



Form C

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

Company Name: Hyundai Construction Equipment Americas, Inc.

Any exceptions to the terms, conditions, specifications, or proposal forms contained in this RFP must be noted in writing and included with the Proposer's response. The Proposer acknowledges that the exceptions listed may or may not be accepted by Sourcewell or included in the final contract. Sourcewell will make reasonable efforts to accommodate the listed exceptions and may clarify the exceptions in the appropriate section below.

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

Proposer's Signature:

Thomas E Owen

Date: March 18, 2019

Sourcewell's clarification on exceptions listed above:

No exceptions noted.



**Contract Award
RFP #032119**



FORM D

Formal Offering of Proposal
(To be completed only by the Proposer)

**HEAVY CONSTRUCTION EQUIPMENT WITH RELATED ACCESSORIES, ATTACHMENTS,
AND SUPPLIES**

In compliance with the Request for Proposal (RFP) for HEAVY CONSTRUCTION EQUIPMENT WITH RELATED ACCESSORIES, ATTACHMENTS, AND SUPPLIES, the undersigned warrants that the Proposer has examined this RFP and, being familiar with all of the instructions, terms and conditions, general and technical specifications, sales and service expectations, and any special terms, agrees to furnish the defined products and related services in full compliance with all terms and conditions of this RFP, any applicable amendments of this RFP, and all Proposer's response documentation. The Proposer further understands that it accepts the full responsibility as the sole source of solutions proposed in this RFP response and that the Proposer accepts responsibility for any subcontractors used to fulfill this proposal.

Company Name: Hyundai Construction Equipment Americas, Inc. Date: March 18, 2019

Company Address: 6100 Atlantic Blvd.

City: Norcross State: Georgia Zip: 30071

CAGE Code/DUNS: 847432135

Contact Person: Thomas E. Owen

Title: Vice President National CE Sales

Authorized Signature:

A handwritten signature in blue ink that reads "Thomas E. Owen".

Thomas E. Owen
(Name printed or typed)

FORM E**CONTRACT ACCEPTANCE AND AWARD**

(Top portion of this form will be completed by Sourcewell if the vendor is awarded a contract. The vendor should complete the vendor authorized signatures as part of the RFP response.)

Sourcewell Contract #: 032119-HCE

Proposer's full legal name: Hyundai Construction Equipment Americas, Inc.

Based on Sourcewell's evaluation of your proposal, you have been awarded a contract. As an awarded vendor, you agree to provide the products and services contained in your proposal and to meet all the terms and conditions set forth in this RFP, in any amendments to this RFP, and in any exceptions that are accepted by Sourcewell.

The effective date of the Contract will be May 13, 2019 and will expire on May 13, 2023 (no later than the later of four years from the expiration date of the currently awarded contract or four years from the date that the Sourcewell Chief Procurement Officer awards the Contract). This Contract may be extended for a fifth year at Sourcewell's discretion.

Sourcewell Authorized Signatures:

DocuSigned by:

Jeremy Schwartz

CPD2A139D08489
SOURCEWELL DIRECTOR OF OPERATIONS AND
PROCUREMENT/CPO SIGNATURE

DocuSigned by:

Chad Coquette

7E42B8F817A84CC
SOURCEWELL EXECUTIVE DIRECTOR/CEO SIGNATURE

Jeremy Schwartz
(NAME PRINTED OR TYPED)

Chad Coquette
(NAME PRINTED OR TYPED)

Awarded on May 10, 2019

Sourcewell Contract # 032119-HCE

Vendor Authorized Signatures:

The Vendor hereby accepts this Contract award, including all accepted exceptions and amendments.

Vendor Name Hyundai Construction Equipment Americas, Inc.

Authorized Signatory's Title Vice President CE National Sales

Thomas E. Owen

VENDOR AUTHORIZED SIGNATURE

Thomas E. Owen

(NAME PRINTED OR TYPED)

Executed on May 10, 2019

Sourcewell Contract # 032119-HCE

PROPOSER ASSURANCE OF COMPLIANCE

Proposal Affidavit Signature Page

PROPOSER'S AFFIDAVIT

The undersigned, authorized representative of the entity submitting the foregoing proposal (the "Proposer"), swears that the following statements are true to the best of his or her knowledge.

