

**Form C**

**EXCEPTIONS TO PROPOSAL, TERMS, CONDITIONS  
AND SOLUTIONS REQUEST**



Company Name: Clark Equipment Company dba Bobcat Company and Doosan Infracore Construction Equipment

Note: **Original must be signed** and inserted in the inside front cover pouch.

Any exceptions to the Terms, Conditions, Specifications, or Proposal Forms contained herein shall be noted in writing and included with the proposal submittal. Proposer acknowledges that the exceptions listed may or may not be accepted by NJPA and may or may not be included in the final contract. NJPA may clarify exceptions listed here and document the results of those clarifications in the appropriate section below.

Section/page	Term, Condition, or Specification	Exception	NJPA ACCEPTS

Proposer's Signature:

A handwritten signature in blue ink, appearing to be "R. S. J.", is written over a horizontal line.

Date:

4-17-15



Contract Award  
RFP #042815

FORM D



Formal Offering of Proposal  
(To be completed Only by Proposer)

MEDIUM DUTY AND COMPACT CONSTRUCTION AND MAINTENANCE EQUIPMENT WITH RELATED ATTACHMENTS, ACCESSORIES, AND SUPPLIES

In compliance with the Request for Proposal (RFP) for MEDIUM DUTY AND COMPACT CONSTRUCTION AND MAINTENANCE EQUIPMENT WITH RELATED ATTACHMENTS, ACCESSORIES, AND SUPPLIES the undersigned warrants that I/we have examined this RFP and, being familiar with all of the instructions, terms and conditions, general specifications, expectations, technical specifications, service expectations and any special terms, do hereby propose, fully commit and agree to furnish the defined equipment/products and related services in full compliance with all terms, conditions of this RFP, any applicable amendments of this RFP, and all Proposer's Response documentation. Proposer further understands they accept the full responsibility as the sole source of responsibility of the proposed response herein and that the performance of any sub-contractors employed by the Proposer in fulfillment of this proposal is the sole responsibility of the Proposer.

Company Name: Clark Equipment Company dba Date: 5/14/2015  
Robert Clumney & Associates  
Company Address: 2300 East Benton Drive  
City: West Fargo State: ND Zip: 58078  
Contact Person: Randy Fuss Title: Government Accounts Manager  
Authorized Signature (ink only): [Signature] Randy Fuss  
(Name printed or typed)



## Contract Acceptance and Award

(To be completed only by NJPA)

NJPA 042815 MEDIUM DUTY AND COMPACT CONSTRUCTION AND MAINTENANCE EQUIPMENT WITH  
RELATED ATTACHMENTS, ACCESSORIES, AND SUPPLIES

Clark Equipment Company dba Bobcat Company & Doosan Infracore  
Proposer's full legal name

Your proposal is hereby accepted and awarded. As an awarded Proposer, you are now bound to provide the defined product/equipment and services contained in your proposal offering according to all terms, conditions, and pricing set forth in this RFP, any amendments to this RFP, your Response, and any exceptions accepted or rejected by NJPA on Form C.

The effective start date of the Contract will be May 19th, 20 15 and continue for four years from the board award date. This contract has the consideration of a fifth year renewal option at the discretion of NJPA.

National Joint Powers Alliance® (NJPA)

NJPA Authorized signature: [Signature] Dr. Chad Coquette  
NJPA Executive Director (Name printed or typed)

Awarded this 19th day of May, 20 15 NJPA Contract Number 042815-CEC

NJPA Authorized signature: [Signature] Scott Veronen  
NJPA Board Member (Name printed or typed)

Executed this 19th day of May, 20 15 NJPA Contract Number 042815-CEC

Proposer hereby accepts contract award including all accepted exceptions and NJPA clarifications identified on FORM C.

Vendor Name Clark Equipment Company dba Bobcat and Doosan

Vendor Authorized signature: [Signature] Randy L. Fuss  
(Name printed or typed)

Title: GOVERNMENT ACCOUNTS MANAGER

Executed this 2nd day of JUNE, 20 15 NJPA Contract Number 042815-CEC

**PROPOSER ASSURANCE OF COMPLIANCE****Proposal Affidavit Signature Page****PROPOSER'S AFFIDAVIT**

The undersigned, representing the persons, firms and corporations joining in the submission of the foregoing proposal (such persons, firms and corporations hereinafter being referred to as the "Proposer"), being duly sworn on his/her oath, states to the best of his/her belief and knowledge:

1. The undersigned certifies the Proposer is submitting their proposal under their true and correct name, the Proposer has been properly originated and legally exists in good standing in its state of residence, that the Proposer possesses, or will possess prior to the delivery of any equipment/products and related services, all applicable licenses necessary for such delivery to NJPA members agencies nationally, and that they are authorized to act on behalf of, and encumber the "Proposer" in this Contract; and
2. To the best of my knowledge, no Proposer or Potential Proposer, nor any person duly representing the same, has directly or indirectly entered into any agreement or arrangement with any other Proposers, Potential Proposers, any official or employee of the NJPA, or any person, firm or corporation under contract with the NJPA in an effort to influence either the offering or non-offering of certain prices, terms, and conditions relating to this RFP which tends to, or does, lessen or destroy free competition of the Contract sought for by this RFP; and
3. The Proposer or any person on his/her behalf, has not agreed, connived or colluded to produce a deceptive show of competition in the manner of the proposal or award of the referenced contract; and
4. Neither the Proposer nor any officer, director, partner, member or associate of the Proposer, nor any of its employees directly involved in obtaining contracts with the NJPA or any subdivision of the NJPA, has been convicted of false pretenses, attempted false pretenses or conspiracy to commit false pretenses, bribery, attempted bribery or conspiracy to bribe under the laws of any state or federal government for acts or omissions after January 1, 1985; and
5. The Proposer has examined and understands the terms, conditions, scope, contract opportunity, specifications request and other documents of this solicitation and that any and all exceptions have been noted in writing and have been included with the proposal submittal; and
6. If awarded a contract, the Proposer will provide the equipment/products and/or services to qualifying members of the NJPA in accordance with the terms, conditions, scope of this RFP, Proposer offered specifications and other documents of this solicitation; and
7. The undersigned, being familiar with and understand the expectations requested and outlined in this RFP under consideration, hereby proposes to deliver through valid requests, Purchase Orders or other acceptable forms ordering and procurement by NJPA Members. Unless otherwise indicated, requested and agreed to on a valid purchase order per this RFP, only new, unused and first quality equipment/products and related services are to be transacted with NJPA Members relating to an awarded contract; and
8. The Proposer has carefully checked the accuracy of all proposed products/equipment and related services and listed total price per unit of purchase in this proposal to include shipping and delivery considerations. In addition, the Proposer accepts all general terms and conditions of this RFP, including all responsibilities of commitment as outlined and proposed; and

9. In submitting this proposal, it is understood that the right is reserved by the NJPA to reject any or all proposals and it is agreed by all parties that this proposal may not be withdrawn during a period of 90 days from the date proposals were opened regarding this RFP; and
10. The Proposer certifies that in performing this Contract they will comply with all applicable provisions of the federal, state, and local laws, regulations, rules, and orders; and
11. The Proposer understands that submitted proposals which are marked "confidential" in their entirety, or those in which a significant portion of the submitted proposal is marked "nonpublic" **will not** be accepted by NJPA. Pursuant to Minnesota Statute §13.37 only specific parts of the proposal may be labeled a "trade secret." All proposals are nonpublic until the contract is awarded; at which time, both successful and unsuccessful vendors' proposals become public information.
12. The Proposer understands and agrees that NJPA will not be responsible for any information contained within the proposal.
13. By signing below, the Proposer understands it is his or her responsibility as the Vendor to act in protection of labeled information and agree to defend and indemnify NJPA for honoring such designation. Proposer duly realizes failure to so act will constitute a complete waiver and all submitted information will become public information; additionally failure to label any information that is released by NJPA shall constitute a complete waiver of any and all claims for damages caused by the release of the information.

**[The rest of this page has been left intentionally blank. Signature page below]**

By signing below, Proposer is acknowledging that he or she has read, understands and agrees to comply with the terms and conditions specified above.

Company Name: Clark Equipment Company dba Bohart Company and Doosan Infracore Constructi-  
Equipment

Contact Person for Questions: Randy Fuss

(Must be individual who is responsible for filling out this Proposer's Response form)

Address: 250 East Benton Drive

City/State/Zip: West Fargo, ND 58078

Telephone Number: 701-241-5746 Fax Number: 701-280-7860

E-mail Address: randy.fuss@doosan.com

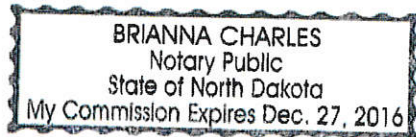
Authorized Signature: Randy Fuss

Authorized Name (typed): Randy L. Fuss

Title: Government Accounts Manager

Date: 4/17/2015

**Notarized**



Subscribed and sworn to before me this 17 day of April, 20 15

Notary Public in and for the County of Cass State of ND

My commission expires: \_\_\_\_\_

Signature: Brianna Charles





**PROPOSER QUESTIONNAIRE**  
**Payment Terms, Warranty, Products/Equipment/Services, Pricing and Delivery, Industry Specific**

Proposer Name: Clark Equipment Company dba Bobcat Company and Doosan Infracore Construction Equipment

