

**State of Florida
Division of Emergency Management**



**Request for Proposals (RFP)
For
Emergency Fuels
RFP No: RFP-DEM-20-21-013**

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 Division of Emergency Managements' Agency Clerk: Stephanie Stachowicz, 2555 Shumard Oak Blvd. Tallahassee, FL 32399-2100.

Procurement Officer: Justin Payne
Florida Division of Emergency Management
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100
Phone: (850) 815-4621
Email: justin.payne@em.myflorida.com

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SECTION 1 INTRODUCTION

1.1. Solicitation Objective

The State of Florida, Division of Emergency Management (“Division” “DEM”) is issuing a Request for Proposal (RFP) to establish contracts with qualified vendors to provide fuel, equipment and personnel in preparation for and/or in response to, emergencies or disasters. Vendors interested in submitting a Proposal must comply with all terms and conditions described in this solicitation and supporting attachments.

1.2. Background Information

Natural and man-made disasters can and will impact fuel availability and delivery within the State. This emergency fuel contract is being issued to meet short and long-term distribution system disruptions during response and recovery.

In response and recovery of Hurricane Irma, the State of Florida contracted with a vendor to coordinate the emergency fuels needs of the public and first responders. The vendor had an estimated 250 bobtail trucks / transport tanker trailer trucks in the field which served over 20 fuel depots. The incident included over 50,000 fuel transactions that dispensed over 1.1 million gallons of fuel. The vendor was responsible for all logistics coordination and mission management, fuel transaction tracking, equipment tracking and reports.

1.3. Who May Respond

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

1.4. Term

The initial term will begin on the execution date of the Contract until December 31, 2024. The Contract may be renewed in whole or in part for up to an additional three one-year renewals. The Contract may only be renewed in accordance with section 287.057(13), Florida Statutes.

1.5. Purchases from Other Entities

Pursuant to their own governing laws, and subject to the agreement of the Vendor, other state agencies as defined in rule 60A-1.001(2)(b) and (c), Florida Administrative Code, may be permitted to make purchases at the terms and conditions contained herein upon approval from the Division. Non-Division purchases are independent of the agreement between the Division and Vendor, and the Division shall not be a party to any transaction between the Vendor and any other purchaser.

State agencies wishing to make purchases from this agreement must obtain approval from the Division prior to contracting and are also required to follow the provisions of s. 287.042(16)(a), Florida Statutes. This statute requires the Department of Management Services to determine that the requestor's use of the contract is cost-effective and in the best interest of the State.

1.6. Definitions

Definitions contained in section 287.012, Florida Statutes, rule 60A-1.001, Florida Administrative Code, the Scope of Work, draft Contract, Form PUR 1000 and Form PUR 1001 are incorporated by reference. Where in conflict, the definitions listed in this section supersede the incorporated definitions. All definitions apply in both their singular and plural sense.

- A. Aviation Fuel Truck – Truck with minimum fuel capacity of 6,000 gallons to dispense 600 US gallons of Jet A or AvGas (100 octane) fuels per minute. Truck must have a single point refuel and over the wing offload capability meeting UFC 3-460-03 safety, quality, and industrial control standards.
- B. Bobtail Trucks – Single or multi-compartment straight truck with fuel capacity 1,000 to 4,500 gallons capable of carrying and dispensing gasoline and/or diesel.
- C. Confidential Information – Any portion of a Respondent’s documents, data or records disclosed relating to its Proposal that the Respondent claims is confidential and not subject to disclosure pursuant to chapter 119, Florida Statutes, the Florida Constitution or any other authority shall be clearly marked “Confidential.”
- D. Contract – Any binding agreement that results from this competitive procurement, if any, between the Division and the vendor.
- E. Fuel Depot – A fixed fueling location to dispense fuel.
- F. Frac Tank – Large heavy gauge steel fuel tank pulled by a truck or prime mover to a specified location
- G. High Water Vehicle – All terrain vehicle with two fuel tanks capable of hauling both gasoline and diesel with a pumping system. Must be capable of fording water up to 48 inches.
- H. Mini-Mobile Fueling Station – Dual-walled tank with fuel capacity of 500 to 2,000 gallons. Tank includes multiple high-volume fueling points with hoses on reels, a portable spill containment berm, spill response kit and fire extinguisher.
- I. Mission – A request generated by the internet-based State Emergency Response Team (SERT) Incident Management Application with a unique identifier number and information required to fulfil a request.
- J. Mobile Fueling Station – Dual-walled tank with minimum fuel capacity of 8,000 gallons. Tank includes a self-contained power source, the ability to dispense gasoline and diesel simultaneously, four (4) to eight (8) high volume vehicle fueling points, a portable spill containment berm, spill response kit and fire extinguisher.
- K. MyFloridaMarketPlace – MyFloridaMarketPlace (MFMP) is the State of Florida’s eProcurement system.
- L. Portable Spill Berm – Basin used to catch many different types of hazardous liquids and chemicals and limit spills.
- M. Proposal – The formal response to an RFP.
- N. Respondent – A vendor who submits a Proposal to this solicitation.
- O. State – The State of Florida
- P. State Holiday – An observed and paid State holiday.
- Q. Transport Tanker Trailer Truck – Single or multi-compartment truck with minimum fuel capacity of 8,500 gallons capable of carrying and dispensing requested fuels. Trucks used to transport fuel from refineries to bobtail trucks, fuel depots, fuel stations or tanks.
- R. Vendor(s) – An entity that is capable and in the business of providing a commodity or service similar to those within the solicitation.