1. The Proposer is submitting its proposal under its true and correct name, the Proposer has been properly originated and legally exists in good standing in its state of residence, the Proposer possesses, or will possess before delivering any products and related services, all applicable licenses necessary for such delivery to Sourcewell members agencies. The undersigned affirms that he or she is authorized to act on behalf of, and to legally bind the Proposer to the terms in this Contract.
2. The Proposer, or any person representing the Proposer, has not directly or indirectly entered into any agreement or arrangement with any other vendor or supplier, any official or employee of Sourcewell, or any person, firm, or corporation under contract with Sourcewell, in an effort to influence the pricing, terms, or conditions relating to this RFP in any way that adversely affects the free and open competition for a Contract award under this RFP.
3. The Proposer has examined and understands the terms, conditions, scope, contract opportunity, specifications request, and other documents in this solicitation and affirms that any and all exceptions have been noted in writing and have been included with the Proposer's RFP response.
4. The Proposer will, if awarded a Contract, provide to Sourcewell Members the /products and services in accordance with the terms, conditions, and scope of this RFP, with the Proposer-offered specifications, and with the other documents in this solicitation.
5. The Proposer agrees to deliver products and services through valid contracts, purchase orders, or means that are acceptable to Sourcewell Members. Unless otherwise agreed to, the Proposer must provide only new and first-quality products and related services to Sourcewell Members under an awarded Contract.
6. The Proposer will comply with all applicable provisions of federal, state, and local laws, regulations, rules, and orders.
7. The Proposer understands that Sourcewell will reject RFP proposals that are marked "confidential" (or "nonpublic," etc.), either substantially or in their entirety. Under Minnesota Statute §13.591, Subd. 4, all proposals are considered nonpublic data until the evaluation is complete and a Contract is awarded. At that point, proposals generally become public data. Minnesota Statute §13.37 permits only certain narrowly defined data to be considered a "trade secret," and thus nonpublic data under Minnesota's Data Practices Act.
8. The Proposer understands that it is the Proposer's duty to protect information that it considers nonpublic, and it agrees to defend and indemnify Sourcewell for reasonable measures that Sourcewell takes to uphold such a data designation.

[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: Hyundai Construction Equipment Americas, Inc.

Address: 6100 Atlantic Blvd.

City/State/Zip: Norcross, Georgia 30071

Telephone Number: 678-823-7777

E-mail Address: Thomas.owen@hyundaiamericas.com

Authorized Signature: 

Authorized Name (printed): Thomas E. Owen

Title: Vice President National CE Sales

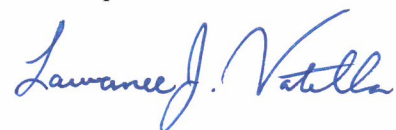
Date: March 18, 2019

Notarized

Subscribed and sworn to before me this 18th day of March, 2019

Notary Public in and for the County of Shelby, State of Alabama

My commission expires: 02/02/2021

Signature: 



Form P

PROPOSER QUESTIONNAIRE

Payment Terms, Warranty, Products and Services, Pricing and Delivery, and Industry-Specific Questions

Proposer Name: Hyundai Construction Equipment Americas, Inc.

