



Eastern Florida
STATE COLLEGE
Procurement Services

1519 Clearlake Road
Cocoa, Florida 32922

Invitation to BID

Notice is hereby given that Eastern Florida State College (“College”) is seeking bids from qualified firms (“Bidder”), to furnish and deliver, according to specifications, a Studio Theatre Dimming System Upgrade for the Melbourne King Center of the Performing Arts. The College reserves the right to award a contract to a single vendor or not at all, if in the best interests of the College.

Studio Theatre Dimming System Upgrade - KCPA BID 19-20-02

SCHEDULE OF EVENTS

Release of Bid:	October 8, 2019
Pre-Bid Meeting:	October 17, 2019 at 1:00pm
Questions Period:	October 8 – October 21, 2019
Bids Due:	October 29, 2019 before 2:00pm
Bid Opening:	October 29, 2019
Contract Award Date (if Awarded):	November 5, 2019

Bid opening will take place in the Carver Administration Building, Building #2, Room #161, Procurement Services, Cocoa Campus, 1519 Clearlake Road, Cocoa, Florida 32922 on October 29, 2019 at 2:00pm.

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GENERAL INFORMATION

1. **SUBJECT:** Eastern Florida State College (“College”) is seeking bids from qualified firms (hereinafter referred to as (“Bidder”) to furnish and deliver, according to specifications, a Studio Theatre Dimming System Upgrade for the Melbourne King Center for the Performing Arts. A Pre-Bid meeting is scheduled for October 17, 2019 at 1:00pm in the rotunda of the Melbourne King Center for the Performing Arts in Melbourne, Florida 32935. The College reserves the right to award a contract/purchase order to a single bidder or not at all, if in the best interests of the College.

2. **TERM OF CONTRACT:** An Award is expected to be made to the Bidder who best meets the requirements of Eastern Florida State College considering responsibility, responsiveness and price. A written contract and/or purchase order detailing agreed terms will be rendered between the College and the Bidder achieving a successful bid. The content of this ITB and all provisions of the successful bid response deemed pertinent by the College may be incorporated into a contract and become legally binding. All legal actions associated with this ITB and/or the resultant Contract/ Purchase Order shall be governed by the laws of the State of Florida.

3. **COLLEGE BACKGROUND INFORMATION:** Eastern Florida State College, is a two-year institution offering both occupational and traditional college courses, and awards many different certificates and degrees, which include several 4-year degrees. The College’s comprehensive curriculum includes credit courses, adult education special programs (GED), corporate and community based non-credit instruction, and B.A.S. degree programs. Students attend classes four (4) campuses: Cocoa Campus (Main), Titusville Campus, Melbourne Campus, and Palm Bay Campus. The College is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools. Details of the College’s locations and other information relative to the College may be found at <http://www.easternflorida.edu>.

4. **INQUIRIES:** In the interest of an efficient ITB process, Bidders are asked to email questions and requests for additional information to Lacy Gilchrist at gilchristl@easternflorida.edu, on or before October 21, 2019. This will allow the College time to prepare needed information for distribution to all bidders. All questions will be researched, and the answers posted on the Procurement Web page <http://www.easternflorida.edu/go/procurement> .

5. **PROCEDURAL REQUIREMENTS:** Bids and related correspondence shall be signed, sealed, addressed, and delivered to Eastern Florida State College, Procurement Services, Building #2, Room #157, 1519 Clearlake Rd, Cocoa, Florida 32922, before 2:00 p.m. on October 29, 2019. Bids arriving after 2:00 p.m. will not be accepted and will be returned, un-opened. Submit (3) sets of the bid (one original and two copies). The ITB opening is open to the public.

The terms “vendor”, “bidder”, “responder”, “firm”, “company” or “contractor” used in this ITB or any subsequent documents or communications related to this ITB are interchangeable and mean the entity submitting a bid and seeking to enter into a contract for the goods and/or services requested herein.

1. Overview

- A. Eastern Florida State College is a publicly supported, associate degree granting institution serving Brevard County. EFSC also offers B.A.S. Degree programs.
- B. EFSC has campuses in Cocoa, Melbourne, Palm Bay and Titusville.
- C. Payment of services from the resulting Contract shall be accomplished through issuance of purchase order(s). By submitting a bid here under, Vendor agrees to accept payment by this method.

2. Procurement Services Agreements with other Public Agencies

- A. All bidders submitting a response to this ITB agree that such response also constitutes an offer to all public entities within the State of Florida under the same conditions, for the same price should the bidder feel it is in their best interest to do so.
- B. Each public agency desiring to accept these bids, and make an award thereof, shall do so independently of any other public agency. Each agency shall be responsible for its own purchases and each shall be liable only for materials and/or services ordered and received by it, and no agency assumes any liability by the virtue of this ITB.

