



Department of Health

Invitation for Bids

IFB # C041106

Naloxone and Fentanyl Strip Overdose Prevention

Issued: April 29, 2025

DESIGNATED CONTACT:

Pursuant to State Finance Law §§ 139-j and 139-k, the New York State Department of Health (hereinafter referred to as the “**Department**”) identifies the following designated person to whom all communications attempting to influence the Department’s conduct or decision regarding this procurement must be made.

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PERMISSIBLE SUBJECT MATTER CONTACT:

Pursuant to State Finance Law § 139-j(3)(a), the Department identifies the following allowable person to contact for communications related to the submission of written bids, written questions, pre-bid questions, and debriefings.

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TABLE OF CONTENTS

(Hyperlinked; click to go directly to desired topic)

1. CALENDAR OF EVENTS 3

2. OVERVIEW 3

 2.1. Introductory Background..... 3

 2.2 Important Information..... 3

 2.3. Term of Agreement..... 4

3. MINIMUM QUALIFICATIONS TO BID 4

 3.1. Mandatory Qualifications 4

4. DETAILED SPECIFICATIONS..... 5

 4.1. Definitions 5

 4.2. Bid and Product or Service Requirements 5

 4.3. Estimated Quantities and Delivery Requirements 6

 4.4. Staffing..... 6

 4.5. Shipping..... 7

 4.6. Security Requirements 7

 4.7. Payment..... 7

 4.8. Subcontracting..... 8

 4.9. Contract Insurance Requirements..... 8

 4.10. Minority & Woman Owned Business Enterprise (M/WBE) Requirements 8

 4.11. Equal Employment Opportunity (“EEO”) Reporting..... 10

5. ADMINISTRATIVE INFORMATION 10

 5.1. Restricted Period 10

 5.2. Questions..... 11

 5.3. Right to Modify IFB 11

 5.4. The Department’s Reserved Rights 11

 5.5. Freedom of Information Law (“FOIL”)..... 12

 5.6. Debriefing..... 12

 5.7. Protest Procedures..... 12

 5.8. Piggybacking 13

6. BID FORMAT AND CONTENT 13

 6.1. Mandatory Bid Requirements 13

 6.1.2. Bidder’s Minimum Qualifications to Bid 13

 6.1.3 Bid Form 14

 6.1.4 Bidder’s Certified Statements 14

 6.2. Other Bid Documents 14

 6.2.1. Bidder’s Disclosure of Prior Non-Responsibility Determinations 14

 6.2.2. Vendor Responsibility Questionnaire 14

 6.2.3. Vendor Assurance of No Conflict of Interest or Detrimental Effect..... 15

 6.2.4. EO 177 Prohibiting Contracts with Entities that Support Discrimination 15

 6.2.5. Executive Order 16 Prohibiting Contracting with Businesses Conducting Business in Russia 15

 6.2.6. M/WBE Forms 15

 6.2.7. Encouraging Use of New York Businesses in Contract Performance 15

 6.2.8. State Finance Law Consultant Disclosure Provisions..... 15

 6.2.9. Sales and Compensating Use Tax Certification (Tax Law, § 5-a) 16

 6.2.10. Freedom of Information Law – Bid Redactions 16

7. BID SUBMISSION 16

 7.1. No Bid Form..... 18

8. METHOD OF AWARD..... 18

 8.1. General Information 18

 8.2. Submission Review 18

 8.4. Award Recommendation 18

ATTACHMENTS 19

ATTACHMENT A 1

ATTACHMENT B 2

1. CALENDAR OF EVENTS

IFB C041106 – NALOXONE AND FENTANYL STRIP OVERDOSE PREVENTION	
<u>EVENT</u>	<u>DATE</u>
Issuance of Invitation for Bids	April 29, 2025
Deadline for Submission of Written Questions	Questions Due By May 13, 2025, by 3:00 p.m. ET
Responses to Written Questions Posted by DOH	Responses to be Posted On or About June 3, 2025
Deadline for Submission of Bids	Bids Due on Or Before June 17, 2025, 3:00 p.m. ET
<i>Anticipated</i> Contract Start Date	October 1, 2025

2. OVERVIEW

Through this Invitation for Bids (“IFB”), the New York State (“NYS”) Department of Health (the “Department”) is seeking competitive bids from (a) eligible organization(s) to provide naloxone and fentanyl test strips to the Department’s registered opioid overdose prevention programs as further detailed in [Section 4](#). (DETAILED SPECIFICATIONS). It is the Department’s intent to award one (1) contract from this procurement.

2.1. Introductory Background

In 2006, the New York State Department of Health began what is now the largest Opioid Overdose Prevention Program in the United States. Regulations for Opioid Overdose Prevention Programs are under the authority of [Public Health Law Number 3309](#).

Currently, there are over 1,300 registered programs and close to 5,800 affiliate site locations. The covered geographic area includes all of New York State. These programs are registered by the Department to receive naloxone kits at no cost. The Department provides naloxone kits to all registered programs outside of New York City, 884 programs and 3,306 sites. The New York City Department of Health and Mental Hygiene provides naloxone to registered programs in New York City, 453 programs. Currently, there are 15 NYC based programs that the State Department of Health provides with naloxone.

In December of 2024, [Legislation S.4393/A.5004](#) was signed by Governor Hochul to increase community access to fentanyl test strips. The legislation requires that the Department supply fentanyl test strips when state-registered Opioid Overdose Prevention Programs order naloxone. Fentanyl test strips are federally regulated for detecting fentanyl in an individual’s urine and currently have not been subject to any regulatory process outside of drug testing in urine.

2.2 Important Information

The Bidder **must** review, and is requested to have its legal counsel review, [Attachment 8](#), the DOH Agreement (Standard Contract). The successful Bidder must be willing to enter into the Contract awarded pursuant to this IFB in the terms of [Attachment 8](#), **subject only to any amendments to**

the Standard Contract agreed by the Department during the Question and Answer Phase of this IFB (see, [Section 5.2](#)). Please note that this IFB and the awarded Bidder's Bid will become part of the Contract as Appendix B and C, respectively.

It should be noted that Appendix A of [Attachment 8](#), "Standard Clauses for New York State Contracts", contains important information, terms and conditions related to the Contract to be entered into as a result of this IFB and **will be incorporated, without change or amendment**, into the Contract entered into between the Department and the successful Bidder. By submitting a response to this IFB, the Bidder agrees to comply with all the provisions of the Contract, including all of the provisions of Appendix A.

