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Ron DeSantis, Governor

**THE STATE OF FLORIDA
DEPARTMENT OF MANAGEMENT SERVICES**

INVITATION TO BID

FOR

TRANSPORTATION OF VEHICLES AND EQUIPMENT

ITB NO: DMS-18/19-028

Bids Due: February 8, 2019

Refer ALL inquiries to:

Procurement Officer: Shannon Bagenholm
Departmental Purchasing
Florida Department of Management Services
4050 Esplanade Way, Suite 335.2Z
Tallahassee, FL 32399-0950
Phone: 850-410-2404
Email: DMS.Purchasing@dms.myflorida.com

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. Any protest must be timely filed with the Department of Management Services' Agency Clerk at the address below:

Department of Management Services
Office of the General Counsel
4050 Esplanade Way, Suite 160
Tallahassee, FL 32399-0950

NOTICE PURSUANT TO SECTION 287.057(23), FLORIDA STATUTES

Bidders 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.

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Required Documents:

FORM 1 – CONTACT INFORMATION
FORM 2 – NOTICE OF CONFLICT OF INTEREST
FORM 3 – NON-COLLUSION AFFIDAVIT
FORM 4 – STATEMENT OF NO INVOLVEMENT
FORM 5 – BUSINESS/CORPORATE REFERENCE
FORM 6 – ADDENDUM ACKNOWLEDGEMENT
FORM 7 – PRICE ATTESTATION
FORM 8 – SUBCONTRACTING
FORM 9 – RESPONSIVE REQUIREMENTS
FORM 10 – AFFIDAVIT OF NO OFFSHORING (Required at Contract Execution)

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SECTION 1. INTRODUCTION

1.1 Solicitation Objective

The State of Florida, Department of Management Services' Division of Specialized Services (Department) is issuing this solicitation to establish a contract for transportation of surplus motor vehicles and equipment to specified auction sites. This solicitation will be administered through the Vendor Bid System (VBS). Vendors interested in submitting a Bid must comply with all terms and conditions described in this solicitation.

The Department intends to award this ITB to the responsive and responsible Bidder(s) who offer(s) the lowest Total Calculated Price for each region bid. One Bidder shall be awarded per region for a total of up to three (3) awards.

Regions	FROM (Vehicle Origin):	DELIVER TO:
3	Middleburg Location	Live Auction Location
4	North Region	Live Auction Location
5	Central Region	Live Auction Location

The locations indicated above are defined as follows:

- **Middleburg Location** is the Florida Highway Patrol office located at 3646 County Road 220, Middleburg, Florida 32068.
- **North Region** includes the following Florida counties: Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns, Suwannee, Union.
- **Central Region** includes the following Florida counties: Brevard, Citrus, DeSoto, Hardee, Hernando, Highlands, Hillsborough, Indian River, Lake, Manatee, Martin, Okeechobee, Orange, Osceola, Pasco, Pinellas, Polk, Sarasota, Seminole, St. Lucie, Sumter, Volusia.

1.2 Background Information

The Department is responsible for the centralized disposal processing of motor vehicles and equipment declared surplus by Florida's state agencies. Once a vehicle and/or equipment has been declared surplus by an owning agency, the required documentation (e.g., disposal request form, vehicle title, etc.) is sent to the Department. After reviewing and recording the documentation, the Department decides whether the vehicle will be sold at the next available live auction, or if it will be sold via online auction.

The majority of all surplus vehicles and equipment are sold at live auctions and almost all require transportation services to relocate them from their various locations around the state to the site of the Department's live auction vendor. The Department's current live auction vendor, Tampa Machinery Auction (TMA) is located in Thonotosassa, FL. TMA has been the Department's sole live auction vendor since March 2005 and the current contract with TMA expires in March 2021. TMA conducts its live auctions on the 2nd Saturday of each month; therefore, vehicles and equipment must be delivered to TMA no later than the Wednesday prior to the scheduled monthly auction.

Historically, approximately fifty percent (50%) of the vehicles/equipment requiring transportation services have been operational, and approximately fifty percent (50%) of the vehicles have been non-operational due to issues such as dead battery, flat tire(s), blown engine, frozen transmission,

collision damage, etc. Bidders should consider this when preparing ATTACHMENT C, Price Sheet(s) 3-5.

The remaining surplus vehicles and equipment are sold via online auction. These vehicles are located primarily in west Florida and the Florida Keys. Most of the west Florida vehicles are relocated at a state employee parking lot, located on the southeast side of Tallahassee where they remain until sold via online auction. These vehicles are either self-transported to the employee parking lot by employees from the selling agency, or require transportation services to deliver them to the employee parking lot. Those west Florida vehicles being sold via online auction that are not relocated to the Tallahassee employee parking lot, and most of the vehicles from the Florida Keys, are sold in-place and do not require transportation services.

The Department has been conducting surplus vehicle sales via online auction since July 2011. The Department's current online auction vendor is GovDeals, Inc. (www.GovDeals.com). The Department sets the online auction closing dates, typically once per month, and vehicles are continuously listed for sale online as soon as all required preparation activities (e.g., relocation, photos, vehicle information, etc.) are completed.

1.3 Term

The initial term of the Contract will be three (3) years. The renewal term of the Contract will be for three (3) years, which may be renewed in whole or in part. The Contract may only be renewed in accordance with section 287.057(13), Florida Statutes. Any renewal is contingent upon satisfactory performance of the Vendor and subject to the availability of funds.