GENERAL CONDITIONS

- 1. **CONTACT**: General questions concerning this bid must be directed to the Director of Procurement Services. All prospective Bidders are hereby instructed not to contact any member of the District Board of Trustees or any Eastern Florida State College (EFSC) staff or faculty member that is not noted as a contact person regarding this bid, prior to posting of a recommendation of award. Any such contact may be cause for disqualification.

Mr. Lacy Gilchrist, Director
 Procurement Services
 (321)433-7147
gilchristl@easternflorida.edu

- 2. **BID SUBMISSION**: Responder will submit bid, complete with all supporting documentation (as required). Bidder will submit **THREE (3) COMPLETE SETS**, (one [1] original and two [2] copies of the bid, complete with all supporting documentation). Bids must be submitted by October 29, 2019, by 2:00 pm. The College will only receive bids at the following location:

Procurement Services, Building #2, Rm #157, 1519 Clearlake Road, Cocoa Florida 32922

The outside of the sealed envelope/container must be identified as follows:

Bidder’s name, Return address, ITB number and Title, Due date and Time

3. **DUE DATE AND TIME:** The date and time will be carefully observed. Bids received after the specified date and time shall be returned unopened. EFSC will not be responsible for late deliveries or delayed mail. Receipt of the bid in Building #2, Room #157 after the date and time specified due to failure of the Bidder to provide the above information on the outside of the envelope/container shall result in the rejection of the submitted bid.
4. **BIDDER REGISTRATION:** Bidders who obtain bid documents from other sources must officially register with the Director of Procurement Services in order to be placed on the mailing list for any forthcoming addenda or official communications. EFSC shall not be responsible for providing addendum to Bidders who receive bid documents from other sources. Failure to register as a prospective Bidder may cause your bid to be rejected as non-responsive if you have submitted a bid without an addendum acknowledgement for the most current and/or final addendum.
5. **PUBLIC OPENING/EVALUATION:** Bids will be publicly opened and recorded on the date and time specified herein unless changed by addendum. A bid may not be altered after the opening of the bid.
6. **ADDITIONAL INFORMATION:** No additional information may be submitted, or follow-up performed by any Bidder after the stated due date and time.
7. **NO BID:** If prospective Bidder will not be submitting a bid, respond by returning only the “Statement of No Bid Form” and give the reason in the space provided. Failure to submit a “Statement of No Bid” may be cause for removal of the Bidder from the mailing list.
8. **DELAYS:** The College, at its sole discretion, may delay the scheduled due dates indicated above if it is to the advantage of the College to do so. EFSC will notify Bidders of all changes in scheduled due dates by written addendum.
9. **BID WITHDRAWAL:** Bidders may withdraw their bids by notifying EFSC in writing at any time prior to the bid deadline. Bidders may withdraw their bids in person or through an authorized representative. Bidders and authorized representatives must disclose their identity (Bidder business card and driver’s license) and provide a signed receipt for the bid. Once opened, bids become the property of EFSC and will not be returned to the Bidders.
10. **INQUIRIES:** All Bidders shall carefully examine the bid documents. Any ambiguities or inconsistencies shall be brought to the attention of EFSC in writing; failure to do so, on the part of the Bidder, will constitute an acceptance by the Bidder of any subsequent decision. Any questions concerning the intent, meaning and interpretations of the bid documents shall be requested in writing or asked at the pre-bid conference. Responses to questions pertaining to this bid will be posted on the Procurement page of the EFSC website. EFSC will not be responsible for any oral instructions made by any employee(s) of EFSC regarding this bid.