Note, [Attachment 7](#), the Bidder's Certified Statements, **must** be submitted by each Bidder and includes a statement that the Bidder accepts, **without any added conditions, qualifications or exceptions**, the contract terms and conditions contained in this IFB including any exhibits and attachments, including, without limitation, [Attachment 8](#). It also includes a statement that the Bidder acknowledges that, should any alternative proposals or extraneous terms be submitted with its Bid, such alternate proposals or extraneous terms will not be evaluated by the Department.

Any qualifications or exceptions proposed by a Bidder to this IFB should be submitted in writing using the process set forth in [Section 5.2](#) (Questions) prior to the deadline for submission of written questions indicated in [Section 1](#), (Calendar of Events). Any such qualifications or exceptions that are not proposed prior to the deadline for the submission of written questions will not be considered by the Department after contract award. Any amendments the Department makes to the IFB as a result of questions and answers will be publicized on the Department's web site and will be available and applicable to all Bidders equally.

2.3. Term of Agreement

The term of the Contract that will be entered into pursuant to this IFB between the Department and the successful Bidder is expected to be for a period of five (5) years commencing on the date shown on the Calendar of Events in [Section 1](#), subject to the availability of sufficient funding, successful Contractor performance, and approvals from the New York State Attorney General (AG) and the Office of the State Comptroller (OSC).

3. MINIMUM QUALIFICATIONS TO BID

3.1. Mandatory Qualifications

The Department will only accept Bid proposals from Bidders who meet all of the following specified minimum requirements as a prime contractor:

- The Bidder must have a minimum of two (2) years of experience manufacturing, direct shipping, distributing, and tracking a high volume (est. 45,000 per month) of opioid antagonist of the naloxone classification shipments to the requestor;
- The Bidder must have two years' experience providing a Food and Drug Administration (FDA) approved intranasal naloxone variation 4mg in a 0.1 mL solution or injectable naloxone single use; and
- The Bidder must have one dedicated contract with a shipping company (examples: United Parcel Service (UPS), Federal Express (FedEx), etc.) to deliver product within 3-5 business days to the DOH registered program locations and provide a tracking number for the product shipment. This includes shipping to residential and business locations.

<https://providerdirectory.aidsinstituteny.org>

For the purposes of this IFB, a “prime Contractor” is defined as one who, in relation to a given project, job or product, has the contract with the owner of a project or job, or entity procuring the product, and has full responsibility for the successful completion or delivery of the project or job or product pursuant to the terms of the contract.

Failure to meet these Minimum Qualifications will result in a Bid being found non-responsive and eliminated from consideration.

4. DETAILED SPECIFICATIONS

This Section describes the naloxone and fentanyl test strips required to be provided by the successful Bidder. The selected Bidder must be able to provide all of these products or services throughout the contract term.

PLEASE NOTE: To be considered responsive, a Bidder will be required to provide responses that address all of the requirements of this IFB as part of its Bid.

For purposes of this IFB, the terms “shall”, “must” and “will” are used interchangeably when describing the requirements for a Bidder’s responsive Bid or the Contractor’s duties under the Contract to be entered into between the Department and the successful Bidder.

4.1. Definitions

Naloxone- Naloxone is a medicine that rapidly reverses an opioid overdose. It is an opioid antagonist. This means that it attaches to opioid receptors and reverses and blocks the effect of other opioids. Naloxone can quickly restore normal breathing to a person if their breathing has slowed or stopped because of an opioid overdose.

Opioid Antagonist- Medications which block the effects of opioids.

Fentanyl test strips- Fentanyl test strips (FTS) are testing devices to detect fentanyl in urine. They have been adapted by people who use drugs to test their own drug supply. This off-label use allows the person who is consuming the drugs to detect the presence of fentanyl in different kinds of drugs and in different drug forms (pills, powder, and injectables).

Unit – A single carton containing two doses of naloxone.

4.2. Bid and Product or Service Requirements

The Department is seeking a Contractor to supply the New York State registered Opioid Overdose Prevention Program (OOPP) with an FDA approved intranasal naloxone variation of 4 mg in a 0.1 mL solution and fentanyl test strips with each order.

The supplied medication must meet all current mandatory FDA requirements and product approvals, be shown as effective at reversing opioid overdoses according to peer reviewed literature, have peer reviewed evidence that this product has less precipitated withdrawal for persons who use drugs when tested in peer reviewed comparisons, have substantial reports of practicality in use by community bystanders to overdose events, and any naloxone product provided by the contractor must be both scientifically tested with people who use drugs (PWUD) and peer reviewed.

Fentanyl test strips have not been subject to any State or Federal regulatory regime or process which has led to variations in accuracy among brands and testing strips when testing drug samples, as noted in this [peer-reviewed paper](#). The Contractor must employ quality control measures to validate each lot before distribution to the community. The Contractor must contract with a lab for validation. As the testing technology evolves the Department will work with the selected vendor to adapt to new developments.

The Contractor must provide uninterrupted access to and availability of naloxone and fentanyl test strips to New York State registered Opioid Overdose Prevention Programs. The amount of naloxone and the number of FTS ordered may vary based on the type of program (examples: Syringe Exchange Programs, EMS, Law Enforcement, and Schools) <https://providerdirectory.aidsinstituteny.org/>.

The fentanyl testing strips must be shipped concurrently with the shipments of naloxone ordered by registered programs. The number of testing strips is determined by the program and can range anywhere from 0-1,000 strips per order of naloxone. (See Attachment C- Delivery point and number of naloxone orders per site).

4.3. Estimated Quantities and Delivery Requirements

The Department places orders for over 20,000 units (two [2] doses per carton) each month up to a high volume of 45,000. The inventory of the medication must be produced at a volume that can meet the demand of the registered programs without any gaps in shipping due to product restocking.

The Contractor must provide storage/warehouse space for a minimum of 40,000 units monthly with the ability to flex as needed to maintain the product in clean, secure and appropriate temperature environments as per individual requirements for naloxone. This product is currently shipped to over 800 program locations with 3,306 affiliate sites in rest of state as of January 23, 2025 (See Attachment C).

The Contractor must maintain the products in quantities such that all orders can be shipped and delivered Freight On Board (FOB) destination to the Department's Opioid Overdose Prevention sites within 3-5 business days, not including weekends and holidays, after an order is placed through the Department's website order portal.