1.4 Definitions

The following definitions apply to this solicitation, in addition to the definitions in the PUR 1000 and PUR 1001. Additional definitions may be found in the Statement of Work and in the draft Contract, which are incorporated as ATTACHMENT A – Statement of Work and ATTACHMENT B – Draft Contract.

1.4.1 Bidder – A vendor who submits a Bid to this solicitation. Used interchangeably with Respondent.

1.4.2 Confidential Information – Any portion of a Bidder's documents, data or records disclosed relating to its Bid that the Bidder claims is confidential and not subject to disclosure pursuant to Chapter 119, Florida Statutes, the Florida Constitution or any other authority and is clearly marked "Confidential."

1.4.3 Contract – Any binding agreement that results from this competitive procurement, if any, between the Department and the Contractor. (This definition replaces the definition in the PUR 1000.)

1.4.4 Contractor – The Vendor that enters into a Contract as a result of this solicitation.

1.4.5 Department Representative – A representative designated by the Department who will oversee the day-to-day operations and who may serve as the contact point for the Contractor.

1.4.6 Move Order – A receipt/chain of custody of vehicle/equipment. The document gives authorization from the Department for the Contractor to acquire vehicle/equipment from the disposing agency.

1.4.7 State – The State of Florida

1.4.8 Vendor(s) – An entity that is capable and in the business of providing a commodity or service similar to those listed within this solicitation.

1.5 Special Accommodations

Any person requiring a special accommodation due to a disability should contact the Department's Americans with Disabilities Act (ADA) Coordinator at (850) 488-0439. Requests for accommodation for meetings must be made at least five (5) business days prior to the meeting. A person who is hearing or speech impaired can contact the ADA Coordinator by using the Florida Relay Service at (800) 955-8771 (TDD).

1.6 Procurement Officer

The Procurement Officer is the **sole point of contact** as described in PUR 1001, Section 21.

Procurement Officer for this solicitation is:
Shannon Bagenholm
Departmental Purchasing
Florida Department of Management Services
4050 Esplanade Way, Suite 335.2Z
Tallahassee, FL 32399-0950
Phone: 850-410-2404
Email: DMS.Purchasing.dms@myflorida.com

*****ALL EMAILS TO THE PROCUREMENT OFFICER SHOULD CONTAIN THE SOLICITATION NUMBER IN THE SUBJECT LINE OF THE EMAIL.*****

SECTION 2. SOLICITATION PROCESS

2.1 General Overview

The ITB is a method of competitively soliciting the lowest responsive and responsible Bid for a commodity or contractual service under Chapter 287, Florida Statutes. Vendors can submit formal questions in writing to the Procurement Officer by the deadline listed in the Timeline of Events. Bids must be submitted by the deadline listed in the Timeline of Events.

The Department will hold a public opening of the Bids at the date, time and location below. Once the Department has reviewed the Bids, the Department will post its decision on the VBS.

2.2 Questions and Answers

Bidders will address all questions during the question and answer period regarding this solicitation in writing to the Procurement Officer via email. The deadline for submission of questions is reflected in the Timeline of Events section.

The Department requests that all questions have the solicitation number in the subject line of the email. Questions should be submitted in the following format:

Question #	Vendor Name	ITB Section	ITB Page #	Question

Questions will not constitute formal protest of the specifications of this solicitation. Department answers to written inquiries will be issued by addendum via the VBS.

2.3 Timeline of Events

The table below contains the Timeline of Events for this solicitation. Bidders shall become familiar with the Timeline of Events. The dates and times within the Timeline of Events are subject to change. It is the Bidder’s responsibility to check for any changes. Bidders are responsible for submitting all required documentation by the dates and times specified below (Tallahassee, Florida local time).

Timeline of Events	Event Time	Event Date
ITB posted on the VBS.		1/16/2019
Non-Mandatory Pre-Bid Conference 4050 Esplanade Way, Conference Room 351 Tallahassee, Florida 32399-0950 Please join my meeting from a phone by dialing in to the number below. United States (Toll Free): 1 888 670 3525 Access Code: 9628766126	2:00 P.M.	1/23/2019
Deadline to submit questions to the Procurement Officer.	3:00 P.M.	1/29/2019
Department’s anticipated posting of answers to Bidders’ questions on the VBS.		2/12/2019
Deadline to submit Bid and all required documents to the Procurement Officer.	3:00 P.M.	2/25/2019
Public Opening. 4050 Esplanade Way, Room 351, Tallahassee, Florida 32399-0950	3:30 P.M.	2/25/2019
Anticipated date to post Notice of Intent to Award.		3/5/2019
Anticipated contract start date.		4/1/2019

2.4 Addendum to the Solicitation

The Department reserves the right to modify this solicitation by issuing an addendum posted on the VBS. It is the responsibility of the Bidder to check the VBS for any changes.

