



Amendment of Solicitation

Date of Issuance: 08/20/2018

Solicitation No. 09000011617, SW0101

Requisition No. N/A

Amendment No. Two (2)

Hour and date specified for receipt of offers is changed: ☐ No ☒ Yes, to: 09/05/2018 3:00 PM CST/CDT

Pursuant to OAC 260:115-7-30(d), this document shall serve as official notice of amendment to the Solicitation identified above. Such notice is being provided to all suppliers to which the original solicitation was sent.

Suppliers submitting bids or quotations shall acknowledge receipt of this solicitation amendment prior to the hour and date specified in the solicitation as follows:

- (1) Sign and return a copy of this amendment with the solicitation response being submitted; or,
- (2) If the supplier has already submitted a response, this acknowledgement must be signed and returned prior to the solicitation deadline. All amendment acknowledgements submitted separately shall have the solicitation number and bid opening date printed clearly on the front of the envelope.

ISSUED BY and RETURN TO:

U.S. Postal Delivery or Personal or Common Carrier Delivery:

Office of Management and Enterprise Services
Central Purchasing
5005 N. Lincoln Blvd., Ste. 300
Oklahoma City, OK 73105

Theresa Johnson
Contracting Officer

405 - 521 - 2289
Phone Number

theresa.johnson@omes.ok.gov
E-Mail Address

Description of Amendment:

a. This is to incorporate the following:

Answers to Questions:

The following questions have been submitted by suppliers, this amendment is issued to incorporate clarifications and to share this information with all suppliers. The questions and subsequent answers are numbered and in bold type for clarity.

Question #1 . A.14 and B.12 seem to limit bidder from submitting its proposed or required Terms and Conditions for card or account use. However, prior to that, paragraph A.13.5 mentions that Terms, Conditions... of the bidders offer may be subject to negotiations and subsequent revision.

Proposers really must be able to submit for your consideration our Terms and Conditions for Use of the card program offered, and generally these types of things do modify somewhat the requirements of an RFP. We ask that the State recognize that Proposers realize there likely will be terms requiring negotiation, but we should not be quickly rejected without at least negotiating and getting the State's responses to terms and conditions submitted.

We ask and would greatly appreciate that you modify A.14 and B.12 acknowledging bidder terms and conditions submitted are subject to negotiations and will not cause immediate rejection of proposal.

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b. All other terms and conditions remain unchanged.

Supplier Company Name (**PRINT**)

Date

Authorized Representative Name (**PRINT**)

Title

Authorized Representative Signature

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Answer #1 – Section A.14 Rejection of Bid – No change.

Amend B.12 to read as follows:

RFP Compliance: The state reserves the right to reject any Supplier that does not comply with the requirements and specifications of the RFP. A RFP shall be rejected when the Supplier imposes terms or conditions that would limit the Supplier's liability to the State.

Question #2 – In A.18.1 - We have two questions or requests:

1. Please confirm that the frequency of invoicing must be monthly (once per month). See B.17.2
2. We also ask that the State remove the requirement that invoices contain the purchase order number. Purchase orders should not really be pertinent or applicable for paying of fleet credit card fueling transactions or fleet credit card vendor invoices.

Answer #2 - A.18.1 – No Change

Question #3 – A.18.4 -We request that the payment terms be reduced to net 30, or alternatively modify wording to confirm that if Proposer offers terms of at least Net 30 then their response shall not be disqualified. The following RFP sections or worksheet items would need modification: A.18.4, B.17.3, 3.4.2

Answer #3 - A.18.4. – No Change

Question #4 - We request the State amend the RFP to modify item C.3. entitled Mandatory Requirement. The State should understand that Ultimate Vendor status per the American Jobs Creation Act of 2004 (AJCA) is no longer required by the IRS for filing tax exempt refund claims by fleet credit card vendors. The IRS considers companies registered as a "Credit Card Issuer" an appropriate registration and does not require Ultimate Vendor status. Refund claims are filed quarterly by Registered Credit Card Issuers with the IRS on Form 8849 (Claim for Refund of Excise Taxes) and Schedule 8 (Registered Credit Card Issuers). Please allow for this designation.

Answer #4 - The requirement states – Proposers shall submit with their response a copy of the IRS approval letter or APPROPRIATE DOCUMENTATION or response will be deemed non responsive. Suppliers are to provide appropriate documentation.

Question #5 - E.8.14. If customer returns to Supplier a scanned copy of the completed and signed Customer Reference Form, will this be sufficient or must they be signed originals?

Answer #5 – A scanned copy of the completed and signed Customer Reference form is sufficient.