11. **REVISIONS AND AMENDMENTS:** EFSC reserves the right to revise or amend the terms, conditions and specifications or both prior to the date set for opening of the bid, such revisions and amendments, if any, will be announced by an addendum to the bid.
12. **BID PREPARATION COSTS:** EFSC shall not be liable for any expenses incurred in connection with the preparation of a response to this bid.
13. **ACCURACY OF BID INFORMATION:** Any Bidder who submits in its bid to EFSC any information, which is determined to be substantially inaccurate, misleading, exaggerated, or incorrect, shall be disqualified from consideration.
14. **POSTING OF AWARD:** The College anticipates an award to the Bidder who submits the proposal judged by the College to be the most advantageous to the College.
15. **PUBLIC ENTITY CRIMES:** In accordance with F.S. 287.133, a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list. Due to guidelines for the use of grant funds, no person or vendor will be considered that appears on the Federal “excluded Parties List” found at the following link; <https://www.sam.gov/>. this list is provided by the Federal Government for the purpose of efficiently and conveniently disseminating information on parties that are excluded from receiving Federal contracts, certain subcontracts, and certain Federal financial and nonfinancial assistance and benefits, pursuant to the provisions of 31 U.S.C. 6101, not, E.O. 12689, 48 CFR 9.404, and each agency’s codification of the Common Rule for Non-procurement suspension and debarment. By signing and submitting the bid forms, Bidder attest that they have not been placed on the “Excluded Parties List”.
16. **ADVERTISING:** In submitting a bid, the Contractor agrees not to use the results as a part of any commercial advertising unless permission is granted, in writing, by the College.
17. **PUBLIC RECORDS:** Any material submitted in response to this ITB will become a public document pursuant to the Florida Statutes, Chapter 119. This includes materials, which the responder might consider confidential or a trade secret. Any claim of confidentiality is waived upon submission, effective upon submission of bid pursuant to the Florida Statutes, Chapter 119.
18. **JOINT VENTURES:** Bids submitted by firms under “joint venture” arrangements or other multi-party agreements must submit a power of attorney delegating authority to one

principal with authority to negotiate and execute any/all contract documents resulting from negotiations/award of this bid.

19. **DISPUTES & PROTESTS**: In the case of any doubt or difference of opinion as to the award of contract, the decision of the Director of Procurement Services shall be final. Failure to file a protest within the amount of time prescribed in FS 120.57(3) shall constitute a waiver of proceedings under chapter 120, Florida Statutes.
20. **FAMILIARITY WITH LAWS**: All Bidders are required to comply with all Federal, State, and Local laws, codes, rules and regulations controlling the action or operation of this bid.
21. **MINORITY PARTICIPATION**: It is EFSC’s intent to solicit broad participation by minority firms in its construction contracts. Contractors are strongly encouraged to use minority sub-contractors, vendors and suppliers. EFSC has a progressive diversity procurement initiative, which offers equal access and opportunity to participate in all aspects of the EFSC’s contracting and procurement programs.
22. **CONFLICT OF INTEREST**: The award hereunder is subject to the provisions of Chapter 112, Florida Statutes. All Bidders must disclose with their bid the name of any officer, director, or agent who is also an employee of EFSC. Further, all Bidders must disclose the name of any EFSC District Board Member who owns, directly or indirectly, an interest of five percent (5%) or more in the Bidder’s firm or any of its branches.
23. **DISQUALIFICATION**: The College reserves the right to disqualify responses, before or after opening, upon evidence that the Bidder is not qualified by experience, is not in a position to do work specified in the time allotted, or upon evidence of collusion with intent to defraud, or other unethical or illegal practice. The College also reserves the right to disqualify responses from firms or individuals who have in the past failed to meet the specifications, requirements, or expectations of past or present agreements, contracts, or awards for products and/or services.
24. **SPECIAL CONDITIONS**: All special conditions and specifications attached here to which vary from these general conditions shall have precedence.
25. **ANTI-DISCRIMINATION**: The Bidder certifies they are in compliance with the non-discrimination clause in Section 202, Executive Order 11246, as amended by executive order 11375, relative to equal employment opportunity for all persons without regard to race, color, religion, sex or national origin.
26. Eastern Florida State College does not discriminate based on race, color, ethnicity, genetic information, national origin, sex, disability or age in its programs and activities. Inquiries regarding the non-discrimination policies should be directed to Ms. Darla Ferguson, Chief Equity and Diversity Officer, (321) 433-7080, fergusond@easternflorida.edu.