The web-based naloxone ordering portal is designed to streamline the ordering, processing, and shipping of naloxone kits, fentanyl strips and other products to vetted and registered programs. It also serves as the Department's data collection portal on all aspects of these program orders. The Contractor is responsible for updating shipping information including lot numbers in the portal.

4.4. Staffing

The Contractor must have a dedicated person on staff who will be provided log in credentials and required to perform data entry into the already existing NYS Department of Health Opioid Overdose Prevention Program Database. This includes, but is not limited to, ordering, entering of shipment tracking and product lot numbers, invoicing, vouchering, billing reconciliation, and associating invoice numbers to registered programs certificate numbers. This person would be on point to handle any shipping issues until the shipment has been received and signed for and/or located. There are no shipments that are expected on Department holidays; however coordination with the Department on closures or expected delays due to holidays is required.

Contractor must provide staff who can resolve shipping and receiving issues, to the satisfaction of the Department (such as tracking, consumer complaints, missed or mis-directed deliveries), as well as product-related issues (which can include, but is not limited to: recalls on the product or apparatus, broken or missing products, issues with blister pack seals, etc.).

4.5. Shipping

The Contractor must ensure the quality of the product prior to shipping, which means that the medication has been certified and has been visually inspected to ensure the packaging is intact, and not defective in any way. All products must be shipped using the Contractor's shipping vendor (such as UPS, FedEx, DHL, etc.) and include the provision of tracking numbers for all shipments. The Contractor will manually maintain all tracking information for each shipment and enter this information into the Department's ordering system. This includes a tracking and lot number, date shipped, delivery vendor any nuances about the delivery (pallet deliveries, multiple orders arriving on the same day). The information must be entered into the system once shipment is confirmed. The Department's system will generate emails and notification to the programs to ensure that someone is onsite at the location of delivery at the expected time of delivery.

The Department provides the naloxone to all registered programs outside of New York City, 884 programs. Currently, there are 15 programs that the Department ships naloxone to that are based in NYC. Regulations for Opioid Overdose Prevention Programs are under the authority of [Public Health Law Number 3309](#).

Contractor must provide a delivery option to shipping centers if an agency delivery point of contact is not available.

4.6. Security Requirements

Please note that site locations (described throughout) covered by this agreement have mandatory security policies and procedures which must be adhered to by the Contractor and its employees and any other agents. The Contractor will work with the Department or designee to obtain necessary clearances, if needed. The Contractor may be required to provide information such as, but not limited to, the company name, address of shipping location and the accepting employee's name. The Contractor will be required to follow the direction of the Department or designee, as well as the security personnel teams to ensure that the Contractor is always compliant with all facility-specified security policies.

4.7. Payment

Payment of invoices and/or vouchers submitted by the successful Bidder pursuant to the terms of the Contract entered pursuant to this IFB by the Department shall be made in accordance with Article XI-A of the New York State Finance Law. Payment terms will be upon invoice for services rendered.

Contractor must bill the Department biweekly (example 01/01/2025 – 01/15/2025 & 01/16/2025 – 01/31/2025) for the shipment of products, this includes fentanyl testing strips and naloxone. The invoice must include the Purchase Number, Order Number, Invoice Number, date and address of where it was shipped, along with the quantity. The invoice must include a PDF detailing the information noted above and an excel spreadsheet with the fields presented below:

PO Number	Order Number	Invoice Number	Shipped Quantity	Total Gross Amount

This information will then be reconciled by the Department for payment. If any inconsistencies arise the Department will reach out to the Contractor dedicated contact to resolve.

4.8. Subcontracting

Bidders may propose the use of a subcontractor. The Contractor shall obtain prior written approval from the Department before entering into an agreement for services to be provided by a subcontractor. The Contractor is solely responsible for assuring that all the requirements of the IFB are met. All subcontracts shall contain provisions specifying that the work performed by the subcontractor must be in accordance with the terms of the prime contract, and that the subcontractor specifically agrees to be bound by the confidentiality provisions set forth in the agreement between the Department and the Contractor. The Department reserves the right to request removal of any Bidder's staff or subcontractor's staff if, in the Department's discretion, such staff is not performing in accordance with the Agreement.

NOTE: Subcontractors whose contracts are valued at or above \$100,000 will be required to submit the Vendor Responsibility Questionnaire upon selection of the prime Contractor.

4.9. Contract Insurance Requirements

Prior to the start of work under this Contract, the Contractor shall procure, at its sole cost and expense, and shall maintain in force at all times during the term of this Contract, insurance of the types and in the amounts set forth in [Attachment 8](#), the New York State Department of Health Contract, Section IV. Contract Insurance Requirements.

4.10. Minority & Woman Owned Business Enterprise (M/WBE) Requirements

Pursuant to New York State Executive Law Article 15-A, the Department recognizes its obligation to promote opportunities for maximum feasible participation of **certified** minority-and woman-owned business enterprises and the employment of minority group members and women in the performance of the Department's contracts.

Business Participation Opportunities for M/WBEs

For purposes of this RFP, the Department hereby establishes an overall goal of 30% or M/WBE participation, 15% for Minority-Owned Business Enterprises ("MBEs") participation and 15% for Woman-Owned Business Enterprises ("WBEs"), based on the current availability of qualified MBEs and WBEs and outreach efforts to certified M/WBE firms. The successful Bidder who becomes the Contractor under the Contract entered into with the Department pursuant to this IFB must document good faith efforts to provide meaningful participation by M/WBEs as subcontractors or suppliers in the performance of the Contract consistent with the M/WBE participation goals established for this procurement, and Contractor must agree that the Department may withhold payment pending receipt of the required M/WBE documentation. For guidance on how the Department will determine "good faith efforts," refer to 5 NYCRR §142.8.

The directory of New York State Certified M/WBEs can be viewed at:

<https://ny.newnycontracts.com/>. The directory is found in the upper right-hand side of the webpage under "Search for Certified Firms" and accessed by clicking on the link entitled "MWBE Directory". Engaging with firms found in the directory with like product(s) and/or service(s) is required, and all

communication efforts and responses should be well documented to establish Contractor's "good faith efforts".