1.7. Special Accommodations

Any person requiring a special accommodation due to a disability should contact the Division’s Procurement Manager at (850) 815-4621. Requests for accommodation for meetings must be made at least five working 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).

1.8. Contact Provision

As required by section 287.057(23), Florida Statutes, the Division highlights the following provision: 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.

1.9. Procurement Officer

The Procurement Officer is the **sole point of contact** for this RFP.

Procurement Officer for this solicitation is:

Justin Payne, Purchasing Agent
Florida Division of Emergency Management
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
Phone: (850) 815-4621
Email: justin.payne@em.myflorida.com

All emails to the Procurement Officer should contain the solicitation name and number in the subject line of the email.

1.10. Order of Precedence for Solicitation

In the event conflict exists among the documents comprising the RFP, the conflict will be resolved in the following order of priority (highest to lowest):

1. Addenda, in reverse order of issuance
2. Scope of Work
3. Evaluation Criteria and Scoring and Methodology for Selection
4. Attachments to this RFP

END OF SECTION

SECTION 2 SOLICITATION PROCESS

2.1. General Overview

The RFP is a method of competitively soliciting 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. Proposals must be submitted by the deadline listed in the Timeline of Events.

The Division will hold a public opening of the Proposals at the date, time, and location below. Anyone who wants to attend, may so via conference call. At this time, the Division is not open to the public. Once the Division has reviewed and evaluated the Proposals, the Division will post its decision on the Vendor Bid System.

2.2. Questions and Answers

Respondents 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 Division requests that all questions have the solicitation number in the subject line of the email. Questions are requested to be submitted in the following format:

Question #	Vendor Name	RFP Section / Attachment	Page #	Question

Questions will not constitute formal protest of the specifications of the solicitation. Division answers to written inquiries will be issued via the Vendor Bid System.

2.3. Timeline of Events

The table below contains the Timeline of Events for this solicitation. Respondents shall become familiar with the Timeline of Events. The dates and times within the Timeline of Events may be subject to change. It is the Respondent's responsibility to check for any changes. All changes to the Timeline of Events will be made through an addendum to the solicitation. Respondents are responsible for submitting all required documentation by the dates and times specified below (Tallahassee, Florida local time). The Division will not consider late submittals.

Timeline of Events - Action/Location	Event Time (Eastern Time)	Event Date
RFP posted on the VBS.	--	6/9/2021
Deadline to submit questions to the Procurement Officer.	5:00 PM	6/17/2021
Division's anticipated posting of answers to Respondent's questions on the VBS.	--	6/22/2021

Timeline of Events - Action/Location	Event Time (Eastern Time)	Event Date
Deadline to submit Proposal and all required documents to the Procurement Officer.	2:30 PM	7/7/2021
Public Opening. Procurement to open responses and read respondents names aloud only. Conference Call Info: Dial in Number- 1 888 585 9008 Conference Room- 527-059-248 (No in-person meeting)	3:00 PM	7/7/2021
Formal Evaluations Conducted.	--	7/9/2021 to 7/21/2021
Evaluator Scores due to Procurement	5:00 PM	7/21/2021
Anticipated date to post Notice of Intent to Award.	--	7/26/2021

2.4. Addendum to the Solicitation

The Division reserves the right to modify this solicitation by issuing addenda. Addenda will be posted on the Vendor Bid System (VBS). It is the responsibility of the Respondent to regularly check for addenda to the RFP. The Respondent is solely responsible for determining whether addenda to the RFP have been issued and for reviewing impact of addenda on the RFP.