27. **ACCEPTANCE AND REJECTIONS:** EFSC reserves the right to reject all bids, to waive informalities and technicalities, to solicit and re-advertise for new bids, or to abandon the project in its entirety. EFSC reserves the right to reject the bid of any Bidder who has previously failed in the proper performance of an award or to deliver the contract on time.
28. **AFFIRMATION:** By submission of a bid, Bidder affirms the bid is made without prior understanding, agreement or connection with any corporation, firm, or person submitting a bid for the same materials, supplies, equipment or services, and is in all respects fair and without collusion or fraud. Bidder agrees to abide by all conditions of this bid and the resulting contract.
29. **ASSIGNMENT:** This bid, any part hereof, or any right or duty hereunder may not be assigned, delegated, or subcontracted by Contractor without the prior written approval of EFSC, which approval may be granted or withheld in the sole discretion of EFSC.
30. **PIGGYBACK LANGUAGE:** With the consent and agreement of the successful bidder(s), purchases may be made under this ITB by other community colleges, state universities, district school boards and by other educational institutions or governmental entities within the state of Florida. Such purchases shall be governed by the same terms and conditions stated in the bid solicitation as provided in State Board of Education Rule 6A-14.0734 (2) (c).
31. **POSTING/PROTEST OF SPECIFICATIONS:** Any “Notice of Protest” involving the specifications, the terms and conditions or any other aspect of this request for bid, must be filed in writing within 72 hours after the receipt notice of the project plans and the solicitation specifications. Formal written protest must be filed within 10 days after the date of the “notice of protest” is filed. The formal written protest shall state with particularity the facts and law upon which the protest is based. (Saturdays, Sundays and legal holidays shall be excluded in these computations). FAILURE TO FILE A “NOTICE OF PROTEST” OR FAILURE TO FILE A FORMAL WRITTEN PROTEST WITHIN THE TIME PRESCRIBED IN SECTION 120.57 (3), FLORIDA STATUTES SHALL CONSTITUTE A WAIVER OF PROCEEDINGS UNDER CHAPTER 120, FLORIDA STATUTES.
32. **PROTEST OF INTENDED AWARD:** ITB tabulations with recommended awards will be posted on or about October 29, 2019 for review by interested parties on the Procurement Webpage: <http://www.easternflorida.edu/go/procurement>, unless changed by addendum, and will remain posted for a period of 72 hours (not including Saturdays, Sundays and legal holidays). Any “Notice of Protest” of award or recommendation of award shall be filed in writing to the Director of Procurement Services within 72 hours after the posting of the request for bid tabulations. FAILURE TO FILE A PROTEST WITHIN THE TIME PRESCRIBED IN SECTION 120.57 (3), FLORIDA STATUTES SHALL CONSTITUTE A WAIVER OF PROCEEDINGS UNDER CHAPTER 120, FLORIDA STATUTES. A formal written protest must be filed within 10 days (excluding Saturdays,

Sundays, and legal holidays), after the date the “notice of protest” was filed. The formal written protest shall state with particularity the facts and law upon which the protest is based upon. **FAILURE TO FILE A FORMAL WRITTEN PROTEST WITHIN THE TIME PRESCRIBED SHALL CONSTITUTE A WAIVER OF PROCEEDINGS UNDER CHAPTER 120.57 (3), FLORIDA STATUTES.**

- 33. **IDENTICAL/TIE SUBMITALS:** In the event two (2) or more Bidders submit the same price, the following criteria, in order of importance, shall be used to break said tie: (1) Florida Business, (2) Place of business is within Brevard County, (3) Price, or (4) by flip of coin, when all other factors are equal.
- 34. **COMPLIANCE:** All bidders are required to comply with all Federal, State and Local laws, codes, rules regulations, ordinances, and policies of the District Board of Trustees of Eastern Florida State College, which may be applicable to the action or operation of this BID.

I. BID INSTRUCTIONS

Your bid shall be submitted in the following format, listed in order, and index tabbed to match. Bids shall be organized, and sections tabbed in the following order. Failure to supply all of the information requested may result in the bid being excluded from consideration.

- Tab #1 **Cover Letter and/or Executive Summary:**
 This should be limited to a brief narrative highlighting the bid.
- Tab #2 **Experience:**
 Provide a profile showing work completed similar to that proposed herein within the last three (2) years.
- Tab #3 **References:**
 The College will consider references important in the decision to award a contract/purchase order.
- Tab #4 **Pricing:**
 Bid Tabulation.
- Tab #5 **Conflict/Non-Conflict of Interest Statement, Special Condition #27.01 Florida Preference – Personal Property, Public Entity Crimes, Statement of No Bid, Bid Certification, Drug-Free Workplace, Minority Certification, and W9 Form:** All Bidders shall complete and submit Attachments A - H.

II. BID SPECIFICATIONS/SCOPE OF WORK

The “College” is requesting bids from qualified technology “Vendors” to deliver, install and license the following equipment system.

Item	Qty	Part Number	Description
<i>I. Power Control Devices to consist of:</i>			
<i>A. Dimmer Racks</i>			
	2	7141A1005	SR3-48 - Black Sensor3 48-Module Dimmer Rack – Designed for 3 phase 4 wire and ground operation at a maximum of 800A, 120/208V, 60Hz AC.
	2	7141A2006-4	SR3-48 DOOR - Black SR3-48 Locking Door with Filter.
	2	7140A1003	CEM3 – CEM3 Control Module.
	1	7051A1105	ER3-48 to SR3-48 Bussing Kit.
	6	7050A1293	ELV10-S – Dual 10A Electronic Reverse Phase Module (12 Dimmers).
	66	7050A1003	D20 – Dual 20A Dimmer Module, 350ms rise time (132 Dimmers)
	24	7050A1085	R20AF – Dual 20A Relay Module with Advanced Features (48 Relays)
<i>II. Equipment Rack to consist of:</i>			
<i>A. Lighting Control Rack</i>			
	1	<u>EWR-12-22SD</u>	MAP 12 Space Swing Rack – 12 RU Rack with door, wall mount, swing out, 22” deep
	1	<u>GS324TP-100NAS</u>	Netgear 24 port Gigabit PoE+ Smart Managed Pro Switch with 2 SFP
	1	<u>BR1</u>	MAP BR1 – 1U Brush Grommet Panel
	1	<u>CG03859</u>	C2G 24 Port Patch Panel with RJ45 Keystone plates
	1	<u>HBL4</u>	MAP 4RU BLANK