By submitting a Bid in response to this IFB, for contracts with an MWBE goal above, a Bidder agrees to complete and submit an M/WBE Utilization Plan (Attachment 5, Form #1) prior to award. The Department will review the submitted M/WBE Utilization Plan. If the Plan is not accepted, the Department may issue a notice of deficiency. If a notice of deficiency is issued, Bidder agrees that it shall respond to the notice of deficiency within seven (7) business days after Bidder's receipt of such notice.

The Department may disqualify a Bidder as being non-responsive to this IFB under the following circumstances:

- a) If a Bidder fails to submit a M/WBE Utilization Plan;
- b) If a Bidder fails to submit a written remedy to a notice of deficiency;
- c) If a Bidder fails to submit a request for waiver (if applicable); or
- d) If the Department determines that the Bidder has failed to document good-faith efforts to provide meaningful participation by M/WBEs under the Contract in accordance with the goals for this IFB established by the Department;

The Contractor will be required to attempt to utilize, in good faith, any MBE or WBE identified in its M/WBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to the Department but must be made no later than prior to the submission of a request for final payment on the Contract.

The Contractor will be required to submit a Contractor's Quarterly M/WBE Contractor Compliance & Payment Report to the Department, by the 10th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the M/WBE goals of the Contract.

If (a) the Department determines that the Contractor is not in compliance with the M/WBE requirements of the Contract and the Contractor refuses to comply with such requirements, or (b) the Department finds that the Contractor has willfully and intentionally failed to comply with the M/WBE participation goals established in the Contract, the Contractor may be required to pay to the Department liquidated damages and will be considered during future Vendor Responsibility Profile reviews should the bidder bid on future opportunities with the Department

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to M/WBEs had the Contractor achieved the contractual M/WBE goals; and (2) all sums actually paid to M/WBEs for work performed or materials supplied under the Contract.

A New York State certified Minority- and Woman-Owned Business (M/WBE) may request that their firm's contact information be included on a list of M/WBE firms interested in serving as a subcontractor for this procurement. The listing will be publicly posted on the Department's website for reference by the bidding community. A firm requesting inclusion on this list should send contact information and a copy of its NYS M/WBE certification to AIGPU@health.ny.gov before the Deadline for Questions as specified in Section 1. (Calendar of Events). Nothing prohibits an M/WBE Vendor from proposing as a prime Contractor.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the

withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

4.11. Equal Employment Opportunity (“EEO”) Reporting

By submission of a bid in response to this solicitation, the Bidder agrees with all of the terms and conditions of [Attachment 8](#), Appendix A, including Clause 12 - Equal Employment Opportunities for Minorities and Women. Additionally, the successful bidder will be required to certify they have an acceptable Equal Employment Opportunity (“EEO”) policy statement in accordance with Section III of Appendix M in [Attachment 8](#).

Further, pursuant to Article 15 of the Executive Law (the “Human Rights Law”), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

The Contractor is required to ensure that it and any subcontractors awarded a subcontract over \$25,000 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the “Work”), except where the Work is for the beneficial use of the Contractor, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

To ensure compliance with this Section, the Bidder should submit, with the bid or proposal, an Equal Employment Opportunity Staffing Plan ([Attachment 5](#), Form #4) identifying the anticipated work force to be utilized on the Contract. Additionally, the Bidder should submit a Minority and Woman-Owned Business Enterprises and Equal Employment Opportunity Policy Statement ([Attachment 5](#), Form # 5), to the Department with their bid.

5. ADMINISTRATIVE INFORMATION

The following administrative requirements, terms and information will apply to this IFB. Failure to comply fully with any of these requirements or terms, or this information, may result in disqualification of a Bidder’s Bid.

5.1. Restricted Period

“Restricted Period” means the period of time (a) commencing with the earliest written notice, advertisement, or solicitation of this Invitation for Bids, soliciting a response from Bidders and intending to result in a procurement contract with the Department and (b) ending with the final Contract award and approval by the Office of the State Comptroller.

Pursuant to State Finance Law Sections 139-j and 139-k, the Department has identified a “Designated Contact” and a “Permissible Subject Matter Contact” on the Face Page of this IFB to whom all communications with regard to this procurement during the Restricted Period must be made.

During the Restricted Period of this IFB, any oral, written, or electronic communication between a potential Bidder and the Department, except communications between a potential Bidder and the Designated Contact or the Permissible Subject Matter Contact specified on the Cover Page of this IFB, under circumstances where a reasonable person would infer that the communication was intended to influence this procurement, is prohibited by law. The violation of the requirements described in this Section may be grounds for a determination that a Bidder is non-responsible and therefore ineligible for a contract award pursuant to this IFB. Two violations within four years of the rules against impermissible contacts during a "Restricted Period" may result in the violator being debarred from participating in all procurements by New York State agencies and authorities for a period of four years.

5.2. Questions

Potential Bidders may submit written questions and requests for clarification pertaining to this IFB between the issuance of this IFB and the deadline for the submission of written questions specified in [Section 1](#) (Calendar of Events). All questions and requests for clarification of this IFB should cite the relevant IFB, including the IFB number and title Naloxone and Fentanyl Strip Overdose Prevention, the section and paragraph number of this IFB or of the Attachment to this IFB to which the question relates, where applicable, and must be submitted via email to AIGPU@health.ny.gov no later than the Deadline for Submission of Written Questions specified in [Section 1](#). (Calendar of Events). Questions received after the deadline **may not** be answered.

If a potential Bidder discovers any ambiguity, conflict, discrepancy, omission, or other apparent error in this IFB, the Bidder shall immediately notify the Department of such error in writing at AIGPU@health.ny.gov and request that the Department clarify or modify the Terms of this IFB. If, prior to the deadline for the Submission of Bids, a Bidder fails to notify the Department of a known error or an error that reasonably should have been known, the Bidder shall assume the risk of bidding notwithstanding such apparent ambiguity, conflict, discrepancy, omission or other error. If awarded the Contract pursuant to the terms of this IFB, the Bidder shall not be entitled to an amendment to the terms of the Contract to correct or clarify any such ambiguity, conflict, discrepancy, omission or other error nor to any additional compensation by reason of the error or its correction.

5.3. Right to Modify IFB

The Department reserves the right to modify any part of this IFB, including, but not limited to, the date and time by which Bids must be submitted and received by the Department, at any time prior to the Deadline for Submission of Bids specified in [Section 1](#). (Calendar of Events). Modifications to this IFB shall be made by the issuance of amendments and/or addenda, which will be posted to the Department's website.