2.5. Must, Shall, Will and Is Required

Although this solicitation uses terms such as “must”, “shall”, “will”, and “is required”, and may define certain items as requirements, the Division reserves the right, in its discretion, to waive any minor irregularity, technicality, or omission if the Division determines that it is in the best interest of the State to do so. However, failure to provide requested information may result in the rejection of a proposal. There is no guarantee that the Division will waive an omission or deviation, or that any Vendor with a proposal containing a deviation or omission will be considered for award of this procurement. The Division may reject any proposal not submitted in the manner specified by this solicitation.

2.6. Contract Formation

The Contract will consist of the Attachment A – Scope of Work, the Contract document and Forms, Special Conditions and the Attachment B – Price Proposal, submitted by the awarded Respondent(s) and agreed upon by the Division, upon which the award was based. This solicitation and all terms are hereby incorporated by reference. No additional documents submitted by a Respondent will be incorporated in the Contract.

During the solicitation period, the Division may specifically identify and incorporate by reference any additional documents which are to be incorporated into the Contract.

The General Contract Conditions to Respondents (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

The following sections of the PUR1000 (General Contract Conditions) are not applicable:

- Section 24. Force Majeure, Notice of Delay, and No Damages for Delay

Products and services will be authorized to begin when the awarded Vendor(s) receive a State of Florida Purchase Order, processed through MyFloridaMarketPlace (MFMP). The Purchase Order will be subject to all terms of this solicitation, terms of the contract agreement and the MFMP "Purchase Order Terms & Conditions." In submitting a proposal, the Respondent agrees to be legally bound by these terms and conditions which are incorporated by reference and can be accessed at:

https://www.dms.myflorida.com/business_operations/state_purchasing/myfloridamarketplace/mp_agency_customers/purchase_order_terms_conditions

2.7. Disclosure of Proposal Contents

All documentation produced as part of any RFP will become the exclusive property of the Division and will not be returned to the Respondent unless withdrawn prior to the RFP opening in accordance with the Modification or Withdrawal of Proposal section.

2.8. Modification or Withdrawal of Proposals

Respondents may modify the Proposal at any time prior to the RFP due date by sending the modified Proposal to the Procurement Officer. A Proposal may be withdrawn by notifying the Procurement Officer in writing before the RFP opening.

2.9. Diversity

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

2.10. Proposal Disqualification

Each Respondent must meet the requirements and possess the experience and personnel resources to provide the products/services described in this RFP to be eligible for award. Proposals 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.

One (1) or more of the following causes may be considered as sufficient for the disqualification of a vendor and the rejection of its proposal or proposals:

- More than one (1) proposal for the same contract from an individual, firm, or corporation under the same or different names.
- Evidence of collusion among vendors.
- Any suspension or debarment of the parent company, subsidiary or individual involved with the vendor by federal or any state within the last five (5) years.

- If the unit prices are obviously unbalanced either in excess or below reasonable cost analysis values.
- If there are any unauthorized additions, interlineations, conditional or alternate bids or irregularities of any kind which may tend to make the proposal incomplete, indefinite, or ambiguous as to its meaning.

The Division reserves the right to request additional information pertaining to the Respondent's ability and qualifications to provide the products/services described in this RFP, as deemed necessary during the RFP or after contract award, if any. The Division reserves the right to determine which Proposals meet the requirements of this solicitation and which Respondents are responsive and responsible.

2.11. No Alternate Proposals

Only one Proposal may be submitted by each Respondent. Respondents that wholly or partially own one or more subsidiaries or affiliates, each with its own Brand, may submit only one (1) Proposal on behalf of one (1) Brand regardless of the number of Brands, subsidiaries or affiliates owned or controlled by the Respondent.

