

State of Florida
Department of Transportation
Procurement Office
801 N. Broadway Ave.
Bartow, FL 33830

INVITATION TO BID REGISTRATION

PLEASE COMPLETE AND RETURN THIS FORM ASAP
FAX TO (863-519-2661)

Bid Number: ITB-DOT-18/19-1261-JA

Title: Purchase of Mitigation Credits to offset project impacts associated with the West Collier Basin including, but not limited to, SR 82 from Gator Slough to SR 29 (FPID 430849-1)

Bid Due Date & Time (On or before): March 6, 2018 @ 9:00 AM

Bid Open Date & Time: March 6, 2018 @ 10:00 AM

Potential bidders should notify our office by returning this Bid Registration Form as soon as possible after downloading. Complete the information below and fax this sheet only to John Albers at the Florida Department of Transportation Procurement Office at (863) 519-2661, of e-mail to D1-Purchasing@dot.state.fl.us

THE INVITATION TO BID DOCUMENT YOU RECEIVED IS SUBJECT TO CHANGE. Notice of changes (addenda), will be posted on the Florida Vendor Bid System at www.myflorida.com, under this bid number (click on "BUSINESS", click on "Doing Business with the State", under "Everything for Vendors and Customers", click on "Vendor Bid System (VBS)", then click on "Search Advertisements", click on the drop-down arrow beside the box under Advertisement Type, select Competitive Solicitation, click on the drop-down arrow beside the box under Agency, select DEPARTMENT OF TRANSPORTATION, then go to the bottom of the same page and click on Initiate Search). It is the responsibility of all potential bidders to monitor this site for any changing information prior to submitting your bid.

Company Name: _____

Address: _____

City, State, Zip: _____

Telephone: (____) _____ Fax Number: (____) _____

Contact Person: _____

Internet E-Mail Address: _____

For further information on this process e-mail or telephone John Albers:
D1-Purchasing@dot.state.fl.us or (863) 519-2581

Exhibit "B" Bid Sheet

Bid #: ITB-DOT-18/19-11261-JA

Bid Title: Purchase of Mitigation Credits to offset project impacts associated with the West Collier Basin including, but not limited to, SR 82 from Gator Slough to SR 29 (FPID 430849-1)

This is a 2 month Term Contract whereby the Vendor agrees to furnish wetland mitigation bank credits and/or conservation bank credits on an as needed basis to meet the Department's mitigation needs on a per project basis at the specified bid price. The 2 months will commence on the date the award is final. The Department does not guarantee any specific quantity of mitigation credits to be purchased.

At the time of the bid the Vendor must have approved banking instruments and have available federal and/or state wetland mitigation bank credits and/or conservation bank credits for purchase that meet the requirements of this ITB. Please provide documentation demonstrating that the bank is fully permitted.

If not bidding on certain credit types, fill in the blank with "N/A" to be considered responsive.

Please enter the per credit bid price for each mitigation credit type on the table below

| | |
|---|--|
| Mitigation Bank Name (Only One Bank may be Listed) | |
|---|--|

| | | Wetland Credit Type | Federal & State | | | Federal only | | | State only | | | |
|-------------|--|------------------------------|----------------------------|----------------|--------|--------------|------|--------|------------|------|--------|--|
| | | | UMAM | WRAP | *Ratio | UMAM | WRAP | *Ratio | UMAM | WRAP | *Ratio | |
| WMD Basin X | | <i>Saltwater Marsh</i> | | | | | | | | | | |
| | | <i>Mangrove Swamps</i> | | | | | | | | | | |
| | | <i>Freshwater Forested</i> | | | | | | | | | | |
| | | <i>Freshwater Herbaceous</i> | | | | | | | | | | |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |
| | | | Species Credit Type | Federal | | | | | | | | |
| | | | | | | | | | | | | |

*For Ratio credits, attach documentation from the appropriate regulatory agencies demonstrating ratio credits satisfy project mitigation needs. The Department reserves the right to coordinate with regulatory agencies to determine whether ratio credits are appropriate to meet project mitigation needs.

Delivery: An invoice shall be delivered to the Department upon notice of award along with a letter indicating the Department has purchased the credits and they are reserved for the Department's use. Payment will be rendered upon receipt of the purchase/reservation letter. The Department may consult with the appropriate regulatory agencies to confirm that credits from the respective bank will satisfy mitigation required before the intended award will be made.