5.4. The Department's Reserved Rights

The Department reserves the right to:

1. Reject any or all bids received in response to the IFB.
2. Withdraw the IFB at any time, at the Department's sole discretion.
3. Make an award under the IFB in whole or in part.
4. Disqualify any Bidder whose conduct and/or Bid fails to conform to the requirements of the IFB.
5. Seek clarifications and revisions of Bids.
6. Use Bid information obtained through site visits, management interviews and the State's investigation of a Bidder's qualifications, experience, ability or financial standing, and any material or information submitted by the Bidder in response to the Department's or any other State agency's request for clarifying information in the course of evaluation and/or selection

- under the IFB.
7. Prior to the bid opening, amend the IFB specifications to correct errors or oversights, or to supply additional information, as it becomes available.
 8. Prior to the bid opening, direct Bidders to submit bid modifications addressing subsequent IFB amendments.
 9. Change any of the scheduled dates set forth in [Section 1](#). (Calendar of Events).
 10. Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective Bidders.
 11. Waive any requirements that are not material.
 12. Negotiate with the successful Bidder within the terms of the IFB, including the attachments and exhibits, if any, to this IFB, and any amendments or addenda to the IFB, and the Questions and Answers, if any, posted by the Department in accordance with [Section 5.2](#) (Questions), in the best interests of the State.
 13. Conduct contract negotiations with the next responsible Bidder, should the Department be unsuccessful in negotiating with the selected Bidder.
 14. Utilize any and all ideas submitted in the bids received.
 15. Every offer made by a Bidder pursuant to the terms of the Bid it submits shall be firm and not revocable for a period of three hundred and sixty-five days (365) from the bid opening to the extent not inconsistent with Section 2-205 of the uniform commercial code. Subsequent to such three hundred and sixty- five days (365), any offer is subject to withdrawal communicated in a writing signed by the Bidder.
 16. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a Bidder's Bid and/or to determine a Bidder's compliance with the requirements of the solicitation.

5.5. Freedom of Information Law ("FOIL")

All Bids may be disclosed or used by the Department to the extent permitted by law. The Department may disclose a Bid to any person for the purpose of assisting in evaluating the Bid or for any other lawful purpose. All Bids will become State agency records, which will be available to the public in accordance with the New York State Freedom of Information Law. **Any portion of the Bid that a Bidder believes constitutes proprietary information entitled to confidential handling, as an exception to the Freedom of Information Law, must be clearly and specifically designated in the Bid.** If the Department agrees with the proprietary claim, the designated portion of the Bidder's Bid will be withheld from public disclosure. Blanket assertions of proprietary material will not be accepted, and failure to specifically designate proprietary material may be deemed a waiver of any right to confidential handling of such material.

5.6. Debriefing

Once an award has been made, a Bidder may request a debriefing of their Bid. The debriefing will be limited solely to the Bidder's own Bid and will not include any discussion of other bids. A Bidder's request for a debriefing must be received by the Department no later than fifteen (15) calendar days after the date of the award notification to the successful Bidder or non-award announcement to the unsuccessful Bidder, depending upon whether the Bidder requesting the debriefing is the successful Bidder or an unsuccessful Bidder.

5.7. Protest Procedures

In the event an unsuccessful Bidder wishes to protest the award resulting from this IFB, the protesting Bidder must follow the protest procedures established by the Office of the State Comptroller (OSC). These procedures can be found in Chapter XI Section 17 of the OSC's Guide to Financial Operations, which is available on-line at: <http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>

5.8. Piggybacking

New York State Finance Law Section 163(10)(e) (*see, also, <https://ogs.ny.gov/procurement/piggybacking-using-other-existing-contracts-0>*) allows the Commissioner of the NYS Office of General Services (OGS) to consent to the use of a Contract entered into pursuant to this IFB by other New York State Agencies, and other authorized purchasers, subject to conditions and the consent of the successful Bidder/Contractor.

6. BID FORMAT AND CONTENT

Bidders responding to this IFB must satisfy all requirements stated in this IFB. A Bidder must submit a complete Bid package. A Bid that is incomplete in any material respect must be rejected.

To expedite the review by the Department of the Bids submitted in response to this IFB, Bidders are requested to submit their Bids as summarized in [Attachment A](#), Bid Package Checklist. This separation of information will facilitate the review of the material requested. No information beyond that specifically requested is required, and Bidders are requested to keep their Bid submissions to the shortest length consistent with making a complete presentation of qualifications and a complete and concise response to each component of the IFB.

The Department will not be responsible for expenses incurred in preparing and submitting the Bid Packages. Such costs should not be included in the Bid.

6.1. Mandatory Bid Requirements

The purpose of the Mandatory Bid Requirements is to demonstrate the qualifications, competence, and capacity of the Bidder to provide the commodity or services sought to be procured by the Department pursuant to this IFB. The following outlines the required information to be provided by each **responsive** Bidder. The information requested must be provided in the prescribed format. Responses that do not follow the prescribed format will be eliminated from consideration. All responses included in a Bid submitted pursuant to this IFB by a Bidder are subject to verification for accuracy.

6.1.2. Bidder's Minimum Qualifications to Bid

A responsive Bidder must be able to meet all the requirements stated in [Section 3.1](#) of this IFB. The Bidder must submit documentation that provides sufficient evidence of meeting the minimum qualifications to bid. This documentation may be in any format needed to demonstrate how they meet those minimum qualifications.

- The Bidder must have a minimum of two (2) years of experience manufacturing, direct shipping, distributing, and tracking a high volume (est. 45,000 per month) of opioid antagonist of the naloxone classification shipments to the requestor;
- The Bidder must have two years' experience providing a Food and Drug Administration (FDA) approved intranasal naloxone variation 4mg in a 0.1 mL solution or injectable naloxone single use; and
- The Bidder must have one dedicated contract with a shipping company (examples: United Parcel Service (UPS), Federal Express (FedEx), etc.) to deliver product within 3-5 business days to the DOH registered program locations and provide a tracking number for the

product shipment. This includes shipping to residential and business locations.

6.1.3 Bid Form

A responsive Bidder must submit a completed and signed [Attachment B – Bid Form](#). The Bid Form must comply with the format and content requirements as detailed in this IFB and in Attachment B. Failure to comply with the format and content requirements will result in disqualification.