2.5 Contract Formation

The Contract will consist of ATTACHMENT A – Statement of Work, ATTACHMENT B – Draft Contract and the portions of ATTACHMENT C – Price Sheet(s) (pages 3-5) submitted by the awarded Bidder(s) and agreed upon by the Department upon which the award(s) were based. No additional documents submitted by a Bidder will be incorporated in the Contract unless it is specifically identified, incorporated by reference, and approved by the Department. In the event any of these documents conflict, the conflict will be resolved in the following order of priority (highest to lowest):

- The resulting Contract document and all attachments;
- ITB DMS-18/19-028 and all addenda, in reverse order of posting on the Vendor Bid System;
- The Contractor's response to ITB DMS-18/19-028; and

The General Contract Conditions to Bidders (PUR 1000, 2006 version) are incorporated by reference and can be accessed at:

http://www.dms.myflorida.com/business_operations/state_purchasing/documents_forms_references_resources/purchasing_forms

2.6 Modification or Withdrawal of Bid

Bidders may modify the Bid submittal at any time prior to the Bid due date by sending the modified Bid to the Procurement Officer. Modified Bids should be clearly marked on the outside of the package with the solicitation number company name and Procurement Officer Name. A Bid may be withdrawn by notifying the Procurement Officer in writing before the Bid opening.

2.7 Diversity

The Department is dedicated to fostering the continued development and economic growth of minority, veteran and women owned businesses. Participation of a diverse group of Bidders doing business with the State of Florida is central to the Department's effort. To this end, minority, veteran and women owned businesses are encouraged to participate in the state's competitive, procurement process as both Contractors and subcontractors.

SECTION 3. GENERAL AND SPECIAL INSTRUCTIONS

This section contains the General Instructions and Special Instructions to Bidders. The General Instructions to Bidders (PUR 1001, 2006 version) are incorporated by reference and can be accessed at:

http://www.dms.myflorida.com/business_operations/state_purchasing/documents_forms_references_resources/purchasing_forms

Sections 3, 5, and 9 of the PUR 1001 (General Instructions) are inapplicable and are replaced as follows:

3.1.1 Section 3. Electronic Submission of Bids

Bids shall be submitted in accordance with the General Overview of this solicitation.

3.1.2 Section 5. Questions

Questions shall be submitted in accordance with the Questions and Answers section of this solicitation.

3.1.3 Section 9. Respondent's Representation and Authorization.

In submitting a response, each Respondent understands, represents, and acknowledges the following:

- *The Respondent is not currently under suspension or debarment by the State or any other governmental authority.*
- *To the best of the knowledge of the person signing the response, the Respondent, its affiliates, subsidiaries, directors, officers, and employees are not currently under investigation by any governmental authority and have not in the last ten (10) years been convicted or found liable for any act prohibited by law in any jurisdiction, involving conspiracy or collusion with respect to bidding on any public contract.*
- *Respondent currently has no delinquent obligations to the State, including a claim by the State for liquidated damages under any other contract.*
- *The submission is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other noncompetitive response.*
- *The prices and amounts have been arrived at independently and without consultation, communication, or agreement with any other Respondent or potential Respondent; neither the prices nor amounts, actual or approximate, have been disclosed to any Respondent or potential Respondent, and they will not be disclosed before the solicitation opening.*
- *The Respondent has fully informed the Buyer in writing of all convictions of the firm, its affiliates (as defined in section 287.133(1)(a) of the Florida Statutes), and all directors, officers, and employees of the firm and its affiliates for violation of state or federal antitrust laws with respect to a public contract for violation of any state or federal law involving fraud, bribery, collusion, conspiracy or material misrepresentation with respect to a public contract. This includes disclosure of the names of current employees who were convicted of contract crimes while in the employ of another company.*
- *Neither the Respondent nor any person associated with it in the capacity of owner, partner, director, officer, principal, investigator, project director, manager, auditor, or position involving the administration of federal funds:*
- *Has within the preceding three (3) years been convicted of or had a civil judgment rendered against them or is presently indicted for or otherwise criminally or civilly charged for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local government transaction or public contract; violation of federal or state antitrust statutes; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or*
- *Has within a three (3) year period preceding this certification had one (1) or more federal, state, or local government contracts terminated for cause or default.*
- *The product offered by the Respondent will conform to the specifications without exception.*
- *The Respondent has read and understands the Contract terms and conditions, and the submission is made in conformance with those terms and conditions.*
- *If an award is made to the Respondent, the Respondent agrees that it intends to be legally bound to the Contract that is formed with the State.*
- *The Respondent has made a diligent inquiry of its employees and agents responsible for preparing, approving, or submitting the response, and has been advised by each of them that he or she has not participated in any communication, consultation, discussion,*

agreement, collusion, act or other conduct inconsistent with any of the statements and representations made in the response.

- *The Respondent shall indemnify, defend, and hold harmless the Buyer and its employees against any cost, damage, or expense which may be incurred or be caused by any error in the Respondent's preparation of its bid.*
- *All information provided by, and representations made by, the Respondent are material and important and will be relied upon by the Buyer in awarding the Contract. Any misstatement shall be treated as fraudulent concealment from the Buyer of the true facts relating to submission of the bid. A misrepresentation shall be punishable under law, including, but not limited to, Chapter 817 of the Florida Statutes.*

3.2 Pre-Bid Conference

A non-mandatory Pre-Bid Conference event will be held to discuss how to respond to this solicitation. The Non-Mandatory Pre-Bid Conference will be held at the date and time specified in the Timeline of Events. Attendance is optional but encouraged. Vendors may attend the event from their phone by dialing in to the number and providing the access code found in the Timeline of Events at the time of the event. Public meetings conducted during the course of this solicitation are open to members of the general public, current vendors, potential vendors and interested persons.

3.3 MyFloridaMarketPlace (MFMP) Registration

The awarded Bidder(s), if any, must have completed this process prior to Contract execution. For additional information, please visit: <https://vendor.myfloridamarketplace.com/>.