MFMP Transaction Fee: All payment(s) to the vendor resulting from this competitive solicitation WILL be subject to the MFMP Transaction Fee in accordance with the referenced Form PUR 1000 General Contract Condition #14. However, all vendors should be aware, that effective July 1, 2017 through June 30, 2018, in accordance with House Bill 5003 Sec.73, the Transaction Fee will be seven-tenths of one percent (.70%) of the payment issued. The Transaction Fees imposed shall be based upon the date of issuance of the payment.

Note: In submitting a response, the bidder acknowledges they have read and agree to the solicitation terms and conditions and their submission is made in conformance with those terms and conditions.

Acknowledgement: I certify that I have read and agree to abide by all terms and conditions of this solicitation and that I am authorized to sign for the bidder. I certify that the response submitted is made in conformance with all requirements of the solicitation.

Vendor: _____ FEID #: _____

Address: _____ City, State, Zip: _____

Phone: _____ Fax: _____ Email: _____

Authorized Signature: _____ Date: _____

Printed/Typed Name: _____ Title: _____

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**VENDOR CERTIFICATION REGARDING
SCRUTINIZED COMPANIES LISTS**

Respondent Vendor Name: _____
Vendor FEIN: _____
Vendor's Authorized Representative Name and Title: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone Number: _____
Email Address: _____

Section 287.135, Florida Statutes, prohibits agencies from contracting with companies for goods or services of \$1,000,000 or more, that are on either the Scrutinized Companies with Activities in Sudan List, the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector Lists which are created pursuant to s. 215.473, F.S., or the Scrutinized Companies that Boycott Israel List, created pursuant to s. 215.4725, F.S., or companies that are engaged in a boycott of Israel.

As the person authorized to sign on behalf of Respondent, I hereby certify that the company identified above in the section entitled "Respondent Vendor Name" is not listed on either the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or the Scrutinized Companies that Boycott Israel List. I further certify that the company is not engaged in a boycott of Israel. I understand that pursuant to section 287.135, Florida Statutes, the submission of a false certification may subject company to civil penalties, attorney's fees, and/or costs.

Certified By: _____
who is authorized to sign on behalf of the above referenced company.
Authorized Signature Print Name and Title: _____
Date: _____

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
DRUG-FREE WORKPLACE PROGRAM CERTIFICATION

375-040-18
PROCUREMENT
03/17

287.087 Preference to businesses with drug-free workplace programs. --Whenever two or more bids, proposals, or replies that are equal with respect to price, quality, and service are received by the state or by any political subdivision for the procurement of commodities or contractual services, a bid, proposal, or reply received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. In order to have a drug-free workplace program, a business shall:

(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 under bid 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 of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than 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, any employee who is so convicted.

(6) Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

Does the individual responding to this solicitation certify that their firm has implemented a drug-free workplace program in accordance with the provision of Section 287.087, Florida Statutes, as stated above?

YES

NO

NAME OF BUSINESS: _____

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
IN-STATE PREFERENCE FORM
For Invitation-to-Bid Commodity

375-040-56
PROCUREMENT
OGC – 03/13

Bid Number: _____

Title: _____

Pursuant to Section 287.084, Florida Statutes, relating to the Florida-based business preference, effective July 1, 2012:

In a competitive solicitation in which the lowest bid is submitted by a vendor whose principal place of business is located outside the state of Florida and that state where the vendor's principal place of business is located 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.

Note: The Vendor is required to complete and submit this form with its bid to be considered for this preference.

Vendor Name: _____

Vendor FEIN: _____

The Vendor (does) (does not) have a principal place of business located in the state of Florida.

If so, please provide an address:

Note: A vendor whose principal place of business is outside the state of Florida must accompany any written bid documents with a written opinion of an attorney 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 is in that foreign state in the letting of any or all public contracts.