	1	<u>4267A1015</u>	ETC DIN rail rack-mount kit
	1	<u>7186A1212</u>	ETC Echo DIN mount power supply
	1	<u>7186A1111-1</u>	ETC Echo DMX Scene Controller
	1	<u>6822</u>	Pathport 2-port gateway
III. Architectural Control Devices to consist of:			
A. Distributed Data			
	5	1094A1045	ECPB NET – ETCNet Control Plug-in Station RJ-45 XLR connector
	1	7186A1008-4	8 Button Inspire station, Black
	1	718gA1006-4	6 Button Inspire station, Black
	1	2412	Belden CAT wire as needed
	1	8471	Belden Control wire as needed
	1	MISC	Cables and other necessary accessories to create functioning system
IV. All Labor, Materials & Expenses to complete job.			
A. Labor			
1. This includes the Low Voltage Terminations and System Commissioning of the Control Equipment Rack(s), Plug-in Stations, and Dimmer Cabinets.			
2. Take out old Strand Dimming System and replace with ETC Dimming System			

III. BID TABULATION

Power Control Devices:	\$ _____
Equipment Rack	\$ _____
Architectural Control Devices	\$ _____
Labor, Materials & Expenses to complete job	\$ _____
Total Cost:	\$ _____

IV. **EVALUATION PROCESS**

1. Procurement Services will evaluate all responsive written bids to determine which bids best meet the needs of Eastern Florida State College.
2. In order for a Bidder to be eligible to be awarded the contract, the bid must be responsive to the solicitation and EFSC must be able to determine that the Bidder is responsible and has the resources and capacity to supply the resulting items satisfactorily. Bidders shall meet all technical specifications associated with this bid. Bidders are reminded that award may not necessarily be made to the lowest bid. Rather, award will be made to the lowest responsive, responsible, bidder whose bid represent the best overall value to EFSC.
3. Responsive bids are those that comply with all material aspects of the solicitation, conform to the solicitation documents and meet the requirements set forth in this solicitation. Bids, which do not comply with all the terms and conditions of this solicitation, will be rejected as non-responsive.
4. The recommendation, developed by the Selection Committee, will be presented to the College Administration for approval. Bid tabulations and award recommendations will be posted in the Procurement Services Department and on the Eastern Florida State College website <http://www.easternflorida.edu/go/procurement>.

Deliveries pursuant to this ITB shall be made during the normal working hours of the College. Eastern Florida State College is closed on Fridays.

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Attachment A

Conflict/Non-Conflict of Interest Statement

CHECK ONE

To the best of our knowledge, the undersigned firm has no potential conflict of interest due to any other clients, contracts, or property interest for this project.

OR

The undersigned firm, by attachment to this form, submits information which may be a potential conflict of interest due to other clients, contracts, or property interest for this project.

LITIGATION STATEMENT

CHECK ONE

The undersigned firm has had no litigation and/or judgments entered against it by any local, state or federal entity and has had no litigation and/or judgments entered against such entities during the past ten (10) years.

The undersigned firm, **BY ATTACHMENT TO THIS FORM**, submits a summary and disposition of individual cases of litigation and/or judgments entered by or against any local, state or federal entity, by any state or federal court, during the past ten (10) years.

Company Name

Authorized Signature

Name (Print or Type)

Title

Failure to check the appropriate blocks above may result in disqualification of your bid. Likewise, failure to provide documentation of a possible conflict of interest, or a summary of past litigation and/or judgments, may result in disqualification of your bid.

