



Division of State Purchasing
4050 Esplanade Way, Suite 360
Tallahassee, FL 32399-0950

Ron DeSantis, Governor

The State of Florida

Department of Management Services

Invitation to Bid (ITB)

Medium and Heavy Trucks

ITB No: 21-25101600-ITB

Keith Smith, Procurement Officer
4050 Esplanade Way, Suite 360
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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 concerning this agency decision or intended decision must be timely filed with the Department of Management Services' Agency Clerk. Protests may be filed by courier, hand delivery, or regular mail at: Department of Management Services, Office of the General Counsel, Attention: Agency Clerk, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950. Protests may also be filed by fax at 850-922-6312, or by email at agencyclerk@dms.fl.gov. It is the filing party's responsibility to meet all filing deadlines.

The Procurement Officer should be copied on such filings.

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1 INTRODUCTION

1.1 Timeline of Events

The table below contains the Timeline of Events for this solicitation. The dates and times within the Timeline of Events are subject to change. It is the responsibility of the Bidder to check for any changes on the Vendor Bid System (VBS).

Bidders shall not rely on the MyFloridaMarketPlace (MFMP) Sourcing time clock. It is not the official submission date and time deadline. The official solicitation dates and time deadlines are reflected in the Timeline of Events.

Timeline of Events		
Event	Time (Eastern Time)	Date
Solicitation posted on VBS and in MFMP Sourcing		7/20/2021
Deadline to submit questions in MFMP Sourcing	10:00 AM	7/27/2021
Department's anticipated date of posting Q&A on VBS		8/10/2021
Deadline to submit bid and all required documents in MFMP Sourcing	10:00 AM	8/17/2021
Public meeting: Bid opening (non-mandatory) In person: Conference Room 380K Department of Management Services 4050 Esplanade Way, Conference Room 380K Tallahassee, Florida 32399-0950 Telephonically: Conference call number: 888-585-9008 Conference room number: 582-904-411 Any person requiring a special accommodation due to a disability should contact the Department's Americans with Disabilities Act (ADA) Coordinator at 850-922-7535 or ADA.Coordinator@dms.fl.gov at least five business days prior to the scheduled event.	10:01 AM	8/17/2021
Anticipated date to post Notice of Intent to Award on VBS		9/21/2021
Anticipated Contract start date		10/1/2021

1.2 Definitions

Definitions contained in section 287.012, Florida Statutes (F.S.); Rule 60A-1.001, Florida Administrative Code (F.A.C.); Attachment D, Special Contract Conditions; and the PUR 1001, General Instructions to Respondents (10/06), are incorporated by reference. In the event of a conflict, the definitions listed in this section supersede the incorporated definitions for the purposes of this ITB document. All definitions apply in both their singular and plural sense.

Accepted Brands – The Manufacturer(s) specified by the Department for a particular Base Vehicle Specification.

Approved Equivalent – A Representative Model manufactured by a producer/provider other than Accepted Brands which meet the required Base Vehicle Specifications. Equivalence is determined by the Department by comparing the Representative Model's vehicle specifications with the Base Vehicle Specifications. The Department reserves the right to independently verify information provided by the Bidder, including but not limited to, the equivalence of Representative Models.

Base Vehicle Specification – A Department-specified Commodity that may include vehicle size, axle configuration, class, gross vehicle weight rating (GVWR), and other information listed by the Department herein, which identifies the requirements, specifications, terms, and conditions herein, and may include components, features, and configurations different than those provided by a Manufacturer on their standard base version of the Commodity.

Bid – The document(s) submitted by a Bidder in response to this ITB. A Bidder can be a Manufacturer or Dealer.

Bidder – A vendor who submits a bid to this ITB.

Business Day – Monday through Friday, inclusive, except for those holidays specified in section 110.117, Florida Statutes (F.S.), from 8:00 a.m. to 5:00 p.m. Eastern Time.

Commodity Code – The State's numeric code for classifying Commodities and contractual services which meet specific requirements, specifications, terms, and conditions herein. Florida has adopted the United Nations Standard Products and Services Code (UNSPSC) for classifying Commodities and services.