Authorized Signature: _____

Title: _____

Date: _____

**State of Florida
Department of Transportation**



INVITATION TO BID

Purchase of Mitigation Credits to offset project impacts associated with the West Collier Basin including, but not limited to, SR 82 from Gator Slough to SR 29 (FPID 430849-1)

ITB-DOT-18/19-1261-JA

CONTACT FOR QUESTIONS:

John Albers, Procurement Agent
D1-Purchasing@dot.state.fl.us
Fax number: (863) 519-2661
Phone: (863) 519-2581
801 North Broadway Ave.
Bartow, FL 33830

INTRODUCTION SECTION

1) INVITATION

The purpose of this Invitation to Bid is to obtain competitive bids for the Purchase of Mitigation Credits to offset project impacts associated with the West Collier Basin including, but not limited to, SR 82 from Gator Slough to SR 29 (FPID 430849-1) by the Department of Transportation, hereafter referred to as the "Department".

2) TIMELINE

Provided below is a list of critical dates and actions. These dates are subject to change. Notices of changes (addenda) will be posted on the Florida Vendor Bid System at www.myflorida.com (click on "BUSINESS", click on "Doing Business with the State", under "Everything for Vendors and Customers", click on "Vendor Bid System (VBS)", click on "Search Advertisements") under this bid number. It is the responsibility of all potential bidders to monitor this site for any changing information prior to submitting your bid.

| <u>ACTION / LOCATION</u> | <u>DATE</u> | <u>LOCAL TIME</u> |
|--|------------------|-------------------|
| DEADLINE FOR TECHNICAL QUESTIONS - (There is no deadline for administrative questions) | 2/27/2018 | 2:00 PM |
| BIDS DUE (ON OR BEFORE) - 801 North Broadway Ave. Bartow, FL 33830 | 3/6/2018 | 9:00 AM |
| PUBLIC OPENING - 801 North Broadway Ave. Bartow, FL 33830 | 3/6/2018 | 10:00 AM |
| POSTING OF INTENDED DECISION/AWARD - | 3/6/2018 | 2:00 PM |

3) BID OPENING AGENDA

The sealed bids will be opened by the Department's Procurement Office personnel at the date, time and location in the Timeline. All bid openings are open to the public and will be conducted according to the following agenda:

Opening remarks – Approximate time of 2 minutes by Department Procurement Office personnel.

Public input period – To allow a maximum of 15 minutes total for public input related to the bid solicitation.

Bids opened – At conclusion of public input or 15 minutes, whichever occurs first, bids received timely will be opened with bidder's name and prices to be read aloud.

Adjourn - After all bids received timely have been opened, the meeting will be adjourned.

4) SPECIAL ACCOMMODATIONS

Any person with a qualified disability requiring special accommodations at a pre-bid conference, public meeting, and/or opening shall contact the contact person at the phone number, e-mail address or fax number provided on the title page at least five (5) working days prior to the event. If you are hearing or speech impaired, please contact this office by using the Florida Relay Services which can be reached at 1 (800) 955-8771 (TDD).

SPECIAL CONDITIONS

1) MyFloridaMarketPlace

BIDDERS MUST BE ACTIVELY REGISTERED IN THE STATE OF FLORIDA'S MYFLORIDAMARKETPLACE SYSTEM BY THE TIME AND DATE OF THE BID OPENING OR THEY MAY BE CONSIDERED NON-RESPONSIVE (see Special Condition 21). All prospective bidders that are not registered, should go to <https://vendor.myfloridamarketplace.com/> to complete on-line registration, or call 1-866-352-3776 for assisted registration.

All payment(s) to the vendor resulting from this competitive solicitation **WILL** be subject to the 1% MFMP Transaction Fee in accordance with the attached Form PUR 1000 General Contract Condition #14. However, all vendors should be aware, that effective July 1, 2017 through June 30, 2018, in accordance with House Bill 5003 Sec.73, the Transaction Fee will be seven-tenths of one percent (.70%) of the payment issued. The Transaction Fees imposed shall be based upon the date of issuance of the payment.

2) Florida Department of Financial Services (DFS) W-9 INITIATIVE

The Florida Department of Financial Services (DFS) requires all vendors that do business with the state to submit an electronic Substitute Form W-9. Vendors must submit their W-9 forms electronically at <https://flvendor.myfloridacfo.com> to receive payments from the state. Contact the DFS Customer Service Desk at (850) 413-5519 or FLW9@myfloridacfo.com with any questions.

