

SOURCES SOUGHT NOTICE

GENERAL INFORMATION

SUBJECT: U&O PACSgear CD/DVD Writer System

NAICS CODE: 334290

POINT OF CONTACT: Jonathan Schrader




PLACE OF PERFORMANCE (DELIVERY ADDRESS): See SOW

RESPONSE DATE/TIME: 02/27/2023 2:00 MST Time

BUY INDIAN ACT

The IHS Contracting Officer will give priority for all purchases, regardless of dollar value, by utilizing ISBEE set-aside to the maximum extent possible. Each acquisition of supplies, services or construction that is subject to commercial items (FAR 12.209) or Simplified Acquisition Procedures (SAP) (FAR 13.106) must be set-aside exclusively for ISBEEs.

Definition(s): INDIAN ECONOMIC ENTERPRISE (IEE) - Any business activity owned by one or more Indians, Federally Recognized Indian Tribes, or Alaska Native Corporations provided that:

-  The combined Indian, Federally Recognized Indian Tribe or Alaska Native Corporation ownership of the enterprise constitutes not less than 51%;
-  The Indian, Federal Recognized Indian Tribes, or Alaska Native Corporations must, together, receive at least 51% of the earnings from the contract; and
-  The management and daily business operations must be controlled by one or more individuals who are Indians.

Definition: INDIAN SMALL BUSINESS ECONOMIC ENTERPRISE (ISBEE) – An IEE that is also a small business concern established in accordance with the criteria and size standards of 13 CFR Part 121.

DESCRIPTION OF REQUIREMENT

The NAICS Code 335999 ALL OTHER MISCELLANEOUS ELECTRICAL EQUIPMENT AND COMPONENT MANUFACTURING, is applicable to this acquisition, the size standard is 500 employees.

INTERESTED PARTIES

THIS IS A SOURCES SOUGHT NOTICE ONLY; IT IS NOT A REQUEST FOR QUOTE, RATHER MARKET RESEARCH TO DETERMINE COMPLAINT WITH THE BUY INDIAN ACT AND DETERMINATION OF SET-ASIDE.

All interested firms who can meet the requirements stated above should respond, in writing, INCLUDING ALL THE FOLLOWING:



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1. Company name.
2. Point of contact (name/title/telephone number/e-mail address).
3. FSS / SEWP Contract number, if applicable.
4. DUNS number OR SAM Unique Entity Identifier Number.
5. Tax ID number.
6. Indication of which business category (IEE or ISBEE) for which the organization qualifies.
7. A capability statement that addresses the organizations qualifications and ability to provide the requirement depicted above.
8. Documentation from manufacturer (i.e., correspondence from manufacturer) of your firm being an authorized distributor for the manufacturer. See Attachment 2: Gray Market Prevention Language.

Additionally, since IHS must conduct sufficient market research in determining if there is reasonable expectation of obtaining offers from two or more Indian Economic Enterprises (IEE), for every commercial contract opportunity, in accordance with HHSAR 326.603-1.

To identify and support responsible IEE/ISBEE(s) and prevent circumvention or abuse of the Buy Indian Act, interested, qualified, vendors must provide the following:

-  Representation must be made on the designated IHS Indian Economic Enterprise Representation form (attached) through which the offeror will self-certify eligibility; and,
-  Identify the Federally Recognized Indian Tribe or Alaska Native Corporation upon which the offeror relies for its IEE status.

Interested firms are reminded that in accordance with FAR 4.12, prospective contractors shall complete electronic annual representations and certifications in conjunction with FAR 4.1102 required to be registered in the Systems for Award Management (SAM) **at the time an offer or quotation is submitted** in order to comply with the annual representations and certifications requirements. The Government will use responses to this notice to make an appropriate acquisition decision. This is the only notice: no other copies of this notice will be provided.

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Attachment 1: IHS Indian Economic Enterprise Representation form

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Attachment 2: Gray Market Prevention Language

(a) Gray market items are Original Equipment Manufacturers (OEM) goods sold through unauthorized channels in direct competition with authorized distributors. This procurement is for new OEM medical supplies, medical equipment and/or services contracts for maintenance of medical equipment (i.e. replacement parts) for IHS Hospitals and/or Medical Centers. No remanufactures or gray market items will be acceptable.

(b) Vendor shall be an OEM, authorized dealer, authorized distributor or authorized reseller for the proposed medical supplies, medical equipment and/or services contracts for maintenance of medical equipment (i.e. replacement parts), verified by an authorization letter or other documents from the OEM, such that the OEM's warranty and service are provided and maintained by the OEM. All software licensing, warranty and service associated with the medical supplies, medical equipment and/or services contracts for maintenance of medical equipment shall be in accordance with the OEM terms and conditions.

(c) The delivery of gray market items to the IHS in the fulfillment of an order/award constitutes a breach of contract. Accordingly, IHS reserves the right to enforce any of its contractual remedies. This includes termination of the contract or, solely at IHS's election, allowing the Vendor to replace, at no cost to the Government, any remanufactured or gray market item(s) delivered to an IHS hospital and/or medical facility upon discovery of such items.