The prices bid must cover the cost of furnishing all of the said products and services specified in this IFB, including, but not limited to, materials, equipment, profit and labor to the satisfaction of the Department and the performance of all work set forth in the specifications for this procurement set forth in this IFB and in the Contract to be awarded pursuant to this IFB to the successful Bidder.

Bidders must provide a price for all products in sizes and quantities exactly as listed in **Bid Form - Attachment B**. Bids which do not include a price for all products may be disqualified. Bids which add alternative products, quantities or sizes will be disqualified.

6.1.4 Bidder's Certified Statements

Complete, sign and submit [Attachment 7, "Bidder's Certified Statements", which includes information regarding the Bidder. Attachment 7 must be signed by an individual authorized to bind the Bidder contractually. Please indicate the title or position that the signer holds with the Bidder.](#)

Note: THE DEPARTMENT WILL REJECT AND FIND UNRESPONSIVE ANY BID THAT IS MISSING OR CONTAINS AN INCOMPLETE, UNSIGNED [Attachment 7](#).

6.2. Other Bid Documents

6.2.1. Bidder's Disclosure of Prior Non-Responsibility Determinations

Submit a completed and signed [Attachment 1](#), "Bidder's Disclosure of Prior Non-Responsibility Determinations".

6.2.2. Vendor Responsibility Questionnaire

Complete, certify, and file a New York State Vendor Responsibility Questionnaire. The Department recommends that Bidders file the required Vendor Responsibility Questionnaire online via the New York State VendRep System. To enroll in and use the New York State VendRep System, see the VendRep System Instructions at http://www.osc.state.ny.us/vendrep/info_vrsystem.htm or go directly to the VendRep System online at www.osc.state.ny.us/vendrep.

Bidders must provide their New York State Vendor Identification Number (Vendor ID) when enrolling. To request assignment of a Vendor ID or for VendRep System assistance, contact the Office of the State Comptroller (OSC)'s Help Desk at 866-370-4672 or 518-408-4672 or by email at ciohelpdesk@osc.state.ny.us.

Bidders opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website, www.osc.state.ny.us/vendrep, or may contact the OSC's Help Desk for a copy of the paper form. Bidders should complete and submit the Vendor Responsibility Attestation, [Attachment 3](#).

6.2.3. Vendor Assurance of No Conflict of Interest or Detrimental Effect

Submit [Attachment 4](#), Vendor's Assurance of No Conflict of Interest or Detrimental Effect, which includes information regarding the Bidder and its members, shareholders, parents, affiliates and subcontractors. [Attachment 4](#) must be signed by an individual authorized to bind the Bidder contractually.

6.2.4. EO 177 Prohibiting Contracts with Entities that Support Discrimination

Submit Attachment 9, certifying that Bidder does not have institutional policies or practices that fail to address the harassment and discrimination of individuals on the basis of their age, race, creed, color, national origin, sex, sexual orientation, gender identity, disability, marital status, military status, or other protected status under the New York State Human Rights Law.

6.2.5. Executive Order 16 Prohibiting Contracting with Businesses Conducting Business in Russia

Submit Attachment 10, certifying the status of the Bidder's business operations in Russia, if any, as mandated by Executive Order 16.

6.2.6. M/WBE Forms

Submit completed Form #1 and/or Form #2, Form #4 and Form #5 as directed in [Attachment 5](#), "New York State DOH M/WBE IFB Required Forms".

6.2.7. Encouraging Use of New York Businesses in Contract Performance

Submit [Attachment 6](#) "Encouraging Use of New York State Businesses in Contract Performance" to indicate which New York State Businesses, if any, the Bidder will use in the performance of the Contract to be awarded to the successful Bidder.

6.2.8. State Finance Law Consultant Disclosure Provisions

In accordance with New York State Finance Law Section 163(4)(g), State agencies must require all Contractors, including subcontractors, that provide consulting services for State purposes pursuant to a contract to submit an annual employment report for each such contract.

The successful bidder for procurements involving consultant services must complete a "State Consultant Services Form A, Contractor's Planned Employment from Contract Start Date through End of Contract Term" in order to be eligible for a contract.

The successful bidder must also agree to complete a "State Consultant Services Form B, Contractor's Annual Employment Report" for each state fiscal year included in the resulting contract. This report must be submitted annually to the Department of Health, the Office of the State Comptroller, and Department of Civil Service.

Submit State Consultant Services Form A: Contractor's Planned Employment and Form B: Contractor's Annual Employment Report, available at: <http://www.osc.state.ny.us/agencies/forms/ac3271s.doc> and <http://www.osc.state.ny.us/agencies/forms/ac3272s.doc>.

6.2.9. Sales and Compensating Use Tax Certification (Tax Law, § 5-a)

Section 5-a of the Tax Law, as amended, effective April 26, 2006, requires certain Contractors awarded state contracts for commodities, services and technology valued at more than \$100,000 to certify to the Department of Tax and Finance (DTF) that they are registered to collect New York State and local sales and compensating use taxes. The law applies to contracts where the total amount of such contractors' sales delivered into New York State are in excess of \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made, and with respect to any affiliates and subcontractors whose sales delivered into New York State exceeded \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made.

This law imposes upon certain contractors the obligation to certify whether or not the contractor, its affiliates, and its subcontractors are required to register to collect state sales and compensating use tax and contractors must certify to DTF that each affiliate and subcontractor exceeding such sales threshold is registered with DTF to collect New York State and local sales and compensating use taxes. The law prohibits the State Comptroller, or other approving agencies, from approving a contract awarded to an offeror meeting the registration requirements but who is not so registered in accordance with the law.

The successful Bidder must file a properly completed Form ST-220-CA with the Department of Health and Form ST-220-TD with the DTF. These requirements must be met before a contract may take effect. Further information can be found at the New York State Department of Taxation and Finance's website, available through this link:
<http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

Submit these Forms, available through these links:

- ST-220 CA: http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf
- ST-220 TD: http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf

6.2.10. Freedom of Information Law – Bid Redactions

A Bidder must clearly and specifically identify any portion of their Bid that the Bidder believes constitutes proprietary information entitled to confidential handling as an exception to the Freedom of Information Law.

7. BID SUBMISSION

The proposal must be received by the NYSDOH, no later than the Deadline for Submission of Proposals specified in [Section 1](#). (Calendar of Events). Late bids will not be considered.