END OF SECTION

SECTION 3 GENERAL INSTRUCTIONS

3.1. Introduction

This section contains the General Instructions and Special Instructions to Respondents including mandatory requirements. [PUR 1001](#), General Instructions to Respondents, are incorporated by reference and provided at:

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

The following sections of the PUR 1001 (General Instructions) are not applicable:

- Section 3 - Electronic Submission of Proposals: Proposals shall be submitted in accordance with the instructions in this solicitation
- Section 4 – Terms and Conditions: Section 1.10 will supersede
- Section 5 - Questions: Section 2.2 will supersede

3.2. MyFloridaMarketPlace (MFMP) Registration

Awarded Vendor(s) must complete this process prior to Contract execution. For additional information, please visit: <https://vendor.myfloridamarketplace.com/>.

Awarded Vendor(s) 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.

3.3. Florida Substitute Form W-9 Process

Awarded Vendor(s) must register and complete an electronic Florida Substitute W-9 form prior to contract execution. The Internal Revenue Service (IRS) receives and validates the information vendors provide on the form. For instructions on how to complete the Florida Substitute W-9 form, please visit:

<http://www.myfloridacfo.com/Division/AA/StateAgencies/W-9Instructions022212.pdf>

3.4. How to Submit a Proposal

The instructions for this solicitation have been designed to help ensure that all proposals are reviewed and evaluated in a consistent manner, as well as to minimize costs and response time. Any and all information submitted in variance with these instructions is subject to not being reviewed or evaluated.

Proposals will be divided into three Volumes for DEM consideration:

- VOLUME ONE: Technical Proposal
- VOLUME TWO: Administrative Qualification Documents
- VOLUME THREE: Price Proposal

The responding Vendor's **SEALED** Volume One: Technical Proposal, Technical Proposal copies and **SEALED** Volume Two: Administrative Qualification Documents shall be packaged separately from **SEALED** Volume Three: Price Proposal. Each package should be addressed to the Procurement Officer and display the following information: Responding Vendor Name;

Solicitation Number; Solicitation Title; Proposal Due Date; and designation as Volume One: Technical Proposal and Volume Two: Administrative Qualifications Documents, and Volume Three: Price Proposal as indicated in this section:

Attention: **Justin Payne**
Florida Division of Emergency Management
Responding Vendor Name
Solicitation Number: RFP-DEM-20-21-013
Title: Emergency Fuels
Proposal Opening: 7/7/2021

Proposals should be formatted as follows:

A. Technical Proposal Submission

Vendors should submit their Technical Proposal to include:

1. One (1) original paper/hard bound response and one (1) electronic response submitted via USB drive (Electronic files should include Volume One – Technical Proposal, Volume Two – Administrative Qualification Documents and Volume Three-Price Proposal)
2. Five (5) copies paper/hard bound response
3. Technical Proposals must be separately packaged and sealed separately from the Price Proposal. The original, copies and electronic submissions of the Technical Proposal may be packaged together
4. Utilize 8.5” x 11” paper. If the Technical Proposal is submitted in a binder, the binder should be clearly labeled on the front cover and spine. All pages should be consecutively numbered
5. If applicable, one (1) REDACTED paper/hard bound response with accompanying USB Drive as described in Section 3.8
6. Utilize individual section tabs as outlined below:

Volume One - Technical Proposal Submission Layout	
Tab 1	<p><u>Proposal Cover Letter</u></p> <p>Identify Vendor principal respondent information.</p>
Tab 2	<p><u>Corporate Capabilities</u></p> <p>1. Background:</p> <p>Include details of the firm's size and resources. This background information should include date established, firm size, resources, ownership, total number of employees and total number of personnel engaged in activities relevant to this RFP.</p> <p>2. Relevant Experience:</p> <p>Respondent must provide three (3) examples of incidents where they provided emergency fuels and logistics support. Incidents should be similar to size and scope as provided in Section 1.2. The incidents must have occurred in the past 10 years. Each incident should</p>