Questionnaire completed by: Thomas E. Owen, Vice President National CE Sales

Payment Terms and Financing Options

- 1) What are your payment terms (e.g., net 10, net 30)?
 - HCEA's payment terms for Sourcewell business is NET 90-days
- 2) Do you provide leasing or financing options, especially those options that schools and governmental entities may need to use in order to make certain acquisitions?
 - HCEA provides leasing and financing programs and options through the following panel:
 - i. Bank of the West (U.S. only)
 - ii. Delage Landen (U.S. & Canada)
 - iii. Wells Fargo (U.S. & Canada)
 - HCEA's distribution network may also provide alternative sources for such programs.
- 3) Briefly describe your proposed order process. Please include enough detail to support your ability to report quarterly sales to Sourcewell. For example, indicate whether your dealer network is included in your response and whether each dealer (or some other entity) will process the Sourcewell Members' purchase orders.
 - Sourcewell members may initiate equipment purchasing directly through their nearest authorized HCEA dealer. The HCEA dealer will submit the order to HCEA for processing through our order management system. Depending on machine availability, the order will be identified with the Sourcewell contract number for reporting purposes.
 - Once the order is placed within the HCEA system, an acknowledgement with all specs and pricing is sent to the dealer for review with the Sourcewell member. The acknowledgement is signed by the dealer and submitted to HCEA for systems processing.
 - The equipment may be available within the dealers' inventory, within HCEA's inventory held at various shipping ports through-out the US, or placed with HCEA's production facility in South Korea.
 - The HCEA dealer will be responsible for order shipment to their facility, machine preparation and final delivery to the Sourcewell member.
 - HCEA will report to Sourcewell each quarter all order management and history details.
- 4) Do you accept the P-card procurement and payment process? If so, is there any additional cost to Sourcewell Members for using this process?
 - HCEA does not accept nor support the P-card payment process.

Warranty

5) Describe in detail your manufacturer warranty program, including conditions and requirements to qualify, claims procedure, and overall structure. You may include in your response a copy of your warranties, but at a minimum please also answer the following questions.

- Do your warranties cover all products, parts, and labor?
 - Subject to the exceptions and limitations set forth below, HCEA, through the selling Dealer or other authorized HCEA dealer, will repair or replace any part of a new Product, or new part which proves to be defective in material or workmanship during the following periods (the “Warranty Period”):
 - HL900 series Wheel Loaders: 3 years or 3000 hours, whichever occurs first.
 - HX Series Excavators: 3 years or 3000 hours whichever occurs first.
 - Compact Hydraulic Excavators: 3 years or 3000 hours whichever occurs first.
 - Compaction Rollers: 3 years or 3000 hours whichever occurs first.
 - Structural Warranty (main frames, loader arms, booms and arms): 5 years/10,000 hours, whichever occurs first.
 - Genuine Parts: 1 year or 1500 hours whichever occurs first.
 - HDB Series Hydraulic Breakers: 1 year from installation on machine.
 - All Hyundai Construction Equipment are subject to Hyundai's 5 year / 10,000 hour (whichever occurs first) structural warranty. This includes frames and boom/arm assemblies.
 - All HL900 series Wheel Loaders and Hyundai Compaction Equipment is subject to Hyundai Limited *Lifetime Articulation Warranty. This warranty will cover defects in materials or workmanship concerning the articulation joint and parts including the upper and/or lower articulation pins, bearings, bushings and seals.
- Do your warranties impose usage restrictions or other limitations that adversely affect coverage?
 - Some applications may be deemed “severe”, such as forestry work or extreme duty in harsh environments. Those conditions may warrant a Severe Duty Warranty of 1 year or 1,500 hours, whichever comes first. It is highly unlikely that Sourcewell members operate in such applications or environments.
- Do your warranties cover the expense of technicians’ travel time and mileage to perform warranty repairs?
 - Standard established mileage rates up to 300 miles per repair may be reimbursed when appropriate.
 - Technician “time” is not covered under this provision.
- Are there any geographic regions of the United States for which you cannot provide a certified technician to perform warranty repairs? How will Sourcewell Members in these regions be provided service for warranty repair?
 - HCEA provides warrantable coverage in all 50 states.
- Will you cover warranty service for items made by other manufacturers that are part of your proposal, or are these warranties issues typically passed on to the original equipment manufacturer?
 - Engines – Cummins and Scania engines require repair by their authorized servicing dealer arranged through the HCEA dealer.
 - Tires & Batteries – warranties for these items are covered by their manufacturer.
- What are your proposed exchange and return programs and policies?
 - HCEA does not provide a formal return/exchange program at this time. However we are currently developing a “remanufacturing” program through Palmer Johnson, a leader within this industry. The HCEA program should be in the field trial phase by late 2019.