3) QUESTIONS & ANSWERS

In accordance with section 287.057(23), Florida Statutes, respondents to this solicitation or persons acting on their behalf may not contact, between the release of the solicitation and the end of the 72-hour period following the agency posting the notice of intended award, excluding Saturdays, Sundays, and state holidays, any employee or officer of the executive or legislative branch concerning any aspect of this solicitation, except in writing to the procurement officer or as provided in the solicitation documents. Violation of this provision may be grounds for rejecting a response.

Any technical questions arising from this Invitation to Bid must be forwarded, in writing, to the procurement agent identified below. Questions must be received no later than the time and date reflected on the Timeline. The Department's written response to written inquiries submitted timely by bidders will be posted on the Florida Vendor Bid System at www.myflorida.com (click on "BUSINESS", click on "Doing Business with the State", under "Everything for Vendors and Customers", click on "Vendor Bid System (VBS)", click on "Search Advertisements"), under this bid number. It is the responsibility of all potential bidders to monitor this site for any changing information prior to submitting their bid.

WRITTEN TECHNICAL QUESTIONS should be submitted to:

Mailed to: John Albers at 801 N. Broadway Ave. MS 1-31, Bartow, FL 33830 MS

E-Mailed to: D1-Purchasing@dot.state.fl.us

Faxed to: (863) 519-2661

Questions regarding administrative aspects of the bid process should be directed to the Procurement Agent in writing at the address above or by phone: **(863) 519-2581**

4) ORAL INSTRUCTIONS / CHANGES TO THE INVITATION TO BID (ADDENDA)

No negotiations, decisions, or actions will be initiated or executed by a bidder as a result of any oral

discussions with a State employee. Only those communications which are in writing from the Department will be considered as a duly authorized expression on behalf of the Department.

Notices of changes (addenda) will be posted on the Florida Vendor Bid System at www.myflorida.com (click on "BUSINESS", click on "Doing Business with the State", under "Everything for Vendors and Customers", click on "Vendor Bid System (VBS)", click on "Search Advertisements") under this bid number. It is the responsibility of all potential bidders to monitor this site for any changing information prior to submitting your bid. All addenda will be acknowledged by signature and subsequent submission of addenda with bid when so stated in the addenda.

5) DIVERSITY ACHIEVEMENT

The Department encourages the recruitment and utilization of small, minority, women, and service-disabled veteran businesses. The Department, its vendors, suppliers, and consultants should take all necessary and reasonable steps to ensure that small, minority, women, and service-disabled veteran businesses have the opportunity to compete for and perform contract work for the Department in a nondiscriminatory environment.

6) PRICES/DELIVERY

Prices shall be firm, net, delivered prices, F.O.B. destination.

7) IN-STATE PREFERENCE FOR COMMODITY BIDS

[] Not applicable because federal funds will be used for this bid.

In accordance with Section 287.084, Florida Statutes, when the lowest responsible and responsive bid is submitted by a vendor whose principal place of business is located outside the state of Florida, a 5% price preference shall be awarded to the lowest responsible and responsive vendor whose principal place of business is located in the state of Florida unless the state where the out-of-state vendor is located provides a price preference for businesses having a principal place of business in that state. In that case, the same price preference shall be awarded to the lowest responsible and responsive vendor whose principal place of business is located in the state of Florida responding to this Invitation to Bid (ITB).

All bidders should complete the attached "In-State Preference Form" and submit with their bid response. A vendor whose principal place of business is located outside the state of Florida, must accompany their bid response documents with a written opinion of an attorney licensed to practice law in that foreign state, as to the preferences granted by that state to its own business entities in the letting of public contracts.

For the 5% preference, the Department will apply 5% to the bid price(s) of the lowest out of state vendor whose state does not grant a preference if that vendor has submitted the lowest responsible and responsive bid. The "In-State Preference" does not apply to transportation projects that use federal funds.

8) INTENDED AWARD

As the best interest of the State may require, the right is reserved to make award(s) by individual item, group of items, all or none, or a combination thereof: on a geographical district basis and / or on a statewide basis with one or more suppliers to reject any and all bids or waive any minor irregularity or technicality in bids received. When it is determined there is competition to the lowest responsible bidder, evaluation of other bids is not required. Bidders are cautioned to make no assumptions, unless their bid has been evaluated as being responsive. All awards made as a result of this bid shall conform to applicable Florida Statute. If the Department is confronted with identical pricing or scoring from multiple vendors, the Department shall determine the order of award in accordance with section 295.187(4), Florida Statutes, and Rule 60A-1.011 Florida Administrative Code.