The awarded Bidder(s), if any, will be required to pay the required MFMP transaction fee(s) as specified in Section 14 of the PUR 1000, unless an exemption has been requested and approved prior to the award of the Contract pursuant to Rule 60A-1.032 of the Florida Administrative Code.

3.4 Who May Respond

Bidders must provide proof of the ability to meet the Responsive Requirements listed in the ITB in order to be considered for award.

3.5 Florida Substitute Form W-9 Process

State of Florida vendors **must** register and complete an electronic Florida Substitute Form W-9. The Internal Revenue Service (IRS) receives and validates the information vendors provide on the Form W-9. For instructions on how to complete the Florida Substitute Form W-9, please visit: <http://www.myfloridacfo.com/Division/AA/StateAgencies/W-9Instructions022212.pdf>

The awarded Bidder(s), if any, must have completed this process prior to Contract execution.

3.6 How to Submit a Bid

The Bidder should submit:

3.6.1 One original version of the Bid, with four (4) copies.

3.6.2 One thumb drive containing one (1) scanned copy of the Bid submittal in Adobe (.pdf) and, in the Excel (.xlsx) format provided by the Department, a Price Sheet with each cell completed in columns C through G for each region bid.

3.6.3 One **REDACTED** scanned copy of the Bid, if applicable.

Sealed Bids should be clearly marked on the outside of the package with the solicitation number, company name and Procurement Officer name.

Submit bids to the Procurement Officer at the address listed in the Procurement Officer section of this solicitation.

Bidders that fail to submit all required information may be deemed non-responsive. Bids should be prepared simply and economically, providing a straightforward, concise delineation of the Bidder's capabilities to satisfy the requirements of this solicitation. The emphasis of each Bid should be on completeness and clarity of content.

Bidders are responsible for submitting their Bids by the date and time specified in the Timeline of Events section of this solicitation.

3.7 Bidder Responsive Requirements

Bidders shall provide the required documentation requested in this section and submit a signed Form 9, Responsive Requirements. **The Department will not review Bids from Bidders who do not provide documentation to support the ability to meet the minimum qualifications listed on Form 9, Responsive Requirements.**

3.7.1 The Bidder must certify that the person submitting the Bid and its pricing is authorized to respond to this solicitation on the Bidder's behalf.

3.7.2 The Bidder must certify that the Bidder is not a Discriminatory Vendor or Convicted Vendor as defined in Sections 7 and 8 of the PUR 1001 form.

<http://www.dms.myflorida.com/content/download/2934/11780/1001.pdf>

3.7.3 The Bidder must certify that the Bidder is in compliance with Section 9 of the PUR 1001 form, as revised by Section 3.1.

<http://www.dms.myflorida.com/content/download/2934/11780/1001.pdf>

3.7.4 The Bidder must certify that the Bidder is not on the Scrutinized Companies with Activities in Sudan List pursuant to section 215.473, Florida Statutes, is not on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List pursuant to section 215.473, Florida Statutes, is not on the Scrutinized Companies that Boycott Israel List pursuant to section 215.4725, Florida Statutes, and is not participating in a boycott of Israel.

https://www.sbafla.com/fsb/Portals/FSB/Content/Performance/Quarterly/2018_03_07_Web_Update_PFIA_Prohibited_List.pdf?ver=2018-03-07-153950-847

3.7.5 The Bidder must certify that the Bidder will, if awarded, complete and sign a No Offshoring Affidavit(s) as outlined in the Contract.

3.7.6 The Bidder must certify that, if awarded, it will have a Florida Department of Law Enforcement (FDLE) background check (Criminal History Report) performed annually on each individual that will operate as a transport driver (including drivers provided by a subcontractor, if applicable) prior to the individual operating as a driver, provide copies of each

report to the Department Representative, and that the Bidder will be responsible for the payment to FDLE (<https://web.fdle.state.fl.us/search/app/default>) for each report.

NOTE: The certification required in subsections 3.6.1 through 3.6.6 and 3.6.9 through 3.6.11 are to be accomplished through the execution of Form 9.

- 3.7.7** The Bidder must provide Form 5, Business/Corporate Reference, demonstrating at least three (3) years' collective experience providing the services described in this solicitation. The Bidder must provide as many of these forms as necessary to demonstrate the three (3) years of experience.
- 3.7.8** The Bidder must submit, in the Excel format provided by the Department, a Price Sheet, with each cell completed in columns C through G, for each of the region(s) bid. The Price Sheet(s) must include prices for both the initial and renewal years.
- 3.7.9** The Bidder must certify that the Bidder has an active Florida Department of State registration.

NOTE: Pursuant to section 607.1501, Florida Statutes, out-of-state corporations are required to obtain a Florida Certificate of Authorization pursuant to section 607.1503(1), Florida Statutes, from the Florida Department of State, Division of Corporations, to transact business in the State of Florida.

www.sunbiz.org

- 3.7.10** The Bidder must certify that the Bidder and any subcontractor utilized for the solicited services, are registered with the U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA).

http://li-public.fmcsa.dot.gov/LIVIEW/pkg_carrquery.prc_carrlist

- 3.7.11** The Bidder must certify that the Bidder will, at all times, comply with Section 8, Liability and Worker's Compensation Insurance of ATTACHMENT B – Draft Contract if awarded a contract.

3.8 Contents of Bid

Bids are to be organized in sections as directed below. Bidders shall complete each section entirely or the Bidder may be deemed non-responsive. The following sections of the Bid shall be submitted in one, sealed package to the Procurement Officer.