Questionnaire completed by: Randy Fuss, Government Accounts Manager

**Payment Terms and Financing Options**

- 1) Identify your payment terms if applicable. (Net 30, etc.)  
Net 30
- 2) Identify any applicable leasing or other financing options as defined herein.  
Bobcat and Doosan offer Competitive Leasing and financing for various terms and conditions and is available through authorized dealer locations and/or third party financing organizations. Leasing is available for 12, 24, 36, 48, and 60 months for equipment and associated attachments. Fair market value leases, lease with option to purchase or lease to own are available through dealers and third party programs.
- 3) Briefly describe your proposed order process for this proposal and contract award. (Note: order process may be modified or refined during an NJPA member's final Contract phase process).
  - a. Please specify if you will be including your dealer network in this proposal. If so, please specify how involved they will be. (For example, will the Dealer accept the P.O.?), and how are we to verify the specific dealer is part of your network?  
All orders will be placed with our corporate headquarters and instructions will be annotated on the quotes sent to the purchasing agency. Purchase orders will be issued to the corporate headquarters only but may be sent through the dealer network channels. Corporate headquarters will be responsible for invoicing the customer agency directly. The dealer network will be responsible for the pre-delivery inspections, final delivery, and any training that is required. The dealer will submit a signed delivery report to ensure the customer has received the equipment.
- 4) Do you accept the P-card procurement and payment process?  
Yes, we will accept government purchase card payments.

**Warranty**

- 5) Describe, in detail, your Manufacture Warranty Program including conditions and requirements to qualify, claims procedure, and overall structure.  
All Bobcat products purchased will included a 12 month/Unlimited Hours warranty. All Doosan Wheel Loaders and Excavators come with a 12 Month/1500 Hours warranty. The Doosan Articulating Dump Trucks come with a 12 Month/2000 Hour Warranty. Non-Bobcat or Doosan Attachments will have warranty coverage but not supported by Bobcat/Doosan (i.e. Trimble Laser Receivers and Transmitters) See Attached Warranty Statements.
- 6) Do all warranties cover all products/equipment parts and labor?  
Yes, Manufacturer's Warranty will cover all parts and labor.
- 7) Do warranties impose usage limit restrictions?  
Yes, the Doosan Heavy equipment has usage limits as previously described. Optional extended Warranty would have hour or usage limits as well. See attached Warranty Statements
- 8) Do warranties cover the expense of technicians travel time and mileage to perform warranty repairs?  
No, travel time is not covered by warranty.
- 9) Please list any other limitations or circumstances that would not be covered under your warranty.  
Abuse, Alterations, Damage, Environmental conditions, Lack of maintenance, Adjustments, Normal Wear Items/Consumables, Unauthorized Repairs, Rental/Loaner, Diagnostic Time, Freight Charges, Clean-Up Time



- 10) Please list any geographic regions of the United States for which you cannot provide a certified technician to perform warranty repairs. How will NJPA Members in these regions be provided service for warranty repair?

Bobcat and Doosan have 30 company field service representatives, 16 internal company service/troubleshooting representatives, and over 600 independently owned authorized dealer locations in North America which are responsible for the sales and service of the equipment within its area of responsibility. Please see attached territory map and dealer list.

### Equipment/Product/Services, Pricing, and Delivery

- 11) Provide a general narrative description of the equipment/products and related services you are offering in your proposal.

Clark Equipment Company dba Bobcat Company and Doosan Infracore Construction Equipment product lines fit within the scope of this RFP. Our breadth of products includes the following products; skid steer loaders, compact track loaders, compact excavators, mini track loaders, utility work machines, utility vehicles, versa-handlers, forklifts/lift trucks, large excavators, wheeled excavators, wheel loaders, articulating dump trucks, portable power generation units, and portable light towers.

- 12) Provide a general narrative description of your pricing model identifying how the model works (line item and/or published catalog percentage discount).

Our discount structure will be a percentage off of the published Suggested List Price.

- 13) Please quantify the discount range presented in this response pricing as a percentage discount from MSRP/published list.

Bobcat Products will range from 12% to 30% off Suggested List Price of power unit and factory installed options depending on product line.

Doosan Heavy Equipment will be discounted at 13% off Suggested List Price.

Please see attached price lists on flash drive.

- 14) Provide an overall proposed statement of method of pricing for individual line items, percentage discount off published product/equipment catalogs and/or category pricing percentage discount with regard to all equipment/products and related services and being proposed. Provide a SKU number for each item being proposed.

Bobcat Products will range from 12% to 30% off Suggested List Price of power unit and factory installed options depending on product line.

Doosan Heavy Equipment will be discounted at 13% off Suggested List Price.

Please see attached price lists on flash drive.