	<p>include, but is not limited to, the name and type of incident, which states the work was performed in, who the customer was, number of resources provided by the Vendor, total number of fuel transactions, volume of fuels dispensed, type of fuels dispensed, total dollar amount invoiced, performance period and a detailed explanation of services provided during the incident.</p> <p>Note: Provide a contact name, phone number and email for each example.</p> <p>Examples should be clearly numbered and limited to two (2) pages.</p> <p>3. Organization Chart</p> <p>Vendors must submit an organization chart displaying lines of authorities and assigned responsibilities within the Vendor's organization relative to the performance and administration of the requested services and resources. The organization chart must include names, position/job titles, contact information and a description of each member's responsibilities.</p> <p>If the organization chart changes, awarded Vendor(s) are responsible to notify the Contract Manager and ESF 12-Fuels ECO immediately by email.</p>
<p>Tab 3</p>	<p><u>Functional Requirements</u></p> <p>Include a reply to meet each of the following Attachment A - Scope of Work criterion by copying the scope of work Sections and providing Vendor's reply in a different font or color:</p> <p>2.4 Customer Service</p> <ul style="list-style-type: none"> • Describe Vendors experience resolving problems or unexpected errors related to requested services, use specific examples of providing these services <p>2.5 Mission Management</p> <ul style="list-style-type: none"> • Describe Vendors experience using mission management tools from various customers • Describe Vendors role in the mission management tools • Describe Vendors system to relay messages from customer to personnel <p>2.6 Fuel Transaction Tracking</p> <ul style="list-style-type: none"> • Describe how Vendor will capture information • If possible, provide a sample PDF and excel spreadsheet <p>2.7 Resource Tracking</p> <ul style="list-style-type: none"> • Describe how Vendor will track resources • Provide options for frequency of refreshed information • Describe Vendor's experience providing requested format (.xml) <p>2.8 Reports</p> <ul style="list-style-type: none"> • Describe Vendor's reporting capabilities • Describe Vendor's experience providing accurate customized reports • Provide sample report(s) or screen shot(s) of reporting tools

Failure of the Vendor to provide any information required in the Technical Proposal portion of their Response may result in a score of zero for that element of the evaluation.

B. Administrative Qualification Documents Submission

Vendors should provide their Administrative Qualifications Documents as follows:

1. One (1) original paper/hard bound response
2. Utilize individual section tabs as outlined below:

Volume Two - Administrative Qualification Documents Submission Layout

Tab 1	<p>Complete and submit the required Forms, below:</p> <ol style="list-style-type: none"> 1. Form 1 – Vendor Acknowledgement 2. Form 2 – Notice of Conflict of Interest 3. Form 3 – Scrutinized Companies Certification 4. Form 4 - Subcontracting 5. Addenda Acknowledgement Form (if applicable) 6. Any Additional Certifications (if applicable)
Tab 2	<p><u>Certifications and Other Required Documentation</u></p> <p>In the event that the evaluation results in identical evaluations of proposals, DEM will select a Respondent based on the criteria identified in rule 60A-1.011, Florida Administrative Code. If the following documents do not apply to your company, Respondent may leave blank. Otherwise, provide the following documentation, if applicable:</p> <ol style="list-style-type: none"> 1. Certification of Minority Business 2. Certification of Wartime or Service-Disabled Veteran 3. Evidence of MyFloridaMarketPlace registration (to register, please visit https://vendor.myfloridamarketplace.com/vms-web/spring/login) 4. Evidence of completion of an electronic Substitute Form W-9 (to register, please visit https://flvendor.myfloridacfo.com/)
Tab 3	<p><u>Invoicing</u></p> <p>Provide sample invoice including sample documentation. (Documentation per Attachment A - Scope of Work Section 3)</p>
Tab 4	<p><u>Vendor Resources</u></p> <p>Complete and submit Attachment C - Vendor Resources. Include all copies of USDOT Company Snapshots.</p>
Tab 5	<p><u>Optional Pricing</u></p> <p>If Vendor provided any pricing on Attachment F – Optional Pricing, provide a copy.</p>
Tab 6	<p><u>Proof of Ability to Obtain a Letter of Credit or Performance Bond</u></p> <p>Provide proof of ability to obtain a letter of Credit or Performance Bond per Section 3.7.</p>

C. Sealed Price Proposal Submission

1. One (1) original paper/hard bound Attachment B – Price Proposal

The price provided shall include the cost of all things necessary to accomplish the services outlined in Attachment A - Scope of Work and the Vendor's response hereto, including, but not limited to, the Vendor furnishing the proposed solution; MyFloridaMarketPlace transaction fees; miscellaneous expenses; and the application of all multiples (i.e. overhead, fringe benefits, etc.), travel and incidental expenses. Failure by the Vendor to provide a price on Attachment B - Price Proposal shall result in the Proposal being deemed non-responsive and therefore, the Proposal shall be rejected. Footnotes, notations, and exceptions made to Attachment B - Price Proposal may not be considered.