The Bidder should organize each Bid as follows:

Tab 1 A cover letter on the Bidder's letterhead with the following information:

- a) Company name and physical address
- b) Primary location from where the work will be performed
- c) Contact information for primary point of contact
- d) Federal Employer Identification (FEID) Number

Tab 2 Completed FORMS and ATTACHMENTS:

FORM 1 – CONTACT INFORMATION
FORM 2 – NOTICE OF CONFLICT OF INTEREST
FORM 3 – NON-COLLUSION AFFIDAVIT
FORM 4 – STATEMENT OF NO INVOLVEMENT
FORM 5 – BUSINESS/CORPORATE REFERENCE FORM
FORM 6 – ADDENDUM ACKNOWLEDGEMENT FORM
FORM 7 – PRICE ATTESTATION FORM
FORM 8 – SUBCONTRACTING
FORM 9 – RESPONSIVE REQUIREMENTS
FORM 10 – AFFIDAVIT OF NO OFFSHORING (Required at Contract Execution)

ATTACHMENT C – PRICE SHEET(S) 3-5

Tab 3 Transport Vehicles and Equipment List

The Bidder should provide the following information for each of its company owned/leased transport vehicles and equipment (e.g., trucks, trailers, etc.) intended to be used to provide transportation services for the Department:

- Description: Year, Make, Model, Type, Mileage (Odometer)
- Operational Status and Condition
- Color Photo (taken within three months of bid submittal due date)

3.9 Redacted Submissions

The following subsection supplements Section 19 of the PUR 1001. All materials submitted as part of this ITB will be a public record subject to the provisions of Chapter 119, Florida Statutes. A time-limited exemption from public inspection is provided for the contents of Bids pursuant to subsection 119.071(1)(b), Florida Statutes. Selection or rejection of a Bid does not affect the public record status of the materials. If a Bidder considers any portion of the documents, data or records submitted in its Bid to this solicitation to be confidential, proprietary, trade secret or otherwise not subject to disclosure pursuant to Chapter 119, Florida Statutes, the Florida Constitution or other authority, a Bidder must mark the document as “Confidential” and simultaneously provide the Department with a separate redacted copy of its Bid and briefly describe in writing the grounds for claiming exemption from the public records law, including the specific statutory citation for such exemption. This redacted copy shall contain the Department’s solicitation name, number and the Bidder’s name on the cover and shall be clearly titled “Redacted Copy.” The Redacted Copy should only redact those portions of material that the Bidder claims is confidential, proprietary, trade secret or otherwise not subject to disclosure pursuant to Chapter 119, Florida Statutes, the Florida Constitution or other authority.

In the event of a request for public records pursuant to Chapter 119, Florida Statutes, the Florida Constitution or other authority, to which documents that are marked as confidential are responsive, the Department will provide the Redacted Copy to the requestor. If a requestor asserts a right to the Confidential Information, the Department will notify the Bidder that such an assertion has been made. It is the Bidder’s responsibility to assert that the information in question is exempt from disclosure under Chapter 119 or other applicable law. If the Department becomes subject to a demand for discovery or disclosure of the Confidential Information of the Bidder in a legal proceeding, the Department shall give the Bidder prompt notice of the demand prior to releasing the information (unless otherwise prohibited by applicable law). The Bidder shall be responsible for

defending its determination that the redacted portions of its Bid are confidential, proprietary, trade secret or otherwise not subject to disclosure.

By submitting a Bid, the Bidder agrees to protect, defend and indemnify the Department for any and all claims arising from or relating to the Bidder's determination that the redacted portions of its Bid are confidential, proprietary, trade secret or otherwise not subject to disclosure. **If the Bidder fails to submit a redacted copy of information it claims is confidential, the Department is authorized to produce the entire documents, data or records submitted to the Department in answer to a public records request for these records.**

3.10 Additional Information

By submitting a Bid, the Bidder certifies that it agrees to and satisfies all criteria specified in this solicitation. The Department may request and the Bidder shall provide, supporting information or documentation. Failure to supply supporting information or documentation as required and requested may result in the Bid being deemed non-responsive.

3.11 Price Sheet Instructions

3.11.1 The Bidder must submit a signed ATTACHMENT C, Price Sheet(s) 3-5 for the region(s) bid, with each cell completed in columns C through G for each region bid, in the Excel format provided by the Department. The Bidder should provide a completed Form 7, Price Attestation Form.

3.11.2 The Bidder shall provide a price in each cell of columns C and D (Years 1-3 (Initial Term)) and Columns E and F (Years 1-3 (Renewal Term)), and select a response in each cell of column G (Sub-contractor Support Required? (See Note 1)), for each price sheet submitted for the region(s) bid. Failure to provide a price in a cell may deem the Bidder's price sheet(s) non-responsive.

3.11.3 If mathematical error(s) in a Bidder's price sheet calculations are identified by the Department, prices submitted by the Bidder will be used to determine the total price for that Bidder. Price(s) may be finalized based on a confirmed seek to clarify by the Department to the vendor and if applicable, corrected price sheet(s).

3.12 Subcontracting

The Contractor shall be fully responsible for all work performed under the Contract. Any Contractor shall use only those subcontractors properly and specifically identified in the subcontracting form of the Bid, except as permitted below.