Attachment B

Special Condition #27.01 “Written Opinion Requirement re: Florida Preference – Personal Property”

Eastern Florida State College is required in solicitations to comply with providing a preference to Florida Businesses in accord with Florida Statutes 287.084 (personal property). **This form must be completed by all entities whose principal place of business is outside the State of Florida**

To be Responsive, Firms shall **submit with their bid/proposal/submittal** a fully completed Special Condition #27.01 “Written Opinion Requirement re: Florida Preference – Personal Property” form OR on the Attorney at Law’s LETTERHEAD a written opinion with all required information. The submitted document MUST be signed by an attorney at law licensed to practice law in the bidders/proposers foreign state, as to the preferences, if any or none, granted by the law of that state to its own business entities whose principal places of business, as defined in F.S. 607.01401(20), are in that foreign state in the letting of any or all public contracts.

1. **Name of Firm** submitting a Bid/proposal/ITN Reply:

2. List the **State** which is the Principal Place of Business, as defined in F.S. 607.01401(20), for the Bidders/Proposer:

3. List the **Name of Your Attorney at Law** licensed to do business in that state

3a. Phone Number: () _____ Email: _____

4. **Attorney Written Opinion:**

Define below if the bidders/proposers foreign State, has laws that provide preferences, if any or none, granted by the law of the foreign state as to its own business entities whose principal places of business, as defined in F.S. 607.01401(20), are in that foreign state in the letting of any or all public contracts.

4A. What is the specific web URL where the bidders/proposers foreign state law is defined as to providing preference to in-state businesses for any or all public contracts?

4B. The bidders’/proposers’ foreign state law provides what percentage preference to in –state businesses for any or all public contracts? _____%

4C. The bidders’/proposers’ foreign state does not have any laws that provide a preference to in state businesses for any or all public contracts? Yes____ No_____

5. **Signature** of your Attorney at law licensed to do business in that state:

Name: _____ Printed Name: _____

Note: Bidders/Proposers who are submitting bids/Proposals for Personal Property; Failure to submit a fully completed Special Condition #27.01 “Written Opinion Requirement re: Florida Preference – Personal Property” will cause their Bid/Proposal to be considered non-responsive.

Listed below is a copy of F.S. 287.084:

Florida Statute # 287.084 Preference to Florida businesses. –

(1)(a) When an agency, university, college, school district, or other political subdivision of the state is required to make purchased of personal property through competitive solicitation and the lowest responsible and responsive bid, proposal, or reply is by a vendor whose principal place of business is in a state or political subdivision thereof which grants a preference for the purchase of such personal property to a person whose principal place of business is in such state, then the agency, university, college, school district, or other political subdivision of this state shall award a preference to the lowest responsible and responsive vendor having a principal place of business within this state, which preference is equal to the preference granted by the state or political subdivision thereof in which the lowest responsible and responsive vendor has its principal place of business. In a competitive solicitation in which the lowest bid is submitted by a vendor whose principal place of business is located outside the state and that state does not grant a preference in competitive solicitation to vendors having a principal place of business in that state, the preference to the lowest responsible and responsive vendor having a principal place of business in this state shall be 5 percent.

(b) Paragraph (a) does not apply to transportation projects for which federal aid funds are available.

(c) As used in this section, the term “other political subdivision of this state” does not include counties or municipalities.

(2) A vendor whose principal place of business is outside this state must accompany any written bid, proposal, or reply documents with a written opinion of an attorney at law licensed to practice law in that foreign state, as to the preferences, if any or none, granted by the law of that state to its own business entities whose principal places of business are in that foreign state in the letting of any or all public contracts.

(3)(a) A vendor whose principal place of business is in this state may not be precluded from being an authorized reseller of information technology commodities of a state contractor as long as the vendor demonstrates that it employs an internationally recognized quality management system, such as ISO9001 or its equivalent, and provides a warranty on the information technology commodities which is, at a minimum, of equal scope and length as that of the contract.

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Attachment C

**PUBLIC ENTITY CRIMES
EASTERN FLORIDA STATE COLLEGE
BID 19-20-02 STUDIO THEATRE DIMMING SYSTEM UPGRADE - KCPA**

Any person submitting a bid or qualification in response to this invitation must execute the enclosed for PUR 7068, SWORN STATEMENT UNDER PARAGRAPH 287.133(3) (A), FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES, including proper check(s), in the space(s) provided, and enclose it with the bid or qualification. However, if you have provided the completed form to the submittal address listed in this Invitation and it was received on or after January 1, 1995, another completed form is not required for the remaining calendar year. THIS FORM MUST BE SIGNED IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to:

(Print name of the public entity)

By

(Print name of entity submitting sworn statement)

Whose business address is:

and (if applicable) it's Federal Employer Identification No. (FEIN) is:

(If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement:

2. I understand that a "public entity crime" as defined in Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including, but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.

3. I understand that "convicted" or "conviction" as defined in Paragraph 287.133(1) (b), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non jury trial, or entry of a plea of guilty or nolo contendere.

