

Excerpts from Delishco's RFP and Bagger's Proposal in Response

Delishco's RFP was their standard form and much longer than this paragraph. It contained the following specific language with respect to the order and this dispute:

Five year exclusive Supply of orange harvesting bags to designated Delishco facility, meeting weight, size and other design specification set forth in the attached schedule, up to 1.5 million bags per month, to be delivered within 30 days of order.

Bid proposals to include FOB price and payment terms.

Bagger's bid proposal in response to the RFP was also quite a bit longer than this paragraph. It contained the following specific language relevant to the order and this dispute:

For five year exclusive supply contract for orange harvesting bags to designated Delishco facility, meeting specifications set forth in the attached schedule, up to 1.5 million bags for month (delivered within 30 days of order), 10 million bag annual minimum, F.O.B price - \$1.00 per bag. Payment within ten days of delivery.