9) **PRE-BID CONFERENCE:** A PRE-BID CONFERENCE WILL NOT BE HELD.

10) **PRODUCT REQUIREMENTS/SPECIFICATIONS**

Any deviation from specifications indicated herein must be clearly pointed out; otherwise, it will be considered that items offered are in strict compliance with these specifications, and successful bidder will be held responsible therefore. Deviations must be explained in detail on separate attached sheet(s).

11) **ACCEPTANCE**

In order for the mitigation credits to be accepted by the Department, the mitigation credits must be as detailed in the Technical Specifications. Documents certifying credit availability shall include a valid Mitigation Banking Instrument (state permit) and the appropriate ledger from the Florida Department of Environmental Protection or applicable Water Management District.

12) **REVIEW OF BIDDER'S MITIGATION SITE & DOCUMENTS**

After the bid due date and prior to contract execution, the Department reserves the right to perform or to have performed, an on-site inspection of the mitigation site where credits are available for purchase as well as review of the bidder's documents certifying the credits are available for purchase and meet the Technical Specifications identified. This review will serve to verify information submitted by the bidder and may be used to determine whether the bidder has the appropriate mitigation credits to meet Department mitigation request as specified in the Technical Specifications.

Should the Department determine that the bid package has material misrepresentations or that the bidder's mitigation credits would not satisfy contract performance, the Department has the right to reject the bid.

13) **PROTEST OF INVITATION TO BID SPECIFICATIONS**

Any person who is adversely affected by the contents of this Invitation to Bid must file the following with the Department of Transportation, Clerk of Agency Proceedings, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0450:

1. A written notice of protest within seventy-two (72) hours after the posting of the solicitation (the notice of protest may be Faxed to 850-414-5264), and
2. A formal written protest in compliance with Section 120.57(3), Florida Statutes, within ten (10) days of the date on which the written notice of protest is filed.

Failure to file a protest within the time prescribed in section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

14) **UNAUTHORIZED ALIENS**

The employment of unauthorized aliens by any contractor is considered a violation of Section 274A(e) of the Immigration and Nationality Act. If the contractor knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of the contract.

15) **SCRUTINIZED COMPANIES LISTS**

Responses of \$1 million or more must include a completed [Vendor Certification Regarding Scrutinized Companies Lists](#) to certify the respondent is not on either of those lists. The Form should be submitted with the Price Proposal.

Section 287.135, Florida Statutes, requires that at the time a vendor submits a bid or proposal for a contract for goods or services of \$1,000,000 or greater, the vendor must certify that the company is not on Scrutinized Companies with Activities in the Sudan List, the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or the Scrutinized Companies that Boycott Israel List.

For Contracts \$1,000,000 and greater, if the Department determines the Vendor submitted a false certification under Section 287.135(5) of the Florida Statutes, or if the Vendor has been placed on the Scrutinized Companies with Activities in the Sudan List, the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or the Scrutinized Companies that Boycott Israel List, the Department shall either terminate the Contract after it has given the Vendor notice and an opportunity to demonstrate the Department's determination of false certification was in error pursuant to Section 287.135(5)(a) of the Florida Statutes, or maintain the Contract if the conditions of Section 287.135(4) of the Florida Statutes are met.

16) RESERVATIONS

The Department reserves the right to accept or reject any or all bids received and reserves the right to make an award without further discussion of the bids submitted. Therefore, the bidder should make sure that the bid package submitted is complete and accurate and submitted to ensure delivery on or before the bid opening time and date specified in this solicitation. It is understood that the bid will become a part of the Department's official file, without obligation to the Department.

17) ADDITIONAL TERMS & CONDITIONS

No conditions may be applied to any aspect of the ITB by the bidder. Any conditions placed on any aspect of the bid documents by the bidder may result in the bid being rejected as a conditional bid (see "RESPONSIVENESS OF BIDS"). **DO NOT WRITE IN CHANGES ON ANY ITB SHEET.** The only recognized changes to the ITB prior to bid opening will be a written addenda issued by the Department.