3.12.1 Subcontracting after Contract Execution

To subcontract any services to a subcontractor not originally identified in the Bid, a Contractor shall submit a written request to the Department Representative identified in the Contract. The written request shall include, but is not limited to, the following:

3.12.1.1 The name, address and other information identifying the subcontractor;

3.12.1.2 Type of services to be performed by the subcontractor;

3.12.1.3 Time of performance for the identified service;

- 3.12.1.4 How the Contractor plans to monitor the subcontractor's performance of the identified services;
- 3.12.1.5 Certification that the subcontractor has all licenses and county authority, as applicable, and/or has satisfied all legal requirements to provide the services to the Department. **Also, the Contractor shall certify that the subcontractor is approved by the Florida Department of State to transact business in the State of Florida.** If the subcontractor is an out-of-state company, it must have a Florida Certificate of Authority from the Department of State, Division of Corporations, to transact business in the State of Florida. For additional information, please visit the following website: www.sunbiz.org
- 3.12.1.6 A copy of the written subcontract agreement; and
- 3.12.1.7 Acknowledgement from the subcontractor of the Contractor's contractual obligation to the Department and that the subcontractor agrees to comply with all terms and conditions of the resulting Contract.

The Contractor acknowledges that it shall not be released of its contractual obligation to the Department because of any subcontract. The Contractor is solely responsible for ensuring the subcontractor maintains the insurance as required in the Liability and Worker's Compensation Insurance section in ATTACHMENT B, Contract. The Department shall treat the Contractor's use of a subcontractor not contained herein and/or approved by the Department as a breach of this Contract.

3.13 Cooperation with the Inspector General

Pursuant to section 20.055(5), Florida Statutes, the Contractor and any subcontractors understand and will comply with their duty to cooperate with the inspector general in any investigation, audit, inspection, review or hearing.

SECTION 4. SELECTION METHODOLOGY

4.1 Basis of Award

The Department intends to award this ITB to the responsive and responsible Bidder(s) who offer(s) the lowest Total Calculated Price for each region bid. Seventy percent (70%) of the Total Calculated Price will be based on the Bidder's Initial Term prices and thirty percent (30%) of the Total Calculated Price will be based on the Bidder's Renewal Term prices. The Bidder's Total Calculated Price will be determined using the following formula: Sum of Column J (Initial Term Extended Costs) multiplied by 0.7, plus the sum of Column K (Renewal Term Extended Costs) multiplied by 0.3. One Bidder shall be awarded per region(s) for a total of up to three (3) awards.

Regions	FROM (Vehicle Origin):	DELIVER TO:
3	Middleburg Location	Live Auction Location
4	North Region	Live Auction Location
5	Central Region	Live Auction Location

The Department may award multiple regions to a Bidder. The Department reserves the right to award as determined to be in the best interest of the State and to accept or reject any and all bids or separable portions and to waive any minor irregularity if the Department determines that doing so will serve the best interest of the State. An irregularity is not material and therefore, minor, when

it does not give the Bidder a substantial advantage over other Bidders and thereby restrict or stifle competition.

4.2 Bid Disqualification

Bids that do not meet all requirements, specifications, terms and conditions of the solicitation or failure to provide all required information, documents or materials may be rejected as non-responsive. Bids that contain provisions that are contrary to the requirements of the solicitation are not permitted. Bids with alternate provisions and conditions that are not consistent with the primary goals of the solicitation may be deemed non-responsive. Bidders whose Bids, past performance or current status do not reflect the capability, integrity or reliability to fully and in good faith perform the requirements of this solicitation may be rejected as non-responsive. The Department reserves the right to determine which Bids meet the requirements of this solicitation and which Bidders are responsive and responsible.

SECTION 5. AWARD

5.1 Rights for Award

The Department reserves the right to:

- Divide the work among vendors by type of service, geographic area and/or both; and
- Award contracts for less than the entire service area, less than all services encompassed by this solicitation, or both.

5.2 Agency Decision

The Department will post a Notice of Intent to Award to enter into one or more contracts with the Bidder(s) identified therein, on the VBS website: http://vbs.dms.state.fl.us/vbs/main_menu.

If the Department decides to reject all Bids, it will post its notice on the VBS website: http://vbs.dms.state.fl.us/vbs/main_menu.

5.3 Protests

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. Any protest must be timely filed with the Department of Management Services' Agency Clerk listed at: http://www.dms.myflorida.com/agency_administration/general_counsel

THIS SPACE INTENTIONALLY LEFT BLANK.

FORM 1 – CONTACT INFORMATION

For solicitation purposes, the Bidder's contact person shall be:

For contractual purposes, should the Bidder be awarded, the contact person shall be (if this column is blank, then the contact person for solicitation purposes shall be the contact person for contractual purposes):

Name	_____	_____
Title	_____	_____
Company Name	_____	_____
Address	_____	_____
Telephone	_____	_____
Fax	_____	_____
E-mail	_____	_____

FORM 2 - NOTICE OF CONFLICT OF INTEREST

Company Name _____

For the purpose of participating in the solicitation process and complying with the provisions of Chapter 112, of the Florida Statutes, the company states as follows:

The persons listed below are corporate officers, directors or agents and are currently employees of the State of Florida or one of its agencies:

_____	_____
_____	_____
_____	_____

The persons listed below are current State of Florida employees who own an interest of five percent (5%) or more in the company named above:

_____	_____
_____	_____
_____	_____

Name of Bidder's Organization

Signature of Authorized Representative and Date

Print Name

FORM 3 - NON-COLLUSION AFFIDAVIT

STATE OF _____
COUNTY OF _____

I state that I _____ of _____,
(Name and Title) (Name of Firm)

am authorized to make this affidavit on behalf of my firm and its owner, directors and officers. I am the person responsible in my firm for the price(s) and amount(s) of this Bid, and the preparation of the Bid. I state that:

1. The price(s) and amount(s) of this Bid have been arrived at independently and without consultation, communication or agreement with any other Provider, potential provider, Bid, or potential Bid.
2. Neither the price(s) nor the amount(s) of this Bid, and neither the approximate price(s) nor approximate amount(s) of this Bid, have been disclosed to any other firm or person who is a Provider, potential Provider, Bid, or potential Bid, and they will not be disclosed before Bid opening.
3. No attempt has been made or will be made to induce any firm or persons to refrain from submitting a Bid for this contract, or to submit a price(s) higher than the prices in this Bid, or to submit any intentionally high or noncompetitive price(s) or other form of complementary Bid.
4. The Bid of my firm is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other noncompetitive Bid.
5. _____, its affiliates, subsidiaries, officers, director, and employees
(Name of Firm)
are not currently under investigation, by any governmental agency and have not in the last three (3) years been convicted or found liable for any act prohibited by state or federal law in any jurisdiction, involving conspiracy or collusion with respect to Bid, on any public contract, except as follows:

I state that I and the named firm understand and acknowledge that the above representations are material and important, and will be relied on by the State of Florida for which this Bid is submitted. I understand and my firm understands that any misstatement in this affidavit is, and shall be treated as, fraudulent concealment from the State of Florida of the true facts relating to the submission of Bids for this contract.

Dated this _____ day of _____ 2019.

Name of Organization: _____

Signed by: _____

Print Name _____

being duly sworn deposes and says that the information herein is true and sufficiently complete so as not to be misleading.

Subscribed and sworn before me this _____ day of _____ 2019.

Notary Public: _____

My Commission Expires: _____

FORM 4 - STATEMENT OF NO INVOLVEMENT

I, as an authorized representative of the Bidder, that nothing in section 287.057(17)(c), Florida Statutes (below), prohibits the Bidder's entry into any Contract resulting from this solicitation.

287.057 Procurement of commodities or contractual services.—

(17)(c) A person who receives a contract that has not been procured pursuant to subsections (1)-(3) [of s. 287.057, F.S.] to perform a feasibility study of the potential implementation of a subsequent contract, who participates in the drafting of a solicitation or who develops a program for future implementation, is not eligible to contract with the agency for any other contracts dealing with that specific subject matter, and any firm in which such person has any interest is not eligible to receive such contract. However, this prohibition does not prevent a Bidder who responds to a request for information from being eligible to contract with an agency.

Name of Bidder's Organization

Signature of Authorized Representative and Date

Print Name

FORM 5 – BUSINESS/CORPORATE REFERENCE

The Bidder must provide Form 5 – Business/Corporate Reference, demonstrating at least three (3) years' collective experience providing the services described in this solicitation. The Bidder must provide as many of these forms as necessary to demonstrate the three (3) years of experience. The Department may contact the individual(s) and organization(s) provided on this form.

This form must be completed by the person giving the reference for the Bidder. For purposes of completing this form, the Bidder is the business entity that currently or has previously provided services to your organization and is submitting a Bid to a solicitation. Upon completion of this form, please return the original form to the Bidder.

This business reference is for (Bidder's Name): _____

Name of the person providing the reference: _____

Title of person providing the reference: _____

Organization name of person providing the reference: _____

Telephone number of the person providing the reference: _____

Please identify your relationship with the Bidder (e.g., subcontractor, customer, etc.).

How many years have you done business with the Bidder?

_____ Please provide dates: _____

If a customer, please describe the primary service the Bidder provides your organization.

Did the Bidder act as a primary provider or as a subcontractor? _____

Do you have a business, profession, or interest in the Bidder's organization? If yes, what is that interest?

Have you experienced any contract performance problems with the Bidder's organization?

Would you conduct business with the Bidder's organization again? _____

Are there any additional comments you would like to make regarding the Bidder's organization?

Dated this _____ day of _____ 2019.

Name of Organization: _____

Signed by: _____

Print Name _____

Being duly sworn deposes and says that the information herein is true and sufficiently complete so as not to be misleading.

Subscribed and sworn before me this _____ day of _____ 2019.

Notary Public: _____

My Commission Expires: _____

FORM 6 – ADDENDUM ACKNOWLEDGEMENT

This acknowledgment form serves to confirm that the Bidder has reviewed and accepted all Addendum(s) to the solicitation posted on the Vendor Bid System (VBS).

Please list all Addendum(s) for this solicitation below.

Name of Bidder's Organization

Signature of Authorized Representative and Date

Print Name

FORM 7 – PRICE ATTESTATION

This form serves to confirm which region(s) you are providing a bid for in response to this solicitation.

Please place a check-mark in the box next to each region you intend to submit a bid(s) for this solicitation in the table below.

Check Below	Regions	FROM (Vehicle Origin):	DELIVER TO:
<input type="checkbox"/>	3	Middleburg Location	Live Auction Location
<input type="checkbox"/>	4	North Region	Live Auction Location
<input type="checkbox"/>	5	Central Region	Live Auction Location

Name of Bidder's Organization

Signature of Authorized Representative and Date

Print Name

FORM 8 – SUBCONTRACTING

The Bidder shall complete the information below on all subcontractors that shall provide services to the Bidder to meet the requirements of the resultant contract, should the Bidder be awarded. Submission of this form does not indicate the Department’s approval, but provides the Department with information on proposed subcontractors for review.