A proposal consists of two (2) distinct parts: (1) the Mandatory Bid Requirements and (2) Other Bid Documents. The table below outlines the requested format and volume for submission of each part. Proposals should be submitted in all formats as prescribed below.

The proposal must be received electronically by the Department's email, AIGPU@health.ny.gov via two (2) separate searchable password protected PDF files. The Subject Line "IFB #C041106 Naloxone and Fentanyl Strip Overdose Prevention (Mandatory Bid Requirements) or (Other Bid Documents)". The body of the email submitted must include the password and indicate the number of total pages intended, and where indicated each subset of pages listed.

All electronic proposal submissions should be clear and include page numbers on the bottom of each page. NOTE: Bidders should request a receipt containing the time and date received. Submission of proposals in a manner other than as described in these instructions (e.g., fax) will not be accepted.

In the event an electronic submission cannot be read by the Department, the Department reserves the right to request a hard copy and/or electronic resubmission of any unreadable files. The Bidder shall have two (2) business days to respond to such requests and must certify the resubmission is identical to the original submission. Hardcopy will prevail.

	Electronic Submission
Mandatory Bid Documents	<p>Email Subject Line: <Bidder Name>, IFB #C041106 Naloxone and Fentanyl Strip Overdose Prevention</p> <p>“Mandatory Bid Documents” email attachment containing a standard searchable password protected PDF file with copy/read permissions only.</p> <p>The body of the email must include the password to open the attached PDF document and indicate the number of total pages intended.</p>
Other Bid Documents	<p>Email Subject Line: <Bidder Name>, IFB #C041106 Naloxone and Fentanyl Strip Overdose Prevention</p> <p>“Other Bid Documents” email attachment containing a standard searchable password protected PDF file with copy/read permissions only.</p> <p>The body of the email must include the password to open the attached PDF document and indicate the number of total pages intended.</p>

Email PDF Submission Instructions:

1. All electronic bid submissions should be in PDF Optical Character Recognition (OCR) searchable format.
2. A font size of eleven (11) points or larger should be used. All submitted documents should contain appropriate header and footer information.
3. Where signatures are required, the proposals should have a handwritten signature (wet ink) and be signed in blue ink. A scan of the handwritten (wet ink) signature can be used for electronic submission in the PDF. The Department reserves the right to request hard copy originals of all signature pages at any time.
4. The Department discourages overly lengthy Bids. Therefore, marketing brochures, user manuals or other materials beyond that sufficient to present a complete Bid, are not desired and will not be reviewed or evaluated. Elaborate artwork or expensive paper is not necessary or desired. In order for the Department to evaluate bids fairly and completely, all Bids should follow the format described in this IFB and provide all requested information and no extraneous or additional information or material.
5. Audio and/or videotapes are not allowed. Any submitted audio or videotapes will be ignored by the evaluation teams.

The complete bid must be received by the Department, no later than the Deadline for Submission of Bids specified in [Section 1](#), (Calendar of Events). Late bids will not be considered.

7.1. No Bid Form

A prospective Bidder choosing not to bid is requested to complete and submit the No-Bid form [Attachment 2](#), by the Deadline for Submission of Bids specified in [Section 1](#). (Calendar of Events). This information helps to enhance future mailing lists for the Department.

8. METHOD OF AWARD

At the discretion of the Department, all Bids may be rejected. The Department will award one contract as described in this IFB to the responsible and responsive Bidder who offers the lowest total bid price.

In the event of two or more Bidders offering identical bid prices, the tied bidders will be given the opportunity to provide their best and final bid price to the Department, and, after evaluation of these revised bids, the award will then be made to the lowest bidder.

8.1. General Information

Once a successful Bidder is selected, the Department will issue a Contract to the successful Bidder, substantially in the form of Attachment 8. In order to be considered responsible and responsive, the Bid must include all Invitation for Bid (IFB) required documents and meet the minimum qualifications as stated in the IFB.

Bidders may be requested by the Department to clarify the details of their Bid. Unless requested by the Department to do so, no Bidder will be allowed to alter its Bid after the Deadline for Submission of Proposals listed in [Section 1](#). (Calendar of Events).

8.2. Submission Review

The Department will examine all Bids that are received in a proper and timely manner. The Bid containing the lowest total price offered will be further evaluated to determine if it meets all bid submission requirements, as described in [Section 6](#). (Bid Format and Content) and [Section 7](#). (Bid Submission) for award. That process will be followed until an award is made.

8.4. Award Recommendation

The Evaluation Committee will submit to the Commissioner a recommendation for award to the responsible and responsive Bidder with the lowest total bid.

The Department will notify the awarded Bidder and Bidders not awarded. The awarded Bidder will enter into a written Agreement substantially in accordance with the terms of [Attachment 8](#), DOH Agreement, to provide the required services and commodities as specified in this IFB. The resultant contract shall not be binding until fully executed and approved by the New York State Office of the Attorney General and the Office of the State Comptroller.

ATTACHMENTS

The following attachments are included in this IFB and are available via hyperlink or can be found at: <https://www.health.ny.gov/funding/forms/>.

1. [Bidder's Disclosure of Prior Non-Responsibility Determinations](#)
2. [No-Bid Form](#)
3. [Vendor Responsibility Attestation](#)
4. [Vendor Assurance of No Conflict of Interest or Detrimental Effect](#)
5. [Guide to New York State DOH M/WBE IFB Required Forms](#)
6. [Encouraging Use of New York Businesses in Contract Performance](#)
7. [Bidder's Certified Statements](#)
8. [DOH Agreement \(Standard Contract\)](#)
9. [Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination](#)
10. [Executive Order 16 Prohibiting Contracting with Businesses Conducting Business in Russia](#)

The following attachments are attached and included in this IFB:

- A. Bid Package Checklist
- B. Bid Form

ATTACHMENT A

BID PACKAGE CHECKLIST

Please reference [Section 7.0](#) for the appropriate format and quantities for proposal submission.