Question #6 - We have a two-part question or request for clarification:

1. We ask H.2.1 be modified to include statement similar to following: "Payment Terms shall mean time in days from the Date of Invoice until the date in which payment is received by Supplier's bank."
2. We ask that H.2.1 be modified to allow Suppliers to quote basis points rebates to participating entities that allow their account to be setup for payment terms shorter than the RFP's specified Net 45 Day payment terms. This is somewhat mentioned in A.18.5, however the Price and Cost wording (Section H) does not allow for it and doesn't really work for the desired approach. Please modify RFP to allow Proposers to quote what the rebate will be if participating entity elects shorter terms such as Net 10 Days, Net 15 Days, Net 25 Days, or Net 30 Days. This should be an acceptable approach if vendor does not offer automatic prompt payment discounts based on when payment is actually received or posted on the account.

Answer #6 – The State considers all cost and business terms negotiable. Proposers are encouraged to make their most advantageous and competitive offer.

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Question #7 - 2.2.11 Should end of this sentence say “three bad PIN or Driver ID entries” instead of “three bad logins”.

Answer #7 – No. This section references administrative access to the card system.

Question# 8 - 2.2.11 Ability for system to allow Program Administrator to unlock card access based on cardholder three bad logins? Can the State clarify if this is related to online access or actual card access by the driver?

Answer #8 – See question #7.

Question #8 -2.3.1 a. We request that item d. “Tank capacity limit”, be modified to include “or transaction dollar limit”

Answer #8 – No, Tank capacity or Transaction quantity are hard values associated with the specific unit. This capability is essential to avoid fraud.

Question #9 - 2.3.1 b. We request that this be modified to include “or dollar amount of purchase”.

Answer #9 - No, Dollar transaction limits are already listed.

Question #10 – 2.3.7 Please confirm whether the last word in this sentence should be “date” instead of “data”.

Answer #10. Yes, change data to DATE.

Question #11 - 3.5.1 The contractor’s liability for fraudulent charges contemplated by 3.5.1 are unacceptable. With the advent of card-skimming fraud in today’s retail gasoline and convenience store climate, and even situations of cardholder/employee theft, the language is just too broad.

We request that this language be modified, and specifically **we ask that the bullet points defining “Authorized Transactions” be deleted and replaced with the following:**

- A valid unlocked Card has been used for payment.
- A valid unlocked Driver ID or Vehicle ID (PIN) has been used (if station prompts for PIN). If station’s POS system does not prompt for Driver ID (i.e. non-Level 3 station), then this would not be a requirement unless Level 3 only controls are assigned to the card.
- Where transactions are authorized by the merchant in accordance with established payment card association rules and regulations.
- The Agency shall be liable for unauthorized or fraudulent use of the Account or Card until it has notified Contractor of such unauthorized access or use.

The Agency will not be liable for unauthorized charges on a Card that occur after the Agency notifies Contractor of the loss or theft of such Card.

Answer #11 - Vendor Fleet Card Risk Monitoring and Notification Process is required. A Dispute Process is critical. Agency should not have to pay for transactions that are not legitimate. Nor should an Agency be required to 'cover/absorb' fraudulent charges through 'card skimming'. The monitoring and security of the card readers is not the responsibility of the Agency.

Question #12 - 3.5.1 Will the State consider not mandating the requirement for the provider to assume liability for driver abuse or failure to secure a card?

Answer #12 – See question #11.

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Question #13 – 3.5.2 The contractor's liability for fraudulent charges contemplated by 3.5.2 are unacceptable. We ask that the following sentence be deleted and replaced:

~~The State and all Participating Agencies shall have no liability for lost or stolen cards or fraudulent use of any corporate liability cards.~~

The Agency shall be liable for unauthorized or fraudulent use of the Account or Card until it has notified Contractor of such unauthorized access or use. The Agency will not be liable for unauthorized charges on a Card that occur after the Agency notifies Contractor of the loss or theft of such Card.

We also request that the following sentence be deleted and replaced as shown below:

~~The Contractor shall report to the Cardholder and the Agency Program Administrator reported fraud transactions and the resulting credit issuance or payment due determinations through immediate system generated letters and within monthly management information reporting.~~

The Contractor shall have a process and methodology for monitoring transactions for fraudulent use and immediately reporting to the Agency suspected fraudulent transactions identified. Proposer should define its approach including method for the Agency to dispute suspected fraudulent transactions and its position regarding liability for fraudulent transactions in response to this section. In response to 3.7.1. provide greater details around the fraud monitoring techniques and services offered.

Answer #13 – Section 3.5.2 clearly states “State and the Contractor through mutual agreement shall establish procedures for reporting lost or stolen cards and stolen cardholder account numbers.”

Question #14 - 3.5.2 Will the State consider relieving the fraud liability to the provider prior to the card being reported lost or stolen?

Answer #14 – See question #13.