4. I understand that an "affiliate" as defined in Paragraph 287.133(1) (a), Florida Statutes, means:

1. A predecessor or successor of a person convicted of a public entity crime: or

2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

5. I understand that a "person" as defined in Paragraph 287.133(1) (e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which Bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.

6. Based on information and belief, the statement that I have marked below is true in relation to the entity submitting this sworn statement. **(Indicate which statement applies.)**

___Neither the entity submitting this sworn statement, nor any officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity have been charged with and convicted of a public entity crime subsequent to July 1, 1989.

___The entity submitting this sworn statement, or one or more of the officers, directors, executive, partners, shareholders, employees, members, or agents who are active in management of the entity or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

___The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list **(attach a copy of the final order)**.

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 (ONE) ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

Sworn to and subscribed before me this ___ day of _____ 20__

Personally known

OR Produced identification _____ Notary Public - State of _____

My commission expires on: _____ (Type of identification)

(Printed, typed and/or stamped commissioned name of Notary Public)

A person or affiliate who has been placed on the convicted firm list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit Bids on leases of real property to a public entity, may not be awarded or perform work as a firm, sub-firm, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of thirty six months from the date of being placed on the convicted firm list.

Attachment E - BID CERTIFICATION

I certify that this bid is made without prior understanding, agreement or connection with any corporation, firm or person submitting a bid for the same materials, supplies or equipment, and is, in all respects, fair and without collusion or fraud. I agree to abide by all conditions of this bid; I certify that I am authorized to sign this bid.

I hereby agree to furnish the items and/or services at the prices and terms stated in my bid. I have read and understand the terms and conditions of the Invitation to Bid.

This Bidder is in compliance with the non-discrimination clause contained in Section 202, Executive Order 11246, as amended by Executive Order 11375, relative to Equal Employment Opportunity for all people without regard to race, color, religion, sex or national origin and the implementing rules and regulations prescribed by the Secretary of Labor.

Bidder states that my firm understands and acknowledges that the above representations are material and important and will be relied on by the schools in awarding the contract(s) for which this bid is submitted. I understand and my firm understands that any misstatement is and shall be treated as fraudulent in concealment from the schools of the facts relating to the submission of bids for this contract. I further state on behalf of myself, the company and its key employees that neither the Bidder, the company, nor its key employees have been proposed for debarment, debarred, or suspended by and Federal Agency or currently has any applicable license(s) suspended or revoked by the Florida Department of Insurance.

Signature _____ Date _____

Name(s) and Title(s) _____

Legal Name of Bidder _____

Mailing Address _____

City, State, Zip _____

Telephone _____ FAX _____ Date _____

I certify that I have received the following addenda (if any):

Addendum _____ Dated _____

Addendum _____ Dated _____

Signature _____ Date _____

NOTE: Please return document to Eastern Florida State College with your bid.

Attachment F - DRUG FREE WORKPLACE

The undersigned Bidder in accordance with Florida Statute 287.087 hereby certifies that _____ does:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business’s policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are proposed a copy of the statement specified in subsection (1).
4. In the statement specified in subsection (1), notify the employees that as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement, and will notify the employer of any conviction of, or plea of guilty or nolo contendere, to any violation of Chapter 893, or any controlled substance law of the United States or any state violation occurring in the workplace, no later than five (5) days after such conviction.
5. Impose a sanction on or require the satisfactory participation in a drug abuse assistance or rehabilitation program, if such is available in the employee’s community, by an employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug free workplace through implementation of this section

As the person authorized to sign the statement, I certify that this Bidder complies fully with the above requirements.

Bidder’s Signature

Date

Attachment G

If your firm is greater than 51% owned and controlled by a woman or minority, please complete this certificate and include a copy with your submittal.

MINORITY/ WOMAN BUSINESS ENTERPRISE/SERVICE-DISABLED VETERAN ENTERPRISE CERTIFICATE

I HEREBY DECLARE AND AFFIRM that I am the (Title) _____ representative of the firm of _____ a minority business enterprise (MBE/WBE) as defined by Florida Statutes 287.0943 (2) (e)1-3 and that our firm will provide information requested by the College to document this fact. The foregoing statements are true and correct and include all material necessary to identify and explain the operations of _____

as well as the ownership thereof. Further, the undersigned does agree to provide the College current, complete and accurate information regarding actual work performed on the project, the payment thereof and any proposed changes in any of the arrangements hereinabove stated and to permit and audit an examination of the books, records and files of the above-named company by authorized representatives of the College. It is recognized and acknowledged that the statements herein are being given under oath and material misrepresentation will be grounds for terminating any pre-qualification/contract, which may be awarded in reliance hereon. Termination is understood to forfeiture of payment for all work not preformed at time of notification.