3.5. Responsive Requirements

Respondent's must meet the minimum qualifications listed in this solicitation in order to be considered for award. **The Division will not review Proposals from Respondents who do not provide documentation to support the ability to meet the minimum qualifications.**

The Procurement Officer will review proposals for Responsiveness Requirements below using Form 5 - Responsive Requirements.

- A. Was the Proposal received by the date/time indicated in Section 2.3 Timeline of Events?
- B. If applicable, did the Respondent acknowledge all addenda?
- C. Complete and submit Form 1 - Vendor Acknowledgement?
- D. Complete and submit Form 2 - Notice of Conflict of Interest?
- E. Complete and submit Form 3 - Scrutinized Companies?
- F. Provide copy of MFMP registration and electronic W-9 submission / approval?
- G. Complete and submit Attachment B - Price Proposal, to include initial and renewal years?
- H. Complete and submit Form 4 – Sub-contractors?
- I. Provide proof of ability to obtain a letter of credit or performance bond?
- J. Complete and submit Attachment C – Vendor Resources?
- K. Provide sample invoice including sample documentation?

3.6. Sub-contractors

Subcontracting is allowed. However, the Vendor shall be fully responsible for all work performed under the Contract. Any Vendor shall use only those Sub-contractors properly and specifically identified in Form 4 - Sub-contractors, except as permitted below.

- A. Subcontracting after Contract Execution
To subcontract any services to a Sub-contractor not originally identified in the Proposal, a Vendor shall submit a written request to the Division's Contract Manager identified in the Contract. The written request shall include, but is not limited to, the following:
 - 1. The name, address and other information identifying the Sub-contractor
 - 2. Type of services to be performed by the Sub-contractor
 - 3. Time of performance for the identified service
 - 4. How the Vendor plans to monitor the Sub-contractor's performance of the identified services
 - 5. Certification that the Sub-contractor has all licenses and county authority, as applicable, and/or has satisfied all legal requirements to provide the services to the Division. Also, the Vendor shall certify that the Sub-contractor is approved by the Florida Division of State to transact business in the State of Florida. **If the Sub-contractor 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**
 - 6. Acknowledgement from the Sub-contractor of the Vendor's contractual obligation to the Division and that the Sub-contractor agrees to comply with all terms and conditions of the resulting Contract

The Vendor acknowledges that it shall not be released of its contractual obligation to the Division because of any subcontract. The Vendor is solely responsible for ensuring the Sub-contractor maintains the insurance as required. The Division may treat the Vendor's use of a Sub-contractor not contained herein and/or approved by the Division as a breach of this Contract.

3.7. Ability to Obtain a Letter of Credit or Performance Bond

Proof of ability to obtain a letter of credit or performance bond shall be written on letterhead of the company that documents the Respondents' present ability to obtain a letter of credit or performance bond. The letter must refer specifically to this RFP and the State of Florida.

Awarded Vendors may be required to provide one of the following prior to execution of a Contract:

- An irrevocable letter of credit in the amount of \$5 million from a financial institution licensed to do business in the State of Florida; or
- A performance bond for \$5 million from a surety company or bonding agent authorized to do business in the State of Florida

3.8. Respondent Confidential Information - Redacted Submissions

The following subsection supplements section 19 of the PUR 1001. Unless exempted by law, all responses to this RFP are a public record subject to chapter 119, Florida Statutes. If a Respondent considers any portion of the documents, data or records submitted in its Proposal 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 Respondent must: (1) clearly mark the confidential portions of its Proposal as "Confidential"; (2) simultaneously provide the Division with a separate Redacted Copy of its Proposal; and (3) briefly describe in a cover letter on the Redacted Copy the grounds for claiming an exemption from the public records law.