18) RESPONSIVENESS OF BIDS

Bids will not be considered if not received by the Department **on or before** the date and time specified as the due date for submission. All bids must be typed or printed in ink. A responsive bid is an offer to provide the items specified in this Invitation to Bid in accordance with all requirements of this Invitation to Bid. Bids found to be non-responsive will not be considered. Bids may be rejected if found to be irregular or not in conformance with the specifications and instructions herein contained. A bid may be found to be irregular or non-responsive by reasons that include, but are not limited to, failure to utilize or complete prescribed forms, modifying the bid specifications, submitting conditional bids or incomplete bids, submitting indefinite or ambiguous bids, or executing forms or the bid sheet with improper and/or undated signatures. Other conditions which may cause rejection of bids include, evidence of collusion among bidders, obvious lack of experience or expertise to provide the required items, and failure to perform or meet financial obligations on previous contracts.

19) REQUIRED DOCUMENTS

The bidder must use the attached Bid Sheet to submit its bid. The Bid Sheet must be signed and dated in ink by a representative who is authorized to contractually bind the bidder. All bid sheets and other documentation submitted in response to this solicitation must be executed and submitted in a sealed envelope. **Indicate the bid number, with the time and date of the bid opening, on the envelope used to return the bid.**

20) "DRUG-FREE WORK PLACE" PREFERENCE

Whenever two or more bids which are equal with respect to price, quality, and service are received, the Department shall determine the order of award in accordance with section 295.187(4), Florida Statutes, and Rule 60A-1.011 Florida Administrative Code, which includes a preference for bid responses that

certify the business has implemented a drug-free workplace program in accordance with Section 287.087, F.S. The "Drug-Free Workplace Program Certification" must be completed and submitted with the bid response to be eligible for this preference.

21) COPYRIGHTED MATERIAL

Copyrighted material will be accepted as part of a bid only if accompanied by a waiver that will allow the Department to make paper and electronic copies necessary for the use of Department staff and agents. It is noted that copyrighted material is not exempt from the Public Records Law, Chapter 119, Florida Statutes. Therefore, such material will be subject to viewing by the public, but copies of the material will not be provided to the public.

22) ATTACHMENT TO ITB SUBMITTAL - CONFIDENTIAL MATERIAL

The Bidder must include any materials it asserts to be exempted from public disclosure under Chapter 119, Florida Statutes, in a separate bound document labeled "Attachment to Invitation to Bid, Number ITB-DOT-18/19-1261-JA - Confidential Material". The Bidder must identify the specific Statute that authorizes exemption from the Public Records Law. Any claim of confidentiality on materials the Bidder asserts to be exempt from public disclosure and placed elsewhere in the bid will be considered waived by the Bidder upon submission, effective after opening.

23) MAIL OR DELIVER BIDS TO: (DO NOT FAX OR SEND BY E-MAIL)

Florida Department of Transportation
Procurement Office – Attention John Albers MS 1-31
801 North Broadway Ave.
Bartow, FL 33830
Phone # (863) 519-2581

It is the bidder's responsibility to assure that the bid is delivered to the proper place on or before the Bid Due date and time (See Introduction Section 2 Timeline). Bids which for any reason are not so delivered will not be considered.

24) MODIFICATIONS, RESUBMITTAL AND WITHDRAWAL

Bidders may modify submitted bids at any time prior to the bid due date. Requests for modification of a submitted bid shall be in writing and must be signed by an authorized signatory of the bidder. Upon receipt and acceptance of such a request, the entire bid will be returned to the bidder and not considered unless resubmitted by the due date and time. Bidders may also send a change in a sealed envelope to be opened at the same time as the bid. The ITB number, opening date and time should appear on the envelope of the modified bid.