- 6) Describe any service contract options for the items included in your proposal.
- HCEA provides extended warranty options available through the authorized dealer. At any time during the standard warranty period equipment owners may purchase extended coverage by the year or hours.

Pricing, Delivery, Audits, and Administrative Fee

- 7) Provide a general narrative description of the equipment/products and related services you are offering in your proposal.
- HCEA manufactures more than 200 models of heavy equipment, including excavators, wheel loaders, compact excavators, compaction rollers and excavator-mounted hydraulic breakers. We manufacture world-class equipment that delivers solutions for even the hardest of jobs and applications.
 - HCEA is providing to Sourcewell and its members the following heavy construction equipment:
 - i. Compact Excavators, 7 models
 - ii. Crawler Excavators, 13 models
 - iii. Wheeled Excavators, 4 models
 - iv. Wheel Loaders, 7 models
 - v. Compaction Rollers, 7 models
 - vi. Hydraulic Breakers for Excavators, 14 models
- 8) Describe your pricing model (e.g., line-item discounts or product-category discounts). Provide detailed pricing data (including standard or list pricing and the Sourcewell discounted price) on all of the items that you want Sourcewell to consider as part of your RFP response. If applicable, provide a SKU for each item in your proposal. (Keep in mind that reasonable price and product adjustments can be made during the term of an awarded Contract. See the body of the RFP and the Price and Product Change Request Form for more detail.)
- HCEA proposes a product-category pricing methodology for all machines and their options. The product catalog with “MSRP” or list prices is included.
- 9) Please quantify the discount range presented in this response. For example, indicate that the pricing in your response represents is a 50% percent discount from the MSRP or your published list.
- HCEA will provide Sourcewell and its members a 49% discount off the published catalog MSRP.
- 10) The pricing offered in this proposal is
- _____ a. the same as the Proposer typically offers to an individual municipality, university, or school district.
 - _____ b. the same as the Proposer typically offers to GPOs, cooperative procurement organizations, or state purchasing departments.
 - ___X___ c. better than the Proposer typically offers to GPOs, cooperative procurement organizations, or state purchasing departments.
 - _____ d. other than what the Proposer typically offers (please describe).
- 11) Describe any quantity or volume discounts or rebate programs that you offer.

- HCEA will provide an additional 1% discount on single orders of 5 or more units.
- 12) Propose a method of facilitating “sourced” products or related services, which may be referred to as “open market” items or “nonstandard options”. For example, you may supply such items “at cost” or “at cost plus a percentage,” or you may supply a quote for each such request.
- HCEA and its distribution network may provide Sourcewell and its members quotes for any sourced products not within HCEA’s published catalog.
- 13) Identify any total cost of acquisition costs that are **NOT** included in the pricing submitted with your response. This cost includes all additional charges that are not directly identified as freight or shipping charges. For example, list costs for items like installation, set up, mandatory training, or initial/pre-delivery inspection. Identify any parties that impose such costs and their relationship to the Proposer.
- All products are subject to the distribution network’s freight and preparation costs. This may vary through-out North America, depending on the distance from authorized ports-of-call and complexity of machine delivery preparation.
 - In most cases there are no additional costs for end-user operational and maintenance training.
- 14) If travel expense, delivery or shipping is an additional cost to the Sourcewell Member, describe in detail the complete travel expense, shipping and delivery program.
- HCEA’s pricing catalog is for the machine and any attachments or options listed. All other costs associated with freight and delivery preparation are quoted by the authorized dealer.
- 15) Specifically describe those travel expense, shipping and delivery programs for Alaska, Hawaii, Canada, or any offshore delivery.
- HCEA’s pricing catalog is for the machine and any attachments or options listed. All other costs associated with freight and delivery preparation are quoted by the authorized dealer.
- 16) Describe any unique distribution and/or delivery methods or options offered in your proposal.
- HCEA utilizes five ports-of-call around the United States to minimize freight costs:
 - i. Philadelphia, PA
 - ii. Savannah, GA
 - iii. Houston, TX
 - iv. Los Angeles, CA
 - v. Tacoma, WA
 - Canadian dealers utilize Philadelphia and Tacoma ports to minimize freight costs.
- 17) Please specifically describe any self-audit process or program that you plan to employ to verify compliance with your proposed Contract with Sourcewell. This process includes ensuring that Sourcewell Members obtain the proper pricing, that the Vendor reports all sales under the Contract each quarter, and that the Vendor remits the proper administrative fee to Sourcewell.
- HCEA will establish a “Sourcewell” pricing application within its order processing & management system, ensuring the appropriate discount is applied to the published catalog.
 - The HCEA system will track and tabulate all Sourcewell transactions and summarize monthly. Quarterly Sourcewell administrative fees will be calculated and reconciled by the system, ensuring accuracy and compliance.
 - HCEA will remit to Sourcewell quarterly accurate and timely administrative fee payments.

18) Identify a proposed administrative fee that you will pay to Sourcewell for facilitating, managing, and promoting the Sourcewell Contract in the event that you are awarded a Contract. This fee is typically calculated as a percentage of Vendor's sales under the Contract or as a per-unit fee; it is not a line-item addition to the Member's cost of goods. (See RFP Section 6.29 and following for details.)

- HCEA will remit to Sourcewell quarterly a fee of 2% of actual HCEA sales.

Industry-Specific Questions

19) Describe any industry-specific quality management system certifications obtained by your organization.

- Hyundai Construction Equipment (HCE) has instilled its philosophy: Quality before and after the sale throughout all divisions. HCE invests heavily in construction equipment R&D and has state-of-the-art production facilities around the world. HCE is ISO 9001 certified and is a perennial winner of numerous Korean construction-equipment design awards.

20) Describe any environmental management system certifications obtained by your organization.

- HCE maintains a strong commitment to environmental quality and social responsibility to foster clean environments. HCE manufacturing certifications include:
 - i. Environmental Management Systems ISO 14001
 - ii. Green Management System KSI 7001 & 7002
 - iii. Energy Management System ISO 50001
 - iv. Health & Safety Management System 18001

21) Describe any preventive maintenance programs that your organization offers for the solutions you are proposing in your response.

- HCEA has established "filter kits" for the recommended service intervals of most of our products. These kits support our dealers' preventative maintenance programs that are offered to end-user customers.

Signature: Thomas E. Chelton Date: 03/18/2019

**AMENDMENT #1
TO
CONTRACT # 032119-HCE**

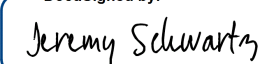
THIS AMENDMENT is effective upon the date of the last signature below by and between **Sourcewell** and **Hyundai Construction Equipment Americas, Inc., now known as HD Hyundai Construction Equipment North America Inc.** (Vendor).

Sourcewell awarded a contract to Vendor to provide Heavy Construction Equipment with Related Accessories, Attachments, and Supplies to Sourcewell and its Participating Entities, effective May 13, 2019, through May 13, 2024 (Contract).

Effective May 13, 2019, Hyundai Construction Equipment Americas, Inc.'s name changed to "HD Hyundai Construction Equipment North America Inc." As of the date of this Amendment, all references to "Hyundai Construction Equipment Americas, Inc." in Contract # 032119-HCE will be replaced with "HD Hyundai Construction Equipment North America Inc."

Except as amended, the Contract remains in full force and effect.

Sourcewell

DocuSigned by:

By: _____
C0FD2A139D00489...
Jeremy Schwartz, Chief Procurement Officer

Date: 10/3/2023 | 4:34 PM CDT


Approved:

DocuSigned by:

By: _____
48BAF71B0094454...
Chad Coauette, Executive Director/CEO

Date: 10/3/2023 | 9:31 PM CDT

**HD Hyundai Construction Equipment
North America Inc.**

DocuSigned by:

By: _____
0DB189346C6748A...
Mike Ross

Title: Senior VP

Date: 10/3/2023 | 1:41 PM PDT