The Redacted Copy shall contain the Division's solicitation name, number and the Respondent's name on the cover and shall be clearly titled "Redacted Copy." The Respondent should only redact those portions of the Redacted Copy that the Respondent claims are confidential, proprietary, trade secret or otherwise not subject to disclosure pursuant to chapter 119, Florida Statutes, the Florida Constitution or other authority. Each redaction must include the specific statutory citation for the claimed exemption.

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 Division will provide the Redacted Copy to the requestor. If a requestor asserts a right to the Confidential Information, the Division will notify the Respondent that such an assertion has been made. It is the Respondent's responsibility to assert that the information in question is exempt from disclosure under chapter 119 or other applicable law. If the Division becomes subject to a demand for discovery or disclosure of the Confidential Information of the Respondent in a legal proceeding, the Division shall give the Respondent prompt notice of the demand prior to releasing the information (unless otherwise prohibited by applicable law). The Respondent shall be responsible for defending its determination that the redacted portions of its Proposal are confidential, proprietary, trade secret or otherwise not subject to disclosure.

By submitting a Proposal, the Respondent agrees to protect, defend and indemnify the Division for any and all claims arising from or relating to the Respondent's determination that the redacted portions of its Proposal are confidential, proprietary, trade secret or otherwise not subject to disclosure.

If the Respondent fails to mark any exempt material as "Confidential", or fails to submit a Redacted Copy of the information it claims is confidential, the Division is authorized to

produce, in its entirety, all documents, data or records submitted to the Division in answer to a public records request for these records.

3.9. Cooperation with the Inspector General

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

3.10. Florida Accountability Contract Tracking System (FACTS)

On March 1, 2012, the Department of Financial Services (DFS) implemented a centralized web-based contract reporting system to increase transparency and accountability in government contracting in Florida. The system, known as Florida Accountability Contract Tracking System or FACTS, displays grant and contract procurement information, expenditure data, audit information, and contract document images as required per section 215.985, Florida Statutes. The link to the DFS FACTS public website is: <https://facts.fldfs.com>. Any contract resulting from this solicitation will be included in the FACTS system.

3.11. Additional Information

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

3.12. Registration with the Florida Department of State

If awarded a Contract, the Respondent shall provide a PDF file of their current and active registration with the Department of State prior to contract execution.

NOTE: Pursuant to section 607.1501, Florida Statutes, out-of-state corporations where required, must obtain a Florida Certificate of Authorization pursuant to section 607.1503, Florida Statutes, from the Florida Department of State, Division of Corporations, to transact business in the State of Florida. Website: www.sunbiz.org.

SECTION 4 EVALUATION CRITERIA AND SCORING

Each Proposal determined to meet all responsive requirements will be independently scored by the evaluators using the evaluation criteria and scoring outlined below (see Form 6 - Evaluation Workbook).

4.1. Technical Evaluation and Criteria

Evaluation Criteria	Scoring (total possible points)
1. Relevant Experience	30
2. Functional Requirements	50
Total Possible Score	80

Points Assigned	Assessment Description
10 - 9	The Reply for this criterion demonstrates and/or indicates extensive competence, proven capabilities, an outstanding approach to the subject area, practical, and effective solutions, a clear and comprehensive understanding of the requirements and/or planning for the unforeseen. The Evaluator could not find any significant limitations or concerns.
8 - 7	The Reply for this criterion demonstrates and/or indicates clear competency, consistent capability, a reasoned approach to the subject area, feasible solutions, and/or a sound understanding of the requirements. The Evaluator found only minor limitations or concerns.
6 - 5	The Reply for this criterion demonstrates and/or indicates a fundamental competency, adequate capability, basic approach to the subject area, apparently feasible but somewhat unclear solutions, a fair understanding of the requirements and/or a lack of sufficient experience in some areas. The Evaluator found notable limitations or concerns.
4 - 3	The Reply for this criterion demonstrates and/or indicates a minimal capability, an inadequate approach to the subject area, infeasible and/or ineffective solutions, a lack of understanding of the requirements and/or a lack of demonstrated experience and skills. The Evaluator found serious flaws and concerns.
2 - 1	The Reply for this criterion demonstrates and/or indicates a significant or complete lack of understanding, an incomprehensible approach, and/or a significant or complete lack of skill and experience.
0	The Reply for this criterion was found by the Evaluator to be so severely flawed for this criterion as to render an essential element of the criterion unworkable or not addressed at all.

- A. Relevant Experience – Maximum 30 points
Each example provided in Volume 1 Technical Proposal Tab 2 is worth a maximum of 10 points
- B. Functional Requirements – Maximum 50 points
Each required reply in Volume 1 Technical Proposal Tab 3 is worth a maximum of 10 points

4.2. Vendor Resources – Maximum 80 points

Resources will be scored via the following formula:

$$(X \div N) \times Y = Z$$

Where:

X = Vendor's number of total resources

N = Number of resources required to receive maximum points, value in table shown below

Y = Maximum points (based on type of resource), value in table shown below

Z = Points awarded

Resource Description	Number of Resources to Receive Maximum Points	Maximum Points
Bobtail Trucks and Transport Tanker Trailers	250	70
Mobile Fueling Tanker (Station) / Trailer	10	5
High Water Vehicle	20	5

Note: All resources must be verifiable via a US DOT Company Snapshot. If a resource does not have a US DOT Company Snapshot, the resource will not be included for scoring purposes. Vendor's number of total resources includes Vendor owned and Sub-contractor owned resources.

4.3. Price Proposal Scoring

Respondents shall download Attachment B - Price Proposal and complete. Failure to provide a price in the yellow cells of each tab of the Price Proposal shall deem the vendors' Price Proposal non-responsive.

Attachment F – Optional Pricing does not factor into Price Proposal scoring.

Price Points Calculation – Maximum 40 points

The respondent with the lowest grand total on Attachment B - Price Proposal, will receive the maximum points as outlined in the table below. Other Respondents shall receive points based on the following formula:

$$(X \div N) \times 40 = Z$$

Where:

X = Lowest Grand Total

N = Respondent's Grand Total

Z = Points Awarded

SECTION 5 BASIS OF AWARD

5.1. Scoring Calculation

The Division intends to award contracts to the two (2) responsive and responsible Respondents with the highest cumulative total score for the evaluation criteria specified here within. The Division will identify a primary Vendor and a back-up Vendor. The back-up Vendor will be activated if the primary Vendor notifies the Division that they are unable to meet the Division's requests for a specific event. An award of a Contract does not guarantee usage.

Technical responses will be scored by independent evaluators with the evaluation criteria set forth in Section 4 of this RFP. The Procurement Officer will average the Technical Proposal scores to determine each respondent's final technical score. Only the Procurement Officer will review and score each Respondent's Price Proposal.

The Division will combine the respondent's final technical score and respondent's grand total calculated points for price to determine the respondent's final evaluation score.

Criteria Title	Total Possible Score
Technical Proposal	80
Resources	80
Price Proposal	40
Total Possible Proposal Score	200

The Division has the right to award multiple contracts, for all or part of the work contemplated by this solicitation. The Division reserves the right to accept or reject all offers, and to waive any minor irregularity, technicality, or omission if the Division 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 Respondent a substantial advantage over other Respondents and thereby restrict or stifle competition. Furthermore, the Division has the right to use products or services from any awarded vendor, for any line item, simultaneously and at the Division's discretion.

5.2. Agency Decision

The Division will post an Agency Decision on the VBS web site:

http://vbs.dms.state.fl.us/vbs/main_menu.

SECTION 6 ATTACHMENTS AND FORMS

6.1. Attachments

- Attachment A – Scope of Work
- Attachment B – Price Proposal
- Attachment C – Vendor Resources
- Attachment D – Sample FDEM Contract
- Attachment E – Federal Funding Terms and Conditions - Appendix II to Part 200, Contract Provisions
- Attachment F – Optional Pricing

6.2. Forms

Required forms to be returned with Proposal:

- Form 1 – Vendor Acknowledgement
- Form 2 – Notice of Conflict of Interest
- Form 3 – Scrutinized Companied Certification
- Form 4 – Sub-contractors

Forms to be used by the Division:

- Form 5 – Responsive Requirements (For Procurement Use Only)
- Form 6 – Evaluation Workbook (For Evaluator Use Only)