



SALE OF PROPERTY
INVITATION TO BID
Bidder Acknowledgment Form

ADAM H. PUTNAM
COMMISSIONER

BID SALE NO.: SOP/FFS-12/13-35 REBID

Agency Mailing Date: January 9, 2013

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SUBMIT BIDS TO:

Division of Administration
Bureau of General Services
Room SB-7, Mayo Building
Tallahassee, Florida 32399-0800

Attn: Christie Hutchinson, Purchasing Director

Telephone: (850) 617-7181

Reason for No Bid
(See General Condition #2)

TITLE: SALE OF LYKES FIRE TOWER

BIDS WILL BE OPENED: APRIL 10, 2013 @ 2:00 P.M. and may not be withdrawn within 90 days after such date and time.

POSTING OF BID TABULATIONS: Tabulations with recommended award(s) will be posted on or about the date indicated herein for review by interested parties on the Florida Bid System at http://myflorida.com, click on Business, Doing Business with the State of Florida, Everything for Vendors and Customers, Vendor Bid System, Search Advertisements. Tabulations will remain posted for a period of seventy-two (72) hours. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. Failure to file the proper bond at the time of filing the formal protest will result in denial of the protest. Posting will be on or about APRIL 11, 2013.

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I certify that this bid is made without prior understanding, agreement or connection with any corporation, firm or person submitting a bid for the property, and is in all respects, fair and without collusion or fraud. I agree to abide by all conditions of this bid and certify that I am authorized to sign this bid for the bidder, and that the bidder is in compliance with all requirements of the Sale of Property Invitation to Bid, including but not limited to, certification requirements.

BIDDER NAME: _____

MAILING ADDRESS: _____

TELEPHONE NUMBER: _____

AUTHORIZED SIGNATURE (TYPED): _____ DATE _____

AUTHORIZED SIGNATURE (MANUAL): _____ TITLE _____

GENERAL CONDITIONS

SEALED BIDS: All bid sheets and this form must be executed and submitted in a sealed envelope. (DO NOT INCLUDE MORE THAN ONE BID PER ENVELOPE) The face of the envelope shall contain, in addition to the above address, the date and time of the bid opening and the bid number. Bids not submitted on attached bid form shall be rejected. All bids are subject to the conditions specified herein. Those that do not comply with these conditions are subject to rejection.

1. EXECUTION OF BID: Bid must contain a manual signature of authorized representative in the space provided above. Bid must be typed or printed in ink. Use of erasable ink is not permitted. All corrections made by bidder to his bid price must be initialed. The company name and F.E.I.D. number must also appear on each page of the bid as required.
2. NO BID: If not submitting a bid, respond by returning only this bidder acknowledgment form, marking it "NO BID" and explain the reason in the space provided above. Failure to respond to this bid solicitation without giving justifiable reasons for such failure shall be cause for removal of the bidder's name from the bid mailing list without further notice. NOTE: To qualify as a respondent, bidder must submit a "NO BID", and it must be received no later than the stated bid opening date and hour.
3. BID OPENING: Bid opening shall be public, on the date, location and the time specified on the bid form. It is the bidder's responsibility to assure that his bid is delivered at the proper time and place of the bid opening. Bids that for any reasons are not so delivered will not be considered. Offers by telegram or telephone are not acceptable. A bid may not be altered after opening of the bids.
4. PRICES, TERMS AND PAYMENT: Firm prices shall be bid.
5. MISTAKES: Bidders are expected to examine the specifications and all instructions pertaining to the bid. Failure to do so will be at the bidder's risk. In case of mistake in extension the unit price will govern.
6. INTERPRETATIONS/DISPUTES: Any questions concerning conditions and specifications shall be directed in writing to the Purchasing Office for receipt no later than 10 days prior to the bid opening. No interpretation shall be considered binding unless provided in writing by the Department's Purchasing Director in response to requests in full compliance with this provision. Any person who is adversely affected by the agency's decision or intended decision shall file with the agency a Notice of Protest in writing within 72 hours after the posting of the notice of decision or intended decision. With respect to a protest of the terms, conditions and specifications contained in a solicitation, including any provision governing the methods for ranking bids, proposals or replies, awarding Contracts, reserving rights or further negotiation or modifying or amending any Contract, the Notice of Protest shall be filed in writing within 72 hours after the posting of the solicitation. The formal written protest shall state with particularity the facts and law upon which the protest is filed.
7. CONFLICT OF INTEREST: The award hereunder is subject to the provisions of Chapter 112, Florida Statutes. Bidders must disclose with their bid the name of any officer, director or agent who is also an employee of the State of Florida, or any of its agencies. Further, all bidders must disclose the name of any State employee who owns, directly or indirectly, an interest of five percent (5%) or more in the bidder's firm or any of its branches in accordance with Chapter 287, Florida Statutes. All awards made as a result of this bid shall conform to applicable Florida Statutes.
8. AWARDS: As the best interest of the State may require, the right is reserved to reject any and all bids or waive any minor irregularity or technicality in bids received. Bidders are cautioned to make no assumptions unless their bid has been evaluated as being responsive.
9. DEFAULT: Failure to perform according to this bid and/or resulting Contract shall be cause for your firm to be found in default.
10. LEGAL REQUIREMENTS: Applicable provision of all Federal, state, county and local laws and of all ordinances, rules and regulations shall govern development, submittal and evaluation of all bids received in response hereto and shall govern any and all claims and disputes which may arise between person(s) submitting a bid response hereto and the State of Florida, by and through its officers, employees and authorized representatives or any other person, natural or otherwise; and lack of knowledge by any bidder shall not constitute a cognizable defense against the legal effect thereof.
11. ADVERTISING: In submitting a bid, bidder agrees not to use the results therefrom as a part of any commercial advertising.
12. ASSIGNMENT: Any Contract entered into pursuant to this bid invitation is not assignable by the buyer without the Department's written permission.
13. LIABILITY: The Buyer shall hold and save the state of Florida, its officers, agents and employees harmless against claims by third parties resulting from the breach of this Contract or the buyer's negligence. This requirement does not apply to Contracts between governmental agencies.
14. CANCELLATION: The state shall have the right of unilateral cancellation for refusal by the Buyer to allow public access to all documents, papers, letters or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received by the Buyer in conjunction with the Contract.
15. PUBLIC RECORDS: Any material submitted in response to this Invitation to Bid will become a public document pursuant to Section 119.07, F.S. This includes materials that the responding bidder might consider to be confidential or a trade secret. Any claim of confidentiality is waived upon submission, effective after opening pursuant to Section 119.07, F.S.
16. REAL PROPERTY: An environmental site assessment, and if the property contains improvements, an asbestos survey(s) will have been performed. A copy of the assessment and survey(s) may be obtained by contacting the Department or on the web at www.fl-dof.com and clicking on the Surplus Property Sales link.