- 15) Propose a strategy, process, and specific method of facilitating "Sourced Equipment/Products and/or related Services" (AKA, "Open Market" items or "Non-Standard Options").

We will allow sourced equipment/products to be itemized on quotes and orders.

- 16) Describe your NJPA customer volume rebate programs, as applicable.

We currently do not have a volume rebate program. However, volume discounts may be offered when requested.

- 17) Identify any Total Cost of Acquisition (as defined herein) cost(s) which is **NOT** included "Pricing" submitted with your proposal response. Identify to whom these charges are payable to and their relationship to Proposer.

Not Applicable.

- 18) If freight, delivery or shipping is an additional cost to the NJPA member, describe in detail the complete shipping and delivery program.

Freight will be itemized on the quote and invoiced, and paid by the NJPA member unless otherwise agreed. Units will be shipped to the nearest dealer for pre-delivery inspection in preparation for final delivery unless circumstances warrant a change to this procedure. The dealer will make contact with the customer and arrange final delivery within the appropriate shipping and receiving times of the customer.



19) As an important part of the evaluation of your offer, indicate the level of pricing you are offering.

Prices offered in this proposal are:

- ☐ a. Pricing is the same as typically offered to an individual municipality, Higher Ed or school District.
- ☐ b. Pricing is the same as typically offered to GPOs, cooperative procurement organizations or state purchasing departments.
- ☐ c. Better than typically offered to GPOs, cooperative procurement organizations or state purchasing departments.
- ☒ d. Other; please describe.

Pricing offered to NJPA members is similar to pricing offered to GPOs, cooperative procurement organizations or state purchasing departments. Because of ceiling based pricing our discount structure offered will allow for best value, better flexibility, better volume and quantity discount consideration, hot list pricing, and positioned to allow the organization to provide more competitive discounts as needed to accommodate customer requests.

20) Do you offer quantity or volume discounts?

☒ YES ☐ NO Outline guidelines and program.

Quantity and/or volume discounts may be available upon request on multiple unit orders.

21) Describe in detail your proposed exchange and return program(s) and policy(s).

We do not have a documented exchange or return policy but work diligently with the customer to resolve any problems they may have. In cases where the machine needs to be returned, we work with our local dealer network to take back the machine and replace or re-sell.

22) Specifically identify those shipping and delivery and exchange and returns programs as they relate to Alaska and Hawaii and any related off shore delivery of contracted products/ equipment and related services

Units being shipped to Alaska or Hawaii are shipped to the port and forwarded on using a third party freight forwarder. The pre-delivery inspection will be done by the servicing dealer or in some instances in very remote areas the pre-delivery inspection will be completed prior to leaving port. The servicing dealer would ensure the equipment is delivered and training is conducted. We do not have a documented exchange or return policy but work diligently with the customer to resolve any problems they may have. In cases where the machine needs to be returned, we will work with our local dealer network to take back the machine to replace or re-sell.

23) Please describe any self-audit process/program you plan to employ to verify compliance with your anticipated contract with NJPA. Please be as specific as possible.

Quotes, orders, and invoices are all completed at the corporate office through internal staff. The orders are verified and executed by internal staff and processed with the factory. We are a build to order manufacturer, and orders are filled by the factory unless the dealer network has the ability to fill the request with stock inventory. Customers are invoiced accordingly for ordered units. Quotes, orders, and invoiced sales are recorded by internal staff for reporting purposes.

### Industry Specific Items

- 24) What is your US market share for the solutions you are proposing in this response?  
Bobcat Company estimates its current market share within the United States is 38%. Doosan Heavy Equipment market share is estimated at 6%
- 25) Do you hold any industry-specific quality management system certifications such as ISO 9001?  
We currently hold ISO 9001, see attached certificate on flash drive.
- 26) Do you hold any environmental management system certifications such as ISO 14001?  
We currently hold ISO 14001 Environmental Management System certification, see attached certificate on flash drive.
- 27) What is your Canadian market share (if any) for the solutions you are proposing in this response?  
Bobcat Company estimates its current Canadian market share is 37%. Doosan Heavy Equipment market share is estimated at 5%
- 28) Is your warranty program handled directly, or does it require a pass through to another manufacturer?  
Our Warranty program is administered directly, with exception to non-Bobcat/Doosan attachments.
- 29) For how many years have the models you are proposing in this response been available in the marketplace?  
All models have been available for up to 8 years. All models will be available now with the Tier 4 compliant engines.
- 30) What is your parts order fill rate?  
Our Parts order fill rate is 98%.
- 31) Do you provide preventive maintenance programs for the solutions you are proposing in this response?  
Yes, preventative maintenance programs may be purchased for an additional charge. Prices vary depending on model, and service program desired.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_