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August 30, 2010

ADDENDUM 5

REQUEST FOR PROPOSALS (RFP) NO. 4708 COUNTY OF SAN DIEGO, DEPARTMENT OF PURCHASING & CONTRACTING OFFICE SUPPLIES, SCHOOL SUPPLIES, AND MULTI-PURPOSE PAPER PRODUCTS

This addendum provides clarifications and corrections to the RFP listed above. Please change/revise your copy accordingly. Questions and answers are also provided in this addendum. Please note: In accordance with RFP Terms and Conditions, Section 14 Explanation to Proposers "Oral explanations or instructions will not be binding."

Changes and Corrections:

1. Page 8 Submittal Requirements, 1.5 Litigation: **MODIFY** as follows: ~~State all lawsuits, litigation and regulatory actions in which offeror or other principals thereof have been involved in the last five (5) years. Provide a brief explanation of the reasons for the actions, their status, how they were resolved, and if there were any penalties, fines or other actions taken.~~ Please identify and describe all material lawsuits currently pending against Offeror in the United States. Material lawsuits are those actions disclosed in the Offeror's current SEC filings, as applicable, or which could otherwise have a material impact on Offeror's operations or ability to perform under the Master Agreement. Nothing in this section shall be construed to modify or limit Offeror's Representations and Certifications in its response to RFP Number 4708. Please also identify and describe all regulatory investigations or actions that have occurred in the previous 5 years by federal, state or local agencies into unfair, false or fraudulent business activities.
2. Page 26 Definitions, 4.1.2: **MODIFY** as follows: When appearing and used in conjunction with ~~Section C, Standard Terms and Conditions~~ Proforma Service Agreement.
3. Page 26 Minimum Requirements, 5.3: **MODIFY** as follows: Contractor acknowledges the program will be marketed on a national basis by National IPA. The terms and conditions found in ~~Section~~ Exhibit D must be agreed to by the firm.

Questions and Answers:

Q1. With respect to Addendum 4, No. 2 (Page 8 Submittal Requirements regarding Litigation), we have the following question and comments. Given the potential interpretation of the words "litigation" and "regulatory actions," and the potentially voluminous and immaterial matters (e.g., "slip and fall" matters) in which the Offeror may be "involved" (including as plaintiffs, as third-party witnesses, or as a subpoenaed party), can Offerors limit their response to Section 1.5 to material formal lawsuits filed against the Offeror in the United States? Several of the potential Offerors are global companies with retail and other operations in countries around the world and are involved in voluminous matters potentially responsive to the request, which would make responding to the current request highly burdensome.

Accordingly, Offeror recommends the following requirement be substituted for the current language in Section 1.5 – Litigation (as set forth in Addendum 4): “Please identify all material lawsuits currently pending against Offeror in the United States. Material lawsuits are those actions disclosed in the Offeror’s current SEC filings, as applicable, or which could otherwise have a material impact on Offeror’s operations or ability to perform under the Master Agreement. Nothing in this section shall be construed to modify or limit Offeror’s Representations and Certifications in its response to RFP Number 4708.”

A1. See Changes and Corrections, Number 1.

Q2. In Exhibit A, Statement of Work, Section 4.12, it references “Section C, Standard Terms and Conditions.” However, we did not find a Section C entitled “Standard Terms and Conditions” included within the RFP. Can you please clarify?

A2. See Changes and Corrections, Number 2. A sample of the Proforma Service Agreement can be found on pages 11 through 23 of RFP 4708.

Q3. In Exhibit A, Statement of Work, Section 5.3, it references “The terms and conditions found in Section D”. However, we did not find a Section D included within the RFP. Can you please clarify?

A3. See Changes and Corrections, Number 3.

The due date for the submission of Proposals has NOT been changed. Mark the outside of the package with “RFP 4708” and the name and address of the Offeror. Late Proposals will not be considered unless it is the only one received or there was mishandling on the part of County Purchasing staff. Proposals are to be submitted to the front desk of Purchasing and Contracting department **no later than 3:00 PM local time on Monday, September 13, 2010** at:

**COUNTY OF SAN DIEGO
OFFICE OF PURCHASING AND CONTRACTING
10089 WILLOW CREEK ROAD, SUITE 150, MAIL STOP 032
SAN DIEGO, CA 92131**

If you have any further questions, please contact Germaine Howson, Procurement Contracting Officer by e-mail at Germaine.Howson@sdcounty.ca.gov.


Germaine Howson for

WINSTON F. McCOLL, Director
Department of Purchasing and Contracting

WFM:LMR