25) POSTING OF INTENDED DECISION/AWARD

25.1 - General:

The Department's decision will be posted on the Florida Vendor Bid System at www.myflorida.com, (click on "BUSINESS", click on "Doing Business with the State", under "Everything for Vendors and Customers", click on "Vendor Bid System (VBS)", on date and time in the Timeline, and will remain posted for a period of seventy-two (72) hours. Any bidder who is adversely affected by the Department's recommended award or intended decision must file the following with the Department of Transportation, Clerk of Agency Proceedings, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0450:

1. A written notice of protest within seventy-two (72) hours after posting of the Intended Award (the notice of protest may be Faxed to 850-414-5264), and

2. A formal written protest and protest bond in compliance with Section 120.57(3), Florida Statutes, within ten (10) days of the date on which the written notice of protest is filed. At the time of filing the formal written protest, a bond (a cashier's check or money order may be accepted) payable to the Department must also be submitted in an amount equal to one percent (1%) of the estimated contract amount based on the contract price submitted by the protestor.

Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

25.2 - Inability to Post:

If the Department is unable to post as defined above, the Department will notify all bidders by electronic notification on the Florida Vendor Bid System (see special condition 28.1, above) or by mail, fax, and/or telephone. The Department will provide notification of any future posting in a timely manner.

25.3 - Request to Withdraw Bid:

Requests for withdrawal will be considered if received by the Department, in writing, within seventy-two (72) hours after the bid opening time and date. Requests received in accordance with this provision will be granted by the Department upon proof of the impossibility to perform based upon obvious error on the part of the bidder. Bidders that do not withdraw as stated above will forfeit their bid bond, if applicable.

26) AWARD OF THE CONTRACT

The Department will issue a Purchase Order.

27) FORMS

The Bidder must complete all required items below and submit them as part of the Bid package. Any Bid in which these forms are not used or in which these forms are improperly executed may be considered non-responsive and the bid may be subject to rejection.

Exhibit "B" Bid Sheet

Drug-Free Workplace Program Certification (if applicable)

In-State Preference

Vendor Certification Regarding Scrutinized Companies Lists (Form 375-030-60) (proposals of \$1 million or more)

28) TERMS AND CONDITIONS

All responses are subject to the terms and conditions of this solicitation, which, in case of conflict, shall have the following order of precedence listed:

- Special Conditions
- Exhibit "A" Technical Specification
- Exhibit "B" Bid Sheet
- Purchase Order Terms and Conditions
- Instructions to Respondents (PUR 1001)
- General Conditions (PUR 1000)
- Introduction Section

29) ATTACHED FORMS PUR 1000, GENERAL CONTRACT CONDITIONS AND PUR 1001, GENERAL INSTRUCTIONS TO RESPONDENTS

These are standard forms that the Department is required to include in all formal solicitations. The following paragraphs do not apply to this Invitation to Bid:

Paragraph 3, Electronic Submission – PUR 1001

Paragraph 4, Terms and Conditions – PUR 1001

Paragraph 5, Questions – PUR 1001

Paragraph 31, Dispute Resolution - PUR 1000

The Vendor must meet the minimum criteria listed below:

1. If bidding on the state credits, the Vendor must possess a valid state mitigation banking permit. The mitigation credits must be acceptable to the [SFWMD](#) and the Florida Department of Environmental Protection (DEP), as appropriate. The Vendor shall provide a copy of its permit to the Department at the time of submittal of its bid. Prior to purchase the Vendor shall also provide a copy of its current state credit ledger so the number of credits that are available can be verified.
 - a. The mitigation bank must be located within the identified WMD basin. Alternatively, a Vendor can provide written verification from the WMD that its bank is acceptable to offset wetland impacts associated with the planned project.
2. If bidding on the federal credits, the Vendor must possess a valid federal mitigation banking instrument (permit). The mitigation credits must be acceptable to the United States Army Corps of Engineers (USACE), as well as all federal review/commenting agencies as appropriate. The Vendor shall provide a copy of its federal permit and a copy of its current federal credit ledger to the Department at the time of submittal of its bid. Prior to purchase the Vendor shall provide a copy of its current federal credit ledger so the number of credits that are available can be verified.
 - a. The mitigation bank must have a federal service area which encompasses the planned project's wetland impacts. Alternatively, a Vendor can provide written verification from the USACE that its credits are acceptable to offset wetland impacts for a planned project.
 - b. The federal credits shall include all species credits (e.g., wood stork) tied to each wetland credit.
3. If bidding on both the state and federal credits under one bid price, the Vendor must meet both criteria 1 and 2 above.
4. The mitigation bank must have the type of mitigation credits it is specifically bidding on released and available for sale at the time of bid. The Department will purchase credits by purchase order as needed to meet project needs.
5. If bidding on federal species credits, the Vendor must possess a valid Conservation Bank Agreement or other written verification from the United States Fish and Wildlife Service (USFWS) demonstrating the federal species credit satisfies the project's mitigation needs. The Vendor shall provide copies of the appropriate document(s) to the Department at the time of submittal of its bid. The Department reserves the right to coordinate with regulatory agencies to verify this information. Prior to purchase the Vendor shall also provide a copy of its current federal ledger so the number of credits available can be verified.
 - a. The conservation bank service area must be able to satisfy USFWS requirements. Alternatively, a Vendor can provide written verification from the USFWS that its credits are acceptable to offset species impacts for a planned project.
 - b. The conservation bank must have the appropriate type of species credits released and available for sale at the time of purchase.
6. If the Vendor's mitigation bank credits were assessed using an assessment methodology other than as advertised in this ITB, the Vendor must provide documentation of the conversion to the type of credits being provided. The Vendor is responsible for calculating any conversion factors and providing them to the Department. The Department reserves the right to determine whether these mitigation bank credits are appropriate to meet its mitigation needs.