NOTE: ANY AND ALL SPECIAL CONDITIONS AND SPECIFICATIONS ATTACHED HERETO THAT VARY FROM THESE GENERAL CONDITIONS SHALL HAVE PRECEDENCE.

SALE OF PROPERTY

**FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
FLORIDA FOREST SERVICE**

SPECIAL TERMS, CONDITIONS AND SPECIFICATIONS

PURPOSE

The purpose of this bid is to SELL 1 (one) galvanized steel fire tower, with or without the pylons. The Florida Department of Agriculture and Consumer Services (FDACS) intends to only sell the tower and not the property on which the tower is located. There is no minimum bid.

Bidders are encouraged to remove the pylons, along with the tower; however, it is not required to remove the pylons. Bidders who remove the pylons shall cause minimal ground disturbance when removing pylons, as well as, return the ground to its previous state, including providing necessary fill dirt.

TECHNICAL SPECIFICATIONS

LYKES FIRE TOWER

This is a 100 ft. tower with a hatch door entrance and a standard 7' X 7' ft. or 49 sq. ft. cabin (see Appendix I). It was constructed in 1959 of galvanized steel with pressure treated wood steps and cabin floor, both of which are in poor condition. Note: There are windows in the tower cab; however, 2 to 3 window panes are broken. Also, the residence and small pump house, shown in Appendix I, are the property of Lykes Brothers and are not a part of the sale. The electric service attached to the tower will be removed by the Florida Forest Service (FFS) prior to the removal of the fire tower by the winning bidder. The restroom building toward the northeast corner of the property will be demolished by the FFS.

Tower Location: 21530 County Road 720, Labelle, FL (located at the NW corner of the intersection of CR720 and CR731 – also called Walter Greer Road and Fire Tower Road, respectively).

Driving Directions: Going north on SR 29 out of downtown Labelle, FL - cross the river; go 1 mile; turn left on CR 720; go west ¼ mile; turn right onto CR 720/731; go north 2 ½ miles. The tower will be on the left.

SITE VISIT/INSPECTION

An on-site inspection of the tower is recommended. All prospective bidders should perform their own due diligence prior to submitting a bid. Interested bidders may inspect the tower for sale prior to the submission of bids. Bidders shall contact the Palmdale Forestry Site at (863) 674-4000, between the hours of 8:00 a.m. and 5:00 p.m., to schedule inspection of the tower. Bidders shall consider all site conditions dealing with the removal of the tower from the Department property.

PICK-UP/REMOVAL

The successful bidder(s) will have 45 calendar days, after payment is received by the Department, to remove the tower completely from the Department's property. The successful bidder shall be liable for any and all damages to existing structures, including without limitation the residence located 50 ft. to the northwest; the pump house located 80 ft. to the north; the restroom building located 70 ft. to the northeast; the perimeter fence located 70 ft. to the south, 80 ft. to the east, 140 ft. to the north and 120 ft.

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to the west; the power lines that run from the southwest corner of the residence due south to the southern edge of the property where they connect to the street power lines; the street power lines that run north and south along the east side of CR 731 (also called Fire Tower Rd) and street power lines that run east and west along CR 720 (also called Walter Greer Rd). The removal of any shrubs or trees in order to retrieve the tower shall not occur until approved on-site by the FFS. Any approved removals and the cost of clean-up shall be at the sole cost of the successful bidder.

PAYMENT

The Department will invoice the successful bidder for the amount due (bid price). The successful bidder will have 30 calendar days to make payment in full to the Department.

BID GUARANTEE

Each bid shall be accompanied by a bid guarantee payable to the Department in the amount of \$100. The form of the bid guarantee shall be a Cashier's Check, Certified Check or Bid Bond. The unsuccessful bidders' bid guarantee shall be returned within ten (10) consecutive calendar days after the posting of the agency's intent to award bid. The successful bidder's bid guarantee shall be credited towards the purchase price of the item(s).

INSURANCE REQUIREMENTS

The successful bidder shall not commence any work in connection with the property until obtaining the following insurance and such insurance has been approved by the Department, nor shall the successful bidder allow any subcontractor to commence work on his subcontract until all similar insurance has been obtained and approved. All insurance policies shall be with insurers qualified and doing business in Florida.

CERTIFICATE OF INSURANCE

The successful bidder shall furnish proof of insurance coverage within ten (10) calendar days after Notification of Award.

A Certificate of Insurance shall be furnished by the successful bidder and shall include the state of Florida, FDACS, as additional insured. This form(s) shall be completed and signed by the authorized Licensed Florida Agent and returned to the Purchasing Office, 407 South Calhoun St., Room SB-8, Mayo Building, Tallahassee, Florida 32399-0800. Certificate(s) shall be dated and show:

1. Name of the insured successful bidder, specific job by name, name of the insurer, number of the policy, its effective date and its termination date.
2. Statement that the insured will mail notice to the Department, at least thirty (30) calendar days prior to any material changes in provisions or cancellation of the policy.

COMMERCIAL GENERAL LIABILITY INSURANCE

The successful bidder shall take out and maintain during the life of the contract:

Minimum limits of Liability	\$100,000.00 each occurrence \$300,000.00 aggregate
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Including Bodily Injury, Property Damage and products and completed operations.

INSURANCE, LOSS DEDUCTIBLE CLAUSE

The state of Florida shall be exempt from, and in no way liable for, any sums of money, which may represent a deductible in any insurance policy. The payment of such deductible shall be the sole responsibility of the successful bidder providing such insurance.

DRUG-FREE WORKPLACE

Preference shall be given to the bid certifying a drug-free workplace has been implemented in accordance with Section 287.087, Florida Statutes. Whenever two or more equal bids, which are received by the state or by any political subdivision for the procurement of commodities or contractual services, a bid received from a business that certified that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie bids will be followed if none of the tied vendors have a drug-free workplace program (**ATTACHMENT A, DRUG-FREE WORKPLACE PROGRAM - BIDDER CERTIFICATION**). If applicable, please sign and return with your bid response.

AWARD OF IDENTICAL (TIE) BIDS

In the event that identical bids are received, preference shall be given to the bid certifying a drug-free workplace has been implemented in accordance with Section 287.087, Florida Statutes. Award shall be determined by using the number of valid vendor complaints on file or by lot; except that the bid/proposal which relates to commodities manufactured within this state shall be given preference and the bid of any foreign manufacturer with a factory in the state employing over 200 employees working in the state shall have preference over the bid of any other foreign manufacturer.

PUBLIC ENTITY CRIMES

A person or affiliate, who has been placed on the convicted vendor list following a conviction for a public entity crime, may not submit a bid on a contract to provide any goods or services to a public entity; may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

EMPLOYMENT OF UNAUTHORIZED ALIENS

Pursuant to Executive Order 96-236, effective October 1, 1996, the following standard provision shall apply to any contract awarded as a result of this Sale of Property Invitation to Bid:

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.

DISCRIMINATION

An entity or affiliate, who has been placed on the discriminatory vendor list, may not submit a bid on a contract to provide goods or services to a public entity; may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids on leases of real property to a public entity; may not award or perform work as a contractor, supplier, subcontractor or consultant under contract with any public entity and may not transact any business with any public entity.

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REJECTION OF BIDS

The Department reserves the right to reject any and all bids when such rejection is in the interest of the state of Florida and to reject the bid of a bidder who the Department determines is not in a position to perform the contract.

LATE BIDS

Bids received by the Department after the bid opening time and date will be rejected as untimely and will not be opened. A late bid notice will be sent to the bidder upon the posting of Award Notice with instructions for its return. Unclaimed late bids will be destroyed after 45 days. Offers from vendors listed on the Department's posted Award Notice are the only offers received timely in accordance with the Department's bid opening time and date.

BIDDING INSTRUCTIONS

In addition to the instructions on the Sale of Property Invitation to Bid cover sheet (**FORM FDACS-01024, BIDDER ACKNOWLEDGMENT FORM**), each bidder must complete the attached Bid Price Sheet in its entirety. It is important that the instructions on the Bid Price Sheet be closely adhered to so that bids may be equitably evaluated. By affixing a manual signature to the Bid Price Sheet, the bidder states that he/she has read all the provisions of the bid package and agrees to the terms, conditions and specifications contained therein.

PRICE SHEET

Bidder shall furnish a **firm fixed price** for the tower as specified herein. The Department will not accept any additional expenses not included in the bid price.

EVALUATION AND AWARD

The Department reserves the right to award to the highest responsive bidder(s) based upon the firm fixed price. As the best interest of the state may require, the right is reserved 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 highest 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. Any further clarification, if necessary, will be by written addendum. All other provisions of the Awards paragraph, General Conditions, shall prevail.

POSTING OF BID TABULATIONS

Bid tabulations with recommended award(s) will be posted on or about the date indicated on the bid cover sheet for review by interested parties on the Florida Bid System at <http://myflorida.com>, click on Business, Doing Business with the State of Florida, Everything for Vendors and Customers, Vendor Bid System, Search Advertisements. Tabulations will remain posted for a period of seventy-two (72) hours. Failure to file a protest within the time prescribed in Section 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. Failure to file the proper bond at the time of filing the formal protest will result in denial of the protest.

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QUESTIONS

Questions regarding bidding procedures may be directed to:

Christie Hutchinson, Purchasing Director
Florida Department of Agriculture and Consumer Services - Purchasing Office
Bureau of General Services
407 South Calhoun St., SB-8 Mayo Building
Tallahassee, Florida 32399-0800
Telephone: (850) 617-7181
Email: Christie.Hutchinson@FreshFromFlorida.com

No negotiations, decisions or actions shall be initiated or executed by the bidder as a result of any discussions with any purchaser or departmental employee. Only those communications, which are in writing from the Department's purchasing office, may be considered as a duly authorized expression on behalf of the purchaser. Also, only communications from the bidders which are signed and in writing will be recognized by the purchaser as duly authorized expressions on behalf of the bidder. The Department will not accept any revisions or additions to any bid after the bid opening date.

*****IMPORTANT NOTICE*****

Pursuant to 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.

BID PRICE SHEET

<u>DESCRIPTION</u>	<u>FIRM FIXED PRICE</u>
Lykes Fire Tower as specified herein	\$ _____

By affixing signature to this BID PRICE SHEET, bidder acknowledges reading and agrees to accept all terms, provisions and conditions in this Sale of Property Invitation to Bid.

BIDDER NAME: _____

SIGNATURE (MANUAL): _____

SIGNATURE (PRINTED): _____

ADDRESS: _____ CITY: _____

STATE: _____ ZIP: _____ PHONE NUMBER: _____

FEID/SSN: _____ EMAIL ADDRESS: _____

*** Please submit two (2) copies of all bid documents, including Bid Price Sheet.***

ATTACHMENT A



ADAM H. PUTNAM
COMMISSIONER

Florida Department of Agriculture and Consumer Services
Bureau of General Services

DRUG-FREE WORKPLACE PROGRAM - BIDDER
CERTIFICATION

IDENTICAL TIE BIDS - Preference shall be given to businesses with drug-free workplace programs. Whenever two or more bids which 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 received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie bids will be followed if none of the tied vendors have a drug-free workplace program. 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 five (5) days after such conviction.
- 5) Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by 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.

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

VENDOR'S SIGNATURE

Appendix I

LYKES FIRE TOWER