IFB # C041106 – Naloxone and Fentanyl Strip Overdose Prevention		
FOR THE MANDATORY BID REQUIREMENTS		
IFB §	REQUIREMENTS	INCLUDED
§ 6.1.2	Documentation of Bidder's Eligibility	<input type="checkbox"/>
§ 6.1.3	Bid Form (Attachment B)	<input type="checkbox"/>
§ 6.1.4	Bidder's Certified Statements (Attachment 7)	<input type="checkbox"/>
OTHER BID DOCUMENTS		
§ 6.2.1	Disclosure of Prior Non-Responsibility Determinations (Attachment 1)	<input type="checkbox"/>
§ 6.2.2	Vendor Responsibility Attestation (Attachment 3)	<input type="checkbox"/>
§ 6.2.3	Vendor Assurance of No Conflict of Interest or Detrimental Effect (Attachment 4)	<input type="checkbox"/>
§ 6.2.4	EO 177 Prohibiting Contracts with Entities that Support Discrimination (Attachment 9)	<input type="checkbox"/>
§ 6.2.5	EO 16 Prohibiting Contracts with Entities Conducting Business in Russia (Attachment 10)	<input type="checkbox"/>
§ 6.2.6	Attachment 5 - M/WBE Participation Requirements:	<input type="checkbox"/>
	Attachment 5 - Form 1	<input type="checkbox"/>
	Attachment 5 - Form 2	<input type="checkbox"/>
	Attachment 5 - Form 4	<input type="checkbox"/>
	Attachment 5 - Form 5	<input type="checkbox"/>
§ 6.2.7	Encouraging Use of New York Businesses (Attachment 6)	<input type="checkbox"/>
§ 6.2.8	State Finance Law Consultant Disclosure	<input type="checkbox"/>
§ 6.2.9	Sales and Compensating Use Tax Certification	<input type="checkbox"/>
§ 6.2.10	FOIL	<input type="checkbox"/>

ATTACHMENT B

BID FORM IFB # C041106 – Naloxone Procurement

Bidder: _____

The bidder must submit a completed and signed Attachment B – Bid Form. The Bid Form must comply with the format and content requirements as detailed in this IFB and in Attachment B. Failure to comply with the format and content requirements will result in disqualification.

Naloxone:

The Bid Price will be per unit (1 unit = 1 carton containing 2 doses of 4 mg intranasal naloxone spray) and will include shipping, tracking and service support. Shipping will be Freight on Board (FOB) destination, including all customs duties and charges. Shipment includes delivery to over 800 programs with over 3300 affiliate residential and business sites throughout New York State. The bid price must also cover the cost of furnishing all the said products and services specified in this IFB, including but not limited to materials, equipment, profit and labor to the satisfaction of the Department of Health and the performance of all work set forth in said specifications.

Bidders must complete **only one bid table for naloxone product below**. Bidders must complete the bid table which corresponds to the shelf-life of the product that they can provide.

The options are:

- Two-year shelf-life, 4mg intranasal naloxone spray, or
- Greater than two-year but less than three-year shelf life 4 mg intranasal naloxone spray, or
- Three-year and less than four-year shelf life 4 mg intranasal naloxone spray, or
- Four-year shelf life 4 mg intranasal naloxone spray

Bidders **MAY NOT** complete more than one naloxone table, nor shall any table and information contained therein be modified. Bidders must not include any notes/notations/additional attachments or footnotes. Bidders must provide a firm, fixed price per unit requested for each year, and said pricing may be in whole dollars, or include cents up to two decimal places.

The Total Bid Price is the sum of Years 1 through 5 quantities multiplied by the corresponding price/unit for each year.

Bidder **must** place a checkmark in the box to confirm bidder's agreement of the yearly price.

- The price charged to the Department must always be equal to the lesser of year one pricing or the then current Federal Supply Schedule price.

Fentanyl Test Strips:

Bidders must provide a price per fentanyl test strip.

Table 1: Two-year shelf-life 4 mg intranasal naloxone spray

Yr 1 Qty / Units	Yr 1 Price/Unit	Yr 2 Qty / Units	Yr 2 Price/Unit	Yr 3 Qty / Units	Yr 3 Price/Unit	Yr 4 Qty / Units	Yr 4 Price/Unit	Yr 5 Qty / Units	Yr 5 Price/Unit	Total Bid Price
400,000	\$	400,000	\$	600,000	\$	600,000	\$	600,000	\$	\$

Table 2: Greater than two-years and less than three-years shelf life 4 mg intranasal naloxone spray

Yr 1 Qty / Units	Yr 1 Price/Unit	Yr 2 Qty / Units	Yr 2 Price/Unit	Yr 3 Qty / Units	Yr 3 Price/Unit	Yr 4 Qty / Units	Yr 4 Price/Unit	Yr 5 Qty / Units	Yr 5 Price/Unit	Total Bid Price
400,000	\$	400,000	\$	500,000	\$	500,000	\$	600,000	\$	\$

Table 3: Three years shelf life and less than 4 years shelf life 4 mg intranasal naloxone spray

Yr 1 Qty / Units	Yr 1 Price/Unit	Yr 2 Qty / Units	Yr 2 Price/Unit	Yr 3 Qty / Units	Yr 3 Price/Unit	Yr 4 Qty / Units	Yr 4 Price/Unit	Yr 5 Qty / Units	Yr 5 Price/Unit	Total Bid Price
400,000	\$	400,000	\$	500,000	\$	500,000	\$	600,000	\$	\$

Table 4: Four-year shelf-life 4 mg intranasal naloxone spray

Yr 1 Qty / Units	Yr 1 Price/Unit	Yr 2 Qty / Units	Yr 2 Price/Unit	Yr 3 Qty / Units	Yr 3 Price/Unit	Yr 4 Qty / Units	Yr 4 Price/Unit	Yr 5 Qty / Units	Yr 5 Price/Unit	Total Bid Price
400,000	\$	400,000	\$	400,000	\$	400,000	\$	400,000	\$	\$

All bidders must complete the table below for Fentanyl strips:

All-inclusive price per strip*	\$
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*Fentanyl test strips have not been subject to any regulatory process which has led to variations in accuracy between brands or testing strips when testing drug samples, as noted in this [peer-reviewed paper](#). The Contractor must employ quality control measures to validate that each lot before distribution to the community and contract with a lab for validation. As the testing technology evolves the Department will work with the selected vendor to adapt to new developments.

Quantities provided are annual estimates and are not a guarantee to utilize a specific type or quantity of services. Failure to complete and submit this Cost Proposal Form with the Bid will result in disqualification.

By signing this Cost Proposal Form, bidder agrees that the prices above are binding for 365 days from the proposal due dates.

Signature of Bidder's Authorized Representative

Date

Printed Name of Signatory

Title

Telephone Number: _____

Email: _____