually or may not have the right to retain its contract. Evaluations will be made on an annual basis on the renewal date of the contract and the Cooperative reserves the right to discontinue the vendor's contract at that time.

It is understood that the Cooperative, through its management and/or its members, may use all means at their collective disposal to evaluate the proposals received on these criteria, and the final decision as to the best overall offer, both as to price and to suitability of the products and/or services offered to fit the needs of the members of the Cooperative, will rest solely with the Board of Trustees of the Cooperative. A Protest Procedure is available at the request of interested vendors.

Unless otherwise indicated in this proposal invitation, "all or nothing" proposals are **not** acceptable and will be rejected. The proposer must be willing to accept a partial award for any combination of the items and/or services proposed, and must be willing to share the business with any other successful proposers.

The successful proposer(s) will be notified by "Notice(s) of Award" issued by the management of the Cooperative.

The Cooperative and/or its members, as a whole or individually, reserve the right to require a performance bond as it is deemed necessary.

B. Performance

8. Quantities

REVIEWED

By Oscar Garza at 4:07 pm, Aug 03, 2012

Quantities reflected in this Proposal Invitation are estimates based upon the combined projected needs for Cooperative members during the contract period. Quantities are the best estimate of anticipated needs available at the time of publication of this Proposal Invitation, but the accuracy of these estimated quantities may be affected by numerous factors including, but not limited to, budgetary adjustments, student participation, availability of government commodities or other subsidies, changing market forces, unintentional errors or omissions, and changes in Cooperative participation. Actual needs may be greater or less than the estimated quantities provided.

Unless otherwise specified by the proposer, the Cooperative as a whole, and its individual members, will be allowed to purchase up to twenty-five percent (25%) more or up to twenty-five percent (25%) less than the estimated quantities for any item and still obtain the item at the proposal price.

Vendors will be notified of significant changes in the estimated quantities, as they become known throughout the contract period.

Successful proposer will be required to monitor consumption rates and bring any exceptions to the attention of the Cooperative management as soon as possible. The Cooperative will communicate slow-moving items to its members if notified by the vendor. Except for conditions discussed within section #23 of this document entitled "Force Majeure," vendors are required to maintain sufficient inventories to cover the needs of Cooperative members with only minimal, occasional, and temporary inability to provide products on a timely basis. Vendors at the close of the contract period agree not to hold the Cooperative liable for any inaccuracies in estimated quantities or for any products on hand.

9. Packaging