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Ron DeSantis, Governor

Jonathon R. Satter, Secretary

INVITATION TO BID
FOR
CHILLER INSPECTION SERVICES
ITB NO.: DMS-18/19-005
THE STATE OF FLORIDA
DEPARTMENT OF MANAGEMENT SERVICES

Refer ALL inquiries to:

Procurement Officer: Caitlen Boles
Departmental Purchasing
Florida Department of Management Services
4050 Esplanade Way, Suite 335.1X
Tallahassee, FL 32399-0950
Phone: (850) 410-1423
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 listed 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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FORM 3 – NON-COLLUSION FORM
FORM 4 – STATEMENT OF NO INVOLVEMENT
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FORM 6 – ADDENDUM ACKNOWLEDGEMENT FORM
FORM 7 – RESPONSIVE REQUIREMENTS
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AFFIDAVIT OF NO OFFSHORING

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SECTION 1. INTRODUCTION

1.1 Solicitation Objective

The State of Florida, Department of Management Services' Division of Real Estate Development and Management (Department) is issuing this Invitation to Bid (ITB) to establish a contract for Chiller Inspection Services. This ITB will be administered through the Vendor Bid System (VBS). Bidders interested in submitting a bid must comply with all terms and conditions described in this ITB.

This ITB has an estimated annual spend of \$50,000.00 for the northwest, northcentral, northeast and south regions collectively. This is for informational purposes only and should not be construed as representing actual, guaranteed, or minimum spend under any new contract. The Department intends to make a single award by region. However, the Department reserves the right to make multiple awards per region or make no awards.

1.2 Term

The initial term of the Contract will be five (5) years with up to five (5) years of renewals, 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 by the Contractor, and subject to the availability of funds.

1.3 Definitions

The following definitions apply to this ITB, in addition to the definitions in the PUR 1000 and PUR 1001. Additional definitions may be found in ATTACHMENT B - CONTRACT.

1.3.1 Bidder – A vendor who submits a bid to this solicitation. (The term Bidder is used interchangeably with Respondent.)

1.3.2 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."

1.3.3 Contract – Any binding agreement that results from this ITB, if any such agreement is made, between the Department and the Contractor. (This definition replaces the definition in the PUR 1000.)

1.3.4 Contractor – The vendor that enters into a Contract as a result of this solicitation.

1.3.5 State – The State of Florida

1.4 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) 487-1810. 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 may contact the ADA Coordinator by using the Florida Relay Service at (800) 955-8771 (TDD).

1.5 Procurement Officer

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

The Procurement Officer for this ITB is:

Caitlen Boles, FCCM
Departmental Purchasing
Florida Department of Management Services
4050 Esplanade Way, Suite 335.1X
Tallahassee, FL 32399-0950
Phone: (850) 410-1423
Email: dms.purchasing@dms.myflorida.com

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

SECTION 2. SOLICITATION PROCESS

2.1 General Overview

The ITB is a method of competitively soliciting a commodity or contractual service under Chapter 287, Florida Statutes. The Department posts an ITB on the VBS to initiate the process. Vendors can submit formal questions in writing to the Procurement Officer by the date listed below in subsection 2.3, Timeline of Events. Bids must be submitted by the deadline listed in the Timeline of Events below.

The Department will hold a public opening of the bids at the date, time, and location in accordance with subsection 2.3, Timeline of Events. Once the Department has reviewed the bids, the Department will post its decision on the VBS.

2.2 Questions & Answers

Any and all questions regarding this ITB will be submitted during the Questions & Answers period to the Procurement Officer via email. The deadline for receipt of questions is reflected below in subsection 2.3, Timeline of Events.

The Department requests that all questions have the ITB 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 ITB. Responses to all written inquiries, as well as all clarifications or addenda, if any, will be made through a posting on the VBS.

2.3 Timeline of Events

The table below contains the anticipated Timeline of Events for this ITB. 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 (Eastern Time) specified below (or as revised by addenda).

Timeline of Events		
Events	Event Time (ET)	Event Date
ITB posted on the VBS		5/7/2019
Mandatory Site Visits (Attachment C – Facility List and Site Visits) (Contact Facility Manger to schedule)		5/13/2019 – 5/17/2019
Deadline to submit questions to the Procurement Officer	4:00 p.m.	5/22/2019
Department’s anticipated posting of answers to Bidders’ questions on the VBS		6/3/2019
Deadline to submit Bid and all required documents to the Procurement Officer	2:00 p.m.	6/17/2019
Public Opening Conference Room 101 4050 Esplanade Way Tallahassee, Florida 32399-0950	2:30 p.m.	6/17/2019
Anticipated date to post Notice of Intent to Award		6/24/2019
Anticipated Contract start date		07/01/19

2.4 Mandatory Site Visits

Bidders shall visit every facility in a region, as listed on ATTACHMENT C – FACILITY LIST AND SITE VISITS, for each region bid. The site visits will allow the Bidders the opportunity to review and inspect general and specific conditions that may affect the preparation of a bid and/or the performance of the resultant Contract. The purpose of the site visit is not to be a Questions & Answers period. Any information provided by the Facility Manager during the site visit is not binding on the Department. In order to receive a formal answer, Bidders must submit all questions in accordance with subsection 2.2, Questions & Answers.

2.4.1 Bidder's Responsibility

- 2.4.1.1** Contact the Facility Manager indicated on ATTACHMENT C – FACILITY LIST AND SITE VISITS, to schedule a site visit.
- 2.4.1.2** Visit the facilities during the date(s) indicated in the Timeline of Events.
- 2.4.1.3** Obtain the Facility Manager's signature and date on ATTACHMENT C – FACILITY LIST AND SITE VISITS for each facility visited.
- 2.4.1.4** Submit a completed ATTACHMENT C – FACILITY LIST AND SITE VISITS, as indicated in subsection 3.6, Contents of Bid.

FAILURE TO ATTEND A MANDATORY SITE VISIT FOR ANY FACILITY IN THE REGION FOR WHICH THE BIDDER WISHES TO BE CONSIDERED FOR AWARD WILL RESULT IN DISQUALIFICATION FOR THAT REGION.

2.5 Addendum to the Solicitation

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

2.6 Contract Formation

The Contract will consist of ATTACHMENT A – STATEMENT OF WORK, ATTACHMENT B – CONTRACT, ATTACHMENT C – FACILITY LIST AND SITE VISITS, and the pricing submitted by the awarded Bidder(s) on ATTACHMENT D – PRICE SHEETS and agreed to by the Department as the basis for the award. No additional documents submitted by a Bidder will be incorporated in the Contract. During the ITB period, the Department may specifically identify and incorporate by reference additional documents that will be incorporated into the Contract.

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

2.7 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.

2.8 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 INSTRUCTIONS

3.1 Introduction

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 the link below:

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

In any conflict between the Special Instructions in this ITB and the General Instructions to Respondents, the Special Instructions shall prevail.

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 subsection 2.1, General Overview, of this solicitation.

3.1.2 Section 5. Questions

Questions shall be submitted in accordance with subsection 2.2, Questions and Answers, 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 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-1.031 of the Florida Administrative Code.

3.3 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.

3.4 How to Submit a Bid

The Bidder should submit:

- 3.4.1** One (1) original version of the bid submittal and one (1) copy.
- 3.4.2** One scanned copy of the entire bid in Adobe (.pdf) and ATTACHMENT D - PRICE SHEETS in Excel (.xlsx) on a thumb drive. Large files should be scanned as separate files.
- 3.4.3** One REDACTED scanned copy of the bid, if applicable.

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

Submit bids to the Procurement Officer at the address listed in subsection 1.5, Procurement Officer section of this ITB.

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 ITB. 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 subsection 2.3, Timeline of Events.

3.5 Bidder Responsive Requirements

Bidders shall provide the required documentation requested in this section and submit a signed Form 7, 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 7, Responsive Requirements.

- 3.5.1** The Bidder must certify that the person submitting the bid and its pricing is authorized to respond to this ITB on the Bidder's behalf.
- 3.5.2** The Bidder must certify that the Bidder has at least one (1) service center located within a 200-mile radius of every facility within a region for which the Bidder submits a bid.
- 3.5.3** 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>

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

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

- 3.5.5** 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/2019_01_29_Web_Update_PFIA_Prohibited_List.pdf?ver=2019-01-29-130702-420

- 3.5.6** The Bidder must certify that the Bidder will, if awarded, complete and sign a No Offshoring Affidavit(s) as outlined in the Contract.
- 3.5.7** The Bidder must certify that the Bidder has an active Florida Department of State registration or will attain, prior to July 1, 2019, authorization through the Department of State, Division of Corporations, should the Bidder be awarded the Contract. Website: www.sunbiz.org.

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

- 3.5.8** The Bidder must certify that the Bidder will, if awarded, submit to the Department, at least annually, the completed signed Preferred Pricing Affidavit as outlined in Section 22 of the Contract.

NOTE: The certification required in subsections 3.5.1 through 3.5.8 are to be accomplished through the execution of Form 7.

- 3.5.9** The Bidder must identify each of its service center locations on Form 1 – Contact Information.
- 3.5.10** The Bidder must print and complete Form 5 - Business/Corporate Reference, as many times as necessary to demonstrate the following:
- The Bidder must have a minimum of five (5) years' experience performing commercial/industrial HVAC maintenance services; and
 - The Bidder must provide contact information for a minimum of two (2) contracts, providing commercial/industrial HVAC maintenance services, and the term of each contract.
- 3.5.11** The Bidder must provide ATTACHMENT D – PRICE SHEETS, in accordance with section 3.9, Price Sheet Instructions.
- 3.5.12** The Bidder must visit all facilities within the region the Bidder is bidding and provide confirmation by the Facility Manager on ATTACHMENT C – FACILITY LIST AND SITE VISITS.

3.6 Contents of Bid

Submit the following sections of the bid in one (1) sealed package to the Procurement Officer and organize your 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, AFFIDAVITS, 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 – RESPONSIVE REQUIREMENTS
AFFIDAVIT OF NO OFFSHORING

ATTACHMENT D – PRICE SHEETS
ATTACHMENT C – FACILITY LIST AND SITE VISITS

3.7 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, solicitation 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, Florida Statutes, 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.**

3.8 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.

3.9 Price Sheet Instructions

3.9.1 The Bidder must submit an ATTACHMENT D – PRICE SHEET(s) for the region(s) bid. Bidders are not required to submit a price on all regions but must submit a price on all chillers within the region(s) bid in order to be considered for an award for that region.

3.9.2 The Bidder must enter pricing in each blue cell in columns H through L and columns N through R, in the Excel format provided by the Department.

3.9.3 The Bidder must also fill in all yellow cells with price(s) or Discount Percentage on Parts, where appropriate. "Discount Percentage on Parts" refers to the percentage discount the Contractor will apply to the parts the Contractor uses for repairs.

3.9.4 The prices provided in the blue cells will be used to determine the Total Calculated Price pursuant to subsection 4.1 below. The prices provided in the yellow cells will not affect the Total Calculated Price.

3.9.5 Failure to provide a price or discount in a blue or yellow cell may result in the Bidder's price sheets being deemed non-responsive.

3.9.6 The Bidder should use legible handwriting, if applicable, when completing the price sheets.

Note: In the event the Department receives a price sheet containing illegible pricing or a mathematical error(s), the Department reserves the right to seek clarification of the prices received and to receive corrected price sheet(s). No material alterations of the original price sheet shall be accepted.

3.10 Subcontracting

No subcontracting will be allowed for inspection services under this Contract. Subcontracting may be utilized to complete repairs with prior approval from the Department's Contract Manager.

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 M (Initial Term) multiplied by 0.7, plus the sum of column M (Renewal Years) multiplied by 0.3. One Bidder shall be awarded per region for a total of up to four (4) awards.

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 this ITB 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 this ITB are not permitted. 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 ITB, may be rejected as non-responsive. The Department reserves the right to determine which bids meet the requirements of this ITB and which Bidders are responsive and responsible.

SECTION 5. AWARD

5.1 Agency Decision

The Department will post a Notice of Intent to Award to enter into one (1) 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.

5.2 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

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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 contact person for solicitation purposes shall be the contact person for contractual purposes):

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

SERVICE CENTERS

List the address of each service center located within 200 miles of the locations provided on ATTACHMENT C – FACILITY LIST:

Address: _____

Address: _____

Address: _____

Address: _____

Address _____

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, Florida Statutes, the company states as follows conflicts of interest exist as noted below (if none, write N/A in the applicable section(s) below):

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 FORM

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, Proposal, or potential Proposal.
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, Proposal, or potential Proposal, and they will not be disclosed before Proposal 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 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 Proposal, 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 _____

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

Provide the following information requested below. Print and complete this form as many times as needed to demonstrate five (5) years' experience providing commercial/industrial HVAC maintenance services. Experience must also include two (2) clients that reflect the Bidder has contracts providing commercial/industrial HVAC maintenance services, and the term of each contract. The experience cannot be from:

- Current Department contract(s).
- Current employees of DMS.
- Former employees within the past three (3) years.
- Contracts with persons currently or formerly employed by the Bidder's organization.
- Contracts with Board members of the Bidder's organization
- Contracts with relatives of any individuals identified in this section.
- Contracts based solely in a foreign country.
- A member of the Bidder's organization who has written, completed and submitted the form on behalf of the reference.
- Any person involved in drafting of this ITB or the procurement process.

THIS SPACE INTENTIONALLY LEFT BLANK.

Information	
Company name	
Contact Person	
Title	
Address	
City	
State	
Telephone Number	
Email Address	
Contract Period	
Number of Members	
Brief Summary of Services	

By submitting this form, the Bidder consents to the Department contacting the companies and/or persons listed herein.

Name of Bidder's Organization

Signature of Authorized Representative

Print Name

Date

FORM 6 – ADDENDUM ACKNOWLEDGEMENT FORM

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) below.

Name of Bidder's Organization

Signature of Authorized Representative and Date

Print Name

FORM 7 – 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.

ITB SECTION REFERENCE	RESPONSIVE REQUIREMENTS	BIDDER PAGE # OF BID
3.5.1	The Bidder certifies that the person submitting the Bid and its pricing is authorized to respond to this ITB on the Bidder’s behalf.	N/A
3.5.2	The Bidder certifies that the Bidder has at least (1) service center located within a 200-mile radius of every Facility within a region for which the Bidder submits a bid.	N/A
3.5.3	The Bidder certifies 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
3.5.4	The Bidder certifies that the Bidder is in compliance with Section 9 of the PUR 1001 form, as revised by subsection 3.1. http://www.dms.myflorida.com/content/download/2934/11780/1001.pdf	N/A
3.5.5	The Bidder certifies that the Bidder is not on 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 and is not participating in a boycott of Israel. https://www.sbafla.com/fsb/Portals/FSB/Content/Performance/Quarterly/2019_01_29_Web_Update_PFIA_Prohibited_List.pdf?ver=2019-01-29-130702-420	N/A
3.5.6	The Bidder certifies that the Bidder will, if awarded, complete and sign a No Offshoring Affidavit(s) as outlined in the Contract.	N/A
3.5.7	The Bidder certifies that the Bidder has an active Florida Department of State registration or will attain, prior to July 1, 2019, authorization through the Department of State, Division of Corporations, should the Bidder be awarded the Contract. Website: www.sunbiz.org .	N/A
3.5.8	The Bidder certifies that the Bidder will, if awarded, submit to the Department, at least annually, the completed signed Preferred Pricing Affidavit as outlined in Section 22 of the Contract.	N/A

3.5.9	The Bidder certifies that it has provided a completed Form 1 – Contact Information.	
3.5.10	The Bidder certifies that it has printed and completed Form 5 - Business/Corporate Reference, as many times as necessary to demonstrate the following: The Bidder has a minimum of five (5) years' experience performing commercial/industrial HVAC maintenance services; and The Bidder provided contact information for a minimum of two (2) contracts, providing commercial/industrial HVAC maintenance services, and the term of each contract.	
3.5.11	The Bidder certifies that it has provided a completed ATTACHMENT D – PRICE SHEETS, in accordance with section 3.9, Price Sheet Instructions.	
3.5.12	The Bidder certifies that it has visited all facilities within the region the Bidder is bidding and has provided confirmation by the Facility Manager on ATTACHMENT C – FACILITY LIST AND SITE VISITS.	

NOTE: The certification required in subsections 3.5.1 through 3.5.8 are to be accomplished through the execution of Form 7.

Execution of Form 7 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