Please complete a separate Form 8 for each subcontractor.

There will be subcontractors for this solicitation YES ____ NO ____ (place a checkbox where applicable). If not, vendors are not required to complete the remainder of this form.

Service: _____

Company Name: _____

Contact: _____

Address: _____

Telephone: _____

Fax: _____

Current Registered as Certified Minority Business Enterprise (CMBE) or Women-Owned Business (WBE)? Yes _____ No _____

Occupational License No: _____

Acknowledgement from Bidder that this subcontractor has successfully complied with the "Subcontractor Acceptance Process": Yes _____ No _____

W-9 verification: Yes _____ No _____

In a job description format, describe below the responsibilities and duties of the subcontractor based on the technical specifications or statement of work outlined in this solicitation.

FORM 9 – RESPONSIVE REQUIREMENTS

Note: For the column “BIDDER PAGE # OF BID”, Bidders should indicate the page number where the corresponding section reference is listed within their bid submittal.

SOLICITATION SECTION REFERENCE	RESPONSIVE REQUIREMENTS	BIDDER PAGE # OF BID
3.6.1	The Bidder must certify that the person submitting the Bid and its pricing is authorized to respond to this solicitation on the Bidder’s behalf.	N/A
3.6.2	The Bidder must certify that the Bidder is not a Discriminatory Vendor or Convicted Vendor as defined in Sections 7 and 8 of the PUR 1001 form. http://www.dms.myflorida.com/content/download/2934/11780/1001.pdf	N/A
3.6.3	The Bidder must certify that the Bidder is in compliance with Section 9 of the PUR 1001 form, as revised by Section 3.1. http://www.dms.myflorida.com/content/download/2934/11780/1001.pdf	N/A
3.6.4	The Bidder must certify that the Bidder is not on the Scrutinized Companies with Activities in Sudan List pursuant to section 215.473, Florida Statutes, is not on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List pursuant to section 215.473, Florida Statutes, is not on the Scrutinized Companies that Boycott Israel List pursuant to section 215.4725, Florida Statutes, and is not participating in a boycott of Israel.	N/A
3.6.5	The Bidder must certify that the Bidder will, if awarded, complete and sign a No Offshoring Affidavit(s) as outlined in the Contract.	N/A
3.6.6	The Bidder must certify that, if awarded, it will have a Florida Department of Law Enforcement (FDLE) background check (Criminal History Report) performed annually on each individual that will operate as a transport driver (including drivers provided by a sub-contractor, if applicable) prior to the individual operating as a driver, provide copies of each report to the Department Representative, and that the Bidder will be responsible for the payment to FDLE (https://web.fdle.state.fl.us/search/app/default) for each report.	N/A
3.6.7	The Bidder must provide Form 5, Business/Corporate Reference, demonstrating at least three (3) years’ collective experience providing the services described in this solicitation. The Bidder must provide as many of these forms as necessary to demonstrate the three (3) years of experience.	

3.6.8	The Bidder must submit, in the Excel format provided by the Department, a Price Sheet, with each cell completed in columns C through G, for each of the region(s) bid. The Price Sheet(s) must include prices for both the initial and renewal years.	
3.6.9	<p>The Bidder must certify that the Bidder has an active Florida Department of State registration.</p> <p>NOTE: Pursuant to section 607.1501, Florida Statutes, out-of-state corporations are required to obtain a Florida Certificate of Authorization pursuant to section 607.1503(1), Florida Statutes, from the Florida Department of State, Division of Corporations, to transact business in the State of Florida.</p> <p>www.sunbiz.org</p>	N/A
3.6.10	<p>The Bidder must certify that the Bidder and any subcontractor utilized for the solicited services, are registered with the U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA).</p> <p>http://li-public.fmcsa.dot.gov/LIVIEW/pkg_carrquery.prc_carrlist</p>	N/A
3.6.11	The Bidder must certify that the Bidder will, at all times, comply with Section 8, Liability and Worker's Compensation Insurance of ATTACHMENT B – Draft Contract if awarded a contract.	N/A

NOTE: The certification required in subsections 3.6.1 through 3.6.6 and 3.6.9 through 3.6.11 are to be accomplished through the execution of Form 9.

Execution of Form 9 includes completion of the information below which certifies that the signatory has the authority to respond to this solicitation on the Bidder's behalf, and certifies conformance with all Responsive Requirements listed above.

Name of Bidder's Organization

Signature of Organization's Authorized Representative

Date

FORM 10 – AFFIDAVIT OF NO OFFSHORING

**Regarding the Bid between
[TBD] (the “Bidder”)
And
State of Florida, Department of Management Services
Contract No.: DMS-18/19-028**

Pursuant to Section 21 of the Contract, the undersigned Bidder hereby attests that the Bidder and Covered Entities does not utilize offshore Subcontractors in the performance of this Contract and is in compliance with the Subcontractor clause in the Contract.

Bidder Name: [TBD]
Bidder’s Federal Employer Identification Number (FEIN #): _____

**Authorized
Signature:** _____

Print Name: _____

Title: _____

Date: _____

Sworn to (or affirmed) and subscribed before me on this _____ day of _____ 2018 by

(Signature of Notary)

Check One:

Personally Known

Produced the following ID _____