The Vendor shall bid using the included Bid Sheet. A Vendor shall only submit one bid sheet and no bids will be accepted from bidders who do not directly own or control the credits. The prospective Bidder is not required to be able to provide all of the credits anticipated to be needed. A Vendor that is able to provide both state and federal credits may elect to provide a bid price for each of the following mitigation categories: "State only", "Federal only" and "Federal & State".

The Department's intent is to purchase mitigation credits by purchase order from the lowest bidder or lowest combination of bidders to meet the needs of each project. The Department will purchase mitigation credits from the bidder(s) that provide the lowest cost for the overall mitigation needs for a project. If a low bidder cannot meet the entire mitigation need for a project, the Department may purchase the remainder from higher bidders to fulfill the total project need. If a Vendor elects to bid on all three mitigation categories, the Department will use the bid price associated with the project needs that will produce the lowest purchase price. For each subsequent purchase, the Department reserves the right to purchase available credits from the lowest bidder, and proceed in order of price proposals to determine the best value for the state.

To the extent the credits purchased by the Department exceed the number of actual credits needed for a given project, the Department reserves the right to use any excess credits on future projects. The Department reserves the right to allocate the purchased credits on any Department project.

The Vendor will aid the Department by properly updating its ledger(s) and assist as necessary to update regulatory ledger(s) to reflect actual credits used and document the remaining credits available for use by the Department.

BID CHECKLIST

(DOES NOT NEED TO BE RETURNED WITH YOUR BID)

This Checklist is provided as a guideline, only, to assist bidders in the preparation of their bid response. Included are some important matters that the bidder should check. This checklist is just a guideline, and is not intended to include all matters required by the ITB. Bidders are responsible to read and comply with the ITB in its entirety.

Check off each the following:

- 1. The “Bid Sheet” has been filled out completely, signed, and enclosed in the bid response.
- 2. The Federal Employers Identification Number or Social Security Number has been entered in the space provided.
- 3. “Drug-Free Workplace Program Certification” form has been read, signed, and enclosed in the bid response, if applicable.
- 4. “Scrutinized Companies Lists” certification form has been read, signed, and enclosed in the bid response, if applicable (bids of \$1 million or more).
- 5. The Technical Specifications section has been thoroughly reviewed for compliance to the bid requirements.
- 6. The prices bid have been reviewed for accuracy and all price corrections have been initialed in ink.
- 7. The www.myflorida.com website has been checked and any Addendums posted have been completed, signed, and included in the bid response.
- 8. The bid response must be received, at the location specified, **on or before** the Bid Due Date and Time designated in the ITB.
- 9. On the Lower Left Hand Corner of the Envelope transmitting your bid response, write in the following information:

Bid No.: ITB-DOT-18/19-1261-JA

Title: Purchase of Mitigation Credits to offset project impacts associated with the West Collier Basin including, but not limited to, SR 82 from Gator Slough to SR 29 (FPID 430849-1)

Opening Date & Time: See “TIMELINE” in INTRODUCTION SECTION