I DO SOLEMNLY DECLARE OR AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING DOCUMENTS ARE TRUE AND CORRECT, AND THAT I AM AUTHORIZED, ON BEHALF OF THE ABOVE FIRM, TO MAKE THIS AFFIDAVIT.

SIGNATURE OF COMPANY’S AUTHORIZED REPRESENTATIVE

STATE OF _____ COUNTY (CITY) OF _____

On this ___ day of _____, 20__, before me, in the foregoing affidavit and acknowledged that he (she) executed the same in the capacity therein stated and for the purpose therein contained. In witness thereof, I hereunto set my hand and official seal.

Notary Public

- M1- Black American Man
- M2- Hispanic American
- M3- Asian American
- M4- Native American
- M5- Native Hawaiian
- M6- Small Business
- M7- Disabled
- M8- American Woman
- M9- Black American Woman
- NM- Non-Minority
- S10- Service-Disabled Veteran Owned

My commission expires:

Attachment H

Form W-9 (Rev. October 2018) Department of the Treasury Internal Revenue Service	<h3 style="margin:0;">Request for Taxpayer Identification Number and Certification</h3> <p style="margin:0;">▶ Go to www.irs.gov/FormW9 for instructions and the latest information.</p>	Give Form to the requester. Do not send to the IRS.																																													
1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.																																															
2 Business name/disregarded entity name, if different from above																																															
Print or type. See Specific Instructions on page 3.	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ <small>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</small> <input type="checkbox"/> Other (see instructions) ▶ _____ <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate																																														
4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <small>(Apply to accounts maintained outside the U.S.)</small>																																															
5 Address (number, street, and apt. or suite no.) See instructions.		Requester's name and address (optional)																																													
6 City, state, and ZIP code																																															
7 List account number(s) here (optional)																																															
<h4>Part I Taxpayer Identification Number (TIN)</h4> <p style="font-size: small;">Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see <i>How to get a TIN</i>, later.</p> <p style="font-size: small;">Note: If the account is in more than one name, see the instructions for line 1. Also see <i>What Name and Number To Give the Requester</i> for guidelines on whose number to enter.</p>																																															
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="9" style="text-align: center; font-size: small;">Social security number</th> </tr> <tr> <td style="width:20%; height: 20px;"></td> <td style="width:20%;"></td> <td style="width:20%;"></td> <td style="width:20%;"></td> <td style="width:20%;"></td> <td style="width:20%;"></td> <td style="width:20%;"></td> <td style="width:20%;"></td> <td style="width:20%;"></td> </tr> <tr> <td colspan="9" style="text-align: center; font-size: small;">or</td> </tr> <tr> <th colspan="9" style="text-align: center; font-size: small;">Employer identification number</th> </tr> <tr> <td style="width:20%; height: 20px;"></td> <td style="width:20%;"></td> <td style="width:20%;"></td> <td style="width:20%;"></td> <td style="width:20%;"></td> <td style="width:20%;"></td> <td style="width:20%;"></td> <td style="width:20%;"></td> <td style="width:20%;"></td> </tr> </table>	Social security number																		or									Employer identification number																	
Social security number																																															
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<h4>Part II Certification</h4> <p style="font-size: small;">Under penalties of perjury, I certify that:</p> <ol style="list-style-type: none"> 1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and 2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and 3. I am a U.S. citizen or other U.S. person (defined below); and 4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct. <p style="font-size: small;">Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.</p>																																															
Sign Here	Signature of U.S. person ▶ _____	Date ▶ _____																																													
<h4>General Instructions</h4> <p style="font-size: small;">Section references are to the Internal Revenue Code unless otherwise noted.</p> <p style="font-size: small;">Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.</p> <p style="font-size: small;">Purpose of Form</p> <p style="font-size: small;">An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Form 1099-INT (interest earned or paid) • Form 1099-DIV (dividends, including those from stocks or mutual funds) • Form 1099-MISC (various types of income, prizes, awards, or gross proceeds) • Form 1099-B (stock or mutual fund sales and certain other transactions by brokers) • Form 1099-S (proceeds from real estate transactions) • Form 1099-K (merchant card and third party network transactions) • Form 1099 (home mortgage interest), 1099-E (student loan interest), 1099-T (tuition) • Form 1099-C (canceled debt) • Form 1099-A (acquisition or abandonment of secured property) <p style="font-size: small;">Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.</p> <p style="font-size: small;">If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See <i>What is backup withholding</i>, later.</p>																																															
Cat. No. 10231X		Form W-9 (Rev. 10-2018)																																													