Component, Feature or Configuration – An element, piece, part, module, package, element Group, piece Group, parts Group, module Group, or package Group of a Commodity, Representative Model, or Option.

Confidential Information – Information that is trade secret or otherwise confidential or exempt from disclosure under Florida or federal law.

Contract – The written agreement between the Department and the awarded Bidder(s) resulting from this solicitation.

Contractor – A vendor that enters into a Contract with the Department as a result of ITB No. 21-25101600-ITB. A Contractor can be a Manufacturer or Dealer.

Customer – A State Agency or Eligible User.

Dealer – A Manufacturer’s certified representative who has been authorized by the Manufacturer to market, sell, provide, and service the Representative Models and Options from the Manufacturer responsive to this solicitation. Dealers may be Contractor-owned and -controlled (in whole or in part) or independently owned and controlled.

Department – The Department of Management Services, a State Agency.

Gross Vehicle Weight Rating (GVWR) – The combined weight of vehicle and its payload capacity.

Group – A collection of Base Vehicle Specifications, as described in Attachment A, Scope of Work, and Attachment C, Price Sheets (C.1 – C.6).

Heavy Truck – The Federal Highway Administration (FHWA), truck group classes 7 - 8.

Manufacturer – The original producer or provider of Representative Models or Options responsive to this solicitation which possess the minimum quality, reliability, service, and value required by the Department and Customers. May be used interchangeably with “Brand”.

Manufacturer’s Suggested Retail Price (MSRP) – The Manufacturer’s recommended retail selling price, list price, catalog price, distributor price, published price, or other usual customary pricing that would be paid by the purchaser for specific Representative Models, Options, and contractual services without benefit of a Contract resulting from this solicitation, if awarded. MSRPs shall be formally published by the Manufacturer, publicly listed and available, and verifiable by the Department. If two or more prices fit this definition for a pertinent Commodity, equipment model, or contractual service, the Bidder will supply the lowest price as the MSRP.

Medium Truck – The Federal Highway Administration (FHWA), truck group classes 3 – 6.

MSRP List – A collection of MSRPs and related information broken down by specific Representative Models and their associated Options. MSRPs shall be formally published by the Manufacturer, publicly listed and available, and verifiable by the Department. In the priority listed below, only the following are acceptable sources of current MSRPs and MSRP Lists for use under this solicitation and resulting Contract, if awarded:

- Manufacturer’s Annual U.S. Price Book;
- Manufacturer’s official website or dealer software; and
- Autodata, Inc. d/b/a Chrome Data’s Carbook Pro Fleet Edition.

MSRP Sheet – The MSRP Sheet provides the MSRP and specification(s) for the Representative Model(s) bid. Also known as a Build Sheet.

Non-OEM Option – An Option produced by a Manufacturer other than the Manufacturer of the associated Representative Model.

OEM Option – An Option produced by the Manufacturer of the associated Representative Model.

Original Equipment Manufacturer (OEM) – The original producer of a Commodity.

Option – A Manufacturer’s new and unused optional component, feature, or configuration not specified by the Department as standard on the Base Vehicle Specifications, and which is intended for the specific Representative Model. Equipment which meets the requirements,

specifications, terms, and conditions herein, and may be installed to, uninstalled from, or provided with or separately from the Representative Model by the Manufacturer, port or Dealer, as specified, ordered, legal, customary, reasonable, and prudent in the industry or specified by the Manufacturer. May include OEM Options and Non-OEM Options and may be considered aftermarket options.

Representative Model – A specific Medium or Heavy Truck, that meets a Base Vehicle Specification. A Representative Model may include Manufacturer's name, trade name, Brand name, make name, model name, model number, catalog number, or other information provided which meets the requirements, specifications, terms, and conditions specified by the Department herein, and may include components, features, and configurations different than those provided by a Manufacturer, port, or Dealer on their standard version of the Commodity. Also known as Standard Model, Representative Vehicle, Standard Vehicle, or Vehicle.

State – The State of Florida.

Vendor Bid System (VBS) – The State's bidding system developed in accordance with section 287.042(3)(b)2., F.S. The Vendor Bid System is accessible at http://www.myflorida.com/apps/vbs/vbs_main_menu.

1.3 Objective

The Department is issuing this ITB to establish a State Term Contract for Medium and Heavy Trucks which will replace the current State Term Contract for Medium and Heavy Trucks, Contract No. 25101600-16-1. The current Contract has an average annual spend of \$9.6 million dollars. Historical spend is provided for informational purposes only and should not be construed as representing actual, guaranteed, or minimum spend under a new contract. The Department intends to make multiple, statewide awards; however, the Department reserves the right to award to one or multiple Bidders, statewide or by region, or to make no award, as determined to be in the best interest of the State.

1.4 Scope of Work

Bidder(s) awarded a Contract under this ITB shall provide Commodities and contractual services as described in the Attachment A, Scope of Work.

1.5 Term

The term is as specified in the Attachment B, Draft Contract.

1.6 Procurement Officer

In accordance with section 21 of the PUR 1001: The Procurement Officer is the sole point of contact for this ITB. Violation of section 21 of the PUR 1001 may be grounds for rejecting a Bid. The contact information for the Procurement Officer is:

Keith Smith
Purchasing Analyst, Division of State Purchasing
Florida Department of Management Services
4050 Esplanade Way, Suite 360, Tallahassee, FL 32399-0950
Phone: 850-488-4945
Email: Keith.Smith@dms.fl.gov

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

1.7 Order of Precedence for Solicitation

In the event of a conflict between the documents comprising this ITB, the conflict will be resolved in the following order of priority (highest to lowest):

- a) Addenda to ITB, if issued (in reverse order of issuance)
- b) Attachment A, Scope of Work
- c) Attachment C, Price Sheet Instructions and Price Sheet
- d) This ITB document
- e) Attachment E, Additional Special Contract Conditions
- f) Attachment D, Special Contract Conditions
- g) Attachment B, Draft Contract
- h) Other ITB attachments

1.8 Commitment to Diversity

The State strongly supports its diverse business population through involving woman-, veteran-, and minority-owned business enterprises in the state's purchasing process. The Department strongly supports diversity in its procurements, and requests that all subcontracting opportunities afforded by this solicitation be shared with certified woman-, veteran-, and minority-owned business enterprises. The award of subcontracts should reflect the vast array of citizens in the State. Bidders can search for certified businesses online at the Office of Supplier Diversity's Certified Vendor Directory or by contacting 850-487-0915 for information on certified businesses that may be considered for subcontracting opportunities. The Certified Vendor Directory is accessible at <https://osd.dms.myflorida.com/directories>.

The Office of Supplier Diversity's Mentor-Protégé Program connects certified businesses with private business entities for business development mentoring. The Department strongly encourages Vendors doing business with the State to consider becoming a Mentor and participating in this initiative. More information on the Mentor-Protégé Program may be obtained by contacting the Office of Supplier Diversity at 850-487-0915 or osdinfo@dms.fl.gov.

1.9 Department's Rights to Reject Bids

The Department may reject any Bid not submitted in the manner specified by this solicitation.

Bids that do not meet all requirements, specifications, terms, and conditions of the solicitation or fail to provide all required information, documents, or materials may be rejected as non-responsive. Bidders whose Bids, references, or current status do not reflect the capability, integrity, or reliability to fully and in good faith perform the requirements of the Contract may be rejected as not responsible. The Department reserves the right to determine which Bids meet the requirements of this solicitation and which Bidders are responsive and responsible. The Department also reserves the right to reject only a portion of a Bid for a specific Representative Model as non-responsive, as further specified in Section 15 of the PUR 1001, as modified in Section 3.3, Special Instructions, below.

In this solicitation, the words "should" or "may" indicate desirable attributes or conditions but are permissive in nature. Where language indicates that the attribute or condition is mandatory, the Department still reserves the right to waive any minor irregularity if the Department determines that it is in the best interest of the State to do so.

A deviation from a requirement or condition is material if, in the Department's discretion, it provides a substantial advantage to one Bidder over another or has a potentially significant effect on the quality of the Bid or on the cost to the State.

2 THE ITB PROCESS

2.1 Question Submission

The Department invites interested and registered vendors to submit questions regarding the solicitation.

Questions must be submitted in MFMP Sourcing by the time and date reflected in the 'Timeline of Events' section.

Bidders are strongly encouraged to ask any questions regarding this ITB, including the proposed Contract terms and conditions, prior to the deadline to submit questions.

2.2 Addenda to the ITB

The Department reserves the right to modify this solicitation by addenda. Addenda may modify any aspect of this solicitation. Any addenda issued will be posted on VBS. It is the Bidder's responsibility to check VBS for any changes throughout the procurement process and prior to submitting a Bid.

2.3 Public Opening

Bids will be opened on the date and at the location indicated in the 'Timeline of Events' section. Bidders are not required to attend. The Department will only announce the names of Bidders who submitted a Bid at this public meeting, in accordance with section 119.071(1)(b), F.S.

2.4 Special Accommodations

Any person requiring a special accommodation due to a disability should contact the Department's Americans with Disabilities Act (ADA) Coordinator at 850-922-7535 or ADA.Coordinator@dms.fl.gov at least five Business Days prior to the scheduled event. If hearing or speech-impaired, please contact the ADA Coordinator by using the Florida Relay Service at 800-955-8771 (TDD).

2.5 Mandatory Responsive Requirements

The Department will not review Bids from Bidders who do not meet the mandatory responsive requirements listed in Attachment H, Mandatory Responsive Requirements, including submission of the required documents specified therein, or that fail to submit a signed copy of Attachment H, Mandatory Responsive Requirements.

Note: The Department will perform an initial responsiveness check. Bids found to be non-responsive will not be considered for award. The Department reserves the right to act upon information discovered during and after the initial responsiveness check impacting the responsibility or responsiveness of the Bidder.

2.6 Requested Documents

Bidders should submit a MSRP Sheet (Build Sheet) for each Representative Model bid with its Bid submittal. The Department reserves the right to seek clarifying information regarding any Representative Model(s) bid and any matters relating to vehicle specifications prior to and after award.

2.7 Preference to Florida Businesses

Pursuant to the requirements of section 287.084(1)(a), F.S., if the lowest responsible and responsive Bid is by a Bidder whose principal place of business is located outside the State, and

whose principal place of business is in a state or political subdivision thereof which grants a preference for the purchase of such personal property to a person whose principal place of business is in such state, the Department will award a preference to the lowest responsible and responsive Bidder having a principal place of business within Florida, which preference is equal to the preference granted by the state or political subdivision thereof in which the lowest responsible and responsive bidder has its principal place of business.

If the lowest Bid is submitted by a Bidder whose principal place of business is located outside the State, and that state does not grant a preference in competitive solicitation to vendors having a principal place of business in that state, the preference to the lowest responsible and responsive Bidder having a principal place of business in this State will be five percent.

A Bidder whose principal place of business is outside this State **must** accompany its Bid with a written opinion of an attorney at law licensed to practice law in that foreign state, as to the preferences, if any, granted by the law of that state to its own business entities whose principal places of business are in that foreign state in the letting of any or all public contracts.

2.8 Equal Bids

In the event that there is no multiple award contemplated in the ITB, and the Department receives equal Bids eligible for award, the Department will comply with the following, as applicable: sections 287.057(12), 287.082, 287.087, 287.092, 295.187(4)(a), and 295.187(4)(b), F.S. In order to clarify the Bidders' status with regard to the applicable statutory preference requirements, the Department may request information from Bidders with equal eligible Bids. A Bidder will not be permitted to amend or supplement its Bid in response to such request for clarification.

2.9 Basis of Award

The Contract(s) will be awarded to the responsible and responsive Bidder(s) that submits the lowest Calculated Price for an individual Representative Model. Bidders may submit Bids for multiple Representative Models; however, the Bidder may not submit a Bid for more than one Representative Model per the Base Vehicle Specification. The Calculated Price will be calculated for each Representative Model bid using the following formula:

$$A + ((A \times 0.03) \times (1 - B)) + ((A \times 0.02) \times (1 - C)) = X$$

Where:

A = Base Vehicle Price bid for the Representative Model identified by the Bidder

B = OEM Options Discount bid for the Representative Model identified by the Bidder

C = Non-OEM Options Discount bid for the Representative Model identified by the Bidder

X = Calculated Price for the Representative Model bid

Note: In the formula above, the OEM Options Discount and Non-OEM Option Discount will be expressed as decimals for calculation purposes (e.g. 25.05% = 0.2505).

All submitted Bid prices and discounts must be submitted as a definitive number; no ranges will be accepted. The Department reserves the right to award multiple Bidders for a Representative Model or to make no award for a Representative Model, as determined to be in the best interest of the State. A Bidder may submit a Bid for more than one Representative Model and may receive awards for multiple Representative Models in accordance with the terms of the ITB. A single contract document will be executed for each awarded Bidder, regardless of the number of Representative Models awarded.

Multiple awards may be made for up to three Bidders for each individual Representative Model if the Calculated Price of the Bidder is no greater than five percent (5%) above the lowest Calculated Price for that Representative Model. For any Representative Model(s) where, in determining a third awarded Bidder, there are multiple responsive and responsible Bidders with the exact same Calculated Price, the Department reserves the right to award more than three Contracts per Representative Model to those responsive and responsible Bidders who are tied for the third Contract award.

The Department reserves the right to accept or reject any and all Bids, and to waive any minor irregularity, technicality, or omission if the Department determines that doing so will serve the State's best interest. Notwithstanding the above, the Department also reserves the right to cancel or withdraw the ITB for any reason.

2.10 Electronic Posting of Notice of Intent to Award

The Department will electronically post a 'Notice of Intent to Award' on VBS in accordance with the Timeline of Events. The 'Notice of Intent to Award' will remain posted for a period of 72 hours, not including Saturdays and Sundays or State holidays, as specified in section 110.177, F.S.

2.11 Contract Formation

The Department may issue a 'Notice of Intent to Award' to award Contract(s) to successful Bidder(s). However, no contract shall be formed between a Bidder and the Department until both parties sign the Contract. The Department shall not be liable for any work performed before the Contract is effective.

The Department intends to enter into the Contract(s) with Bidder(s) pursuant to the 'Basis for Award' section of this solicitation. No additional documents submitted by a Bidder shall be incorporated in the Contract unless they are specifically identified, incorporated by reference, and approved by the Department. If any additional documents are submitted by the Bidder, the additional documents will not be considered for the Basis for Award.

2.12 Other Requirements Following Award

2.12.1 Registration with the Florida Department of State

If awarded a Contract, the Bidder shall provide a PDF file of its current and active registration with the Florida Department of State prior to execution of a Contract or, if exempt from registration, a statement to that effect noting the basis for the exemption. Bidders should note that foreign entities are required to obtain a Florida Certificate of Authorization pursuant to applicable Florida Statutes from the Florida Department of State, Division of Corporations, to transact business in the State of Florida. For additional information, please visit <https://dos.myflorida.com/sunbiz/>.

2.12.2 Florida Substitute Form W-9

It is the responsibility of the awarded Bidder to complete a Florida Substitute Form W-9 prior to execution of a Contract. The Internal Revenue Service receives and validates the information provided on the Florida Substitute Form W-9. For instructions on how to complete the Florida Substitute Form W-9, please visit <https://flvendor.myfloridacfo.com/>.

2.12.3 Preferred Pricing Affidavit

It is the responsibility of the awarded Bidder to provide a completed Preferred Pricing Affidavit upon Contract execution and annually thereafter throughout the Contract term.

2.12.4 MSRP List

Prior to Contract execution and during the life of the Contract, the Contractor shall submit and maintain a current and complete MSRP List for each awarded Representative Model, which shall include the MSRP for the Representative Model and all Options bid in the "OPTIONS" Specification Category of the price sheet for the associated Base Vehicle Specification. The MSRP List is subject to the Department's approval. The MSRP List shall include the following: Manufacturer's Model Number, Manufacturer's Item Description, and MSRP. Include a cover page, which shall list the applicable Group, Manufacturer/Brand, Representative Model(s), and MSRP List date. The Department shall be the final arbiter of MSRPs if a Contractor's pricing differs from the published MSRPs. The Contractor shall be responsible for removing all non-eligible and unacceptable Commodities under the Contract from the Contractor's MSRP List.

3 RESPONDING TO THE ITB

3.1 Limitation on Contact with Government Personnel (Section 287.057(25), F.S.)

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.

Respondents may contact the Procurement Officer by writing, through mail or email, or by telephone.

3.2 General Instructions

The PUR 1001, General Instructions to Respondents (10/06), is incorporated by reference and is accessible at https://www.dms.myflorida.com/content/download/2934/11780/PUR_1001_General_Instructions_to_Respondents.pdf.

3.3 Special Instructions

The following special instructions modify the general instructions provided in the incorporated PUR 1001.

Paragraphs 8, 10, and 13 of the PUR 1001 are inapplicable in their entirety.

Paragraphs 3, 4, 5, 7, 9, 14, 15, 19, and 20 of the PUR 1001 are inapplicable and are replaced as follows:

- 3. Electronic Submission of Bids.** Bids shall be submitted in accordance with How to Submit a Bid in MyFloridaMarketPlace section.
- 4. Terms and Conditions.** All Bids are subject to the terms of this solicitation, which, in case of conflict, will have the order of precedence listed in the 'Order of Precedence for Solicitation' section.

The Department will not accept any unrequested terms or conditions submitted by a Bidder, including any appearing in documents attached as part of a Bidder's response. In submitting its Bid, a Bidder agrees that any additional terms or conditions, whether submitted intentionally or inadvertently, shall have no force or effect.

5. Questions. Questions shall be submitted in accordance with the 'Question Submission' section of this solicitation.

7. Convicted Vendor, Discriminatory Vendor, and Antitrust Violator Vendor Lists.

a. Convicted Vendor List.

Pursuant to section 287.133, F.S., 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, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies 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, F.S. for CATEGORY TWO for a period of 36 months following the date of being placed on the Convicted Vendor List.

b. Discriminatory Vendor List.

Pursuant to section 287.134, F.S., an entity or affiliate who has been placed on the Discriminatory Vendor List may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies 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.

c. Antitrust Violator Vendor List.

Pursuant to section 287.137, F.S., a person or an affiliate who has been placed on the Antitrust Violator Vendor List following a conviction or being held civilly liable for an antitrust violation may not submit a bid, proposal, or reply for any new contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply for a new contract with a public entity for the construction or repair of a public building or public work; may not submit a bid, proposal, or reply on new leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a new contract with a public entity; and may not transact new business with a public entity.

9. Bidder's Representation and Authorization. In submitting a Bid, each Bidder certifies that it understands, represents, and acknowledges the following:

- a. The Bidder is not currently under suspension or debarment by the State or any other governmental authority.
- b. The Bidder currently has no delinquent obligations to the State, including a claim by the State for liquidated damages under any other contract.
- c. The submission is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any entity or person to submit a complementary or other noncompetitive Bid.
- d. The prices and amounts have been arrived at independently and without consultation, communication, or agreement with any other Bidder or potential Bidder; neither the prices nor amounts, actual or approximate, have been disclosed to any other Bidder or potential Bidder, and they will not be disclosed before the solicitation opening.
- e. The Bidder has fully informed the Department in writing of all convictions of the Bidder, its affiliates (as defined in section 287.133(1)(a), F.S.), and all directors,

officers, and employees of the Bidder and its affiliates for violation of any state or federal law involving a public entity crime (as defined in section 287.133(1)(g), F.S.). This includes disclosure of the names of current employees who were convicted of public entity crimes while in the employ of another company.

- f. Neither the Bidder nor any person associated with it in the capacity of owner, partner, director, officer, principal, investigator, project director, manager, auditor, or in a position involving the administration of federal funds:
 - o Is presently indicted or, within the preceding three years, has been convicted or found guilty of, or found civilly liable 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
 - o Has within a three-year period preceding this certification had one or more federal, state, or local government contracts terminated for cause or default.
- g. The products and services offered by the Bidder conform to the specifications contained herein without exception.
- h. The Bidder has read and understands the terms and conditions listed in the Draft Contract, and the submission is made in conformance with those terms and conditions.
- i. If an award is made to the Bidder, the Bidder agrees that it will execute the Draft Contract.
- j. The Bidder has made a diligent inquiry of its employees and agents responsible for preparing, approving, or submitting the Bid, 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 Bid.
- k. The Bidder shall indemnify, defend, and hold harmless the Department, Customer, and their employees against any cost, damage, or expense which may be incurred or be caused by the Bidder's Bid (including any errors therein).
- l. All information provided by, and representations made by, the Bidder are material and important and will be relied upon by the Department in awarding the Contract. Any misstatement may be treated as fraudulent concealment from the Department and Customers of the true facts relating to submission of the Bid. A misrepresentation may be punishable under law.

The Department reserves the right to deem the Bidder non-responsive or non-responsible based on any information provided in, or omitted from, the Bidder's Bid related to the certifications of this section.

14. Firm Response. The Department intends to make an award within 60 days after the date of the opening, during which period Bids shall remain firm and shall not be withdrawn. If award is not made within 60 days, the Bid shall remain firm until the Department enters into a Contract or the Department receives from the Bidder written notice that the Bid is withdrawn.

15. Clarifying Information. The Department may request, and Bidder shall provide, clarifying information or documentation.

Clarifying information or documentation which may be requested includes, but is not limited to, technical documentation related to Bidder's products, specification sheets,

technical publications, printed product literature, engineering drawings, instruction or maintenance manuals or other published manufacturer's literature, certifications, and any other information or documentation necessary to verify information within the Bid. Failure to supply supporting information or documentation as required and requested may result in disqualification of the Bid for the Representative Model. In addition, the Department reserves the right to independently verify information provided by the Bidder, including but not limited to, the comparability and adequacy of proposed equivalents. Failure to supply the information or documentation as requested may result in the entire Bid, or the portion of a Bid for a specific Representative Model, being deemed non-responsive.

19. Public Records. Article 1, section 24, Florida Constitution, guarantees every person access to all public records, and section 119.011, F.S., provides a broad definition of "public record." As such, the entirety of the Bids are public records and are subject to disclosure unless exempt from disclosure by law. If the Bidder considers any portion of its Bid to be Confidential Information, the Bidder is to mark the document as "confidential" and simultaneously provide the Department with a separate, redacted copy of its Bid. For each portion redacted, the Bidder is to briefly describe in writing the grounds for claiming exemption, including the specific statutory citation for such exemption. On the cover of the redacted copy, the Bidder is to provide its name and the Department's solicitation name and number and clearly title it, "Redacted Copy." Only portions of material that the Bidder claims are Confidential Information are to be redacted.

In accordance with section 119.0701, F.S., Bids are exempt from production in response to public records requests until such time as the Department provides notice of an intended decision or until 30 days after opening the Bids, whichever is earlier. After that time, the Department will provide the redacted copy, if any, in response to a public records request.

In the event of a request for public records pursuant to Chapter 119, F.S., 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 redacted Confidential Information, the Department will notify the Bidder such an assertion has been made. It is the Bidder's responsibility to take the appropriate legal action to assert that the information in question is exempt from disclosure under Chapter 119, F.S., or other applicable law.

If the Department becomes subject to a demand for discovery or disclosure of documents that are marked as "confidential" in a legal proceeding, the Department will give the Bidder notice of the demand or request. It will be the Bidder's responsibility to take the appropriate legal action in response to the demand and to defend its claims of confidentiality. If the Bidder fails to take appropriate and timely action to protect the materials it has designated as Confidential Information, the Department will provide the unredacted materials to the requester.

By submitting a Bid, the Bidder agrees to protect, defend, and indemnify the Department for all claims arising from or relating to the Bidder's determination that the redacted portions of its Bid are Confidential Information. If a Bidder fails to submit a redacted copy in accordance with this section, of information it claims is Confidential Information, the Department is authorized to produce the entire material submitted to the Department in response to a public records request for, or demand for discovery or disclosure of, these records.

20. Protests. Any protest concerning this solicitation should be made in accordance with sections 120.57(3) and 287.042(2), F.S., and Rule Chapter 28-110, F.A.C. Any communication not in accordance with these sections or the solicitation, including questions to the Procurement Officer, will not constitute formal notice of a protest.

3.4 How to Submit a Bid in MyFloridaMarketPlace

3.4.1 MFMP Registration

In order to submit questions regarding this procurement, and to submit a Bid, a Vendor must be registered in the MFMP Vendor Information Portal (VIP). After registering, the Vendor should log in to MFMP VIP using its username and password to ensure that its contact information is correct and that it has registered with the matching commodity code(s) of the MFMP Sourcing event. To participate in the procurement, a Vendor must also indicate its intent to participate in electronic solicitations in MFMP Sourcing on the 'Solicitation Selections' page of its MFMP VIP account.

If the Vendor is not currently registered with MFMP VIP, the Vendor must:

- a) Create an account through MFMP VIP.
- b) Within MFMP VIP, indicate on the 'Solicitation Selections' page that the Vendor wishes to participate in electronic solicitations.
- c) Within MFMP VIP, in the 'Commodity Codes' section, ensure that the Vendor has selected the matching commodity codes used in this procurement. VBS and MFMP Sourcing may provide automated notifications to the Vendor community, as a courtesy, based on commodity codes that are tied to a Vendor's registration in MFMP VIP. Vendors with a commodity code that matches the commodity code of the MFMP Sourcing event will be able to 'Join' the MFMP Sourcing event. If a Vendor does not have a matching commodity code, VBS and MFMP Sourcing will not provide a courtesy notification and the Vendor will not be able to 'Join' the MFMP Sourcing event. Vendors will not receive notifications for procurements with commodity codes that they have not selected in their MFMP VIP account.

Vendors have the ability to access and update their registration in MFMP VIP by adding commodity codes to their Vendor account. Changes made in MFMP VIP, including new registrations, may take up to 24 hours to take effect.

The MFMP VIP is accessible at <https://vendor.myfloridamarketplace.com/>.

The Department strongly recommends the Vendor set its Microsoft Internet Explorer browser to compatibility mode while using MFMP applications. For more information regarding recommended internet browser settings, please visit https://www.dms.myflorida.com/business_operations/state_purchasing/myfloridamarketplace/mfmp_agency_customers/mfmp_university/job_aids.

ALL VENDORS MUST 'JOIN' THE MFMP SOURCING EVENT PRIOR TO THE DEADLINE TO SUBMIT BID DATE LISTED IN THE TIMELINE OF EVENTS IN ORDER TO PARTICIPATE IN THIS SOLICITATION.

Once registered in MFMP, in order to 'Join' the MFMP Sourcing event, Vendors must:

- a) Have a current MFMP Vendor registration within MFMP VIP; and

- b) Select 'Yes' to participate in electronic sourcing events in MFMP Sourcing on the 'Solicitations' page of their MFMP VIP account.
- c) Within MFMP VIP, in the Commodity Selections section, ensure that the Vendor has selected the matching commodity code(s) used in this procurement. Vendors will not be able to join or receive notifications for procurements with commodity codes that they have not selected in their MFMP VIP account.

MFMP Sourcing is accessible at <https://sourcing.myfloridamarketplace.com>.

3.4.2 MFMP Sourcing Phases

A solicitation formally begins when the Department posts the solicitation on VBS. The Department will also publish the solicitation in MFMP Sourcing. Do not rely on MFMP Sourcing for notices of solicitation or agency decisions. VBS is the centralized procurement website designated by the Department for agency decisions or intended decisions. MFMP Sourcing is the application for submitting formal questions and Bids in response to the Department's solicitation. The answers to the formal questions will be posted on VBS.

The following are MFMP Sourcing phases:

Preview Status

When this solicitation is published as a 'Public Event' in MFMP Sourcing, it will initially exist in a 'Preview' status. During the 'Preview' status, Vendors without a matching commodity code can only preview the MFMP Sourcing event using the "Public Access" feature. Vendors with a matching commodity code can 'Join' the event, view and download solicitation documents, and accept the 'Bidder's Agreement.'

In accordance with the time stated on the Timeline of Events, Vendors may submit questions to the Procurement Officer in the 'Messages' tab of the MFMP Sourcing event, during the Preview status, after they have joined the event. The solicitation will remain in 'Preview' status until the 'Open' status begins.

Open Status

When a solicitation is in 'Open' status, all registered Vendors with a matching commodity code who 'Join' the MFMP Sourcing event and accept the 'Bidders Agreement' may submit Bids until the Bid due date and time listed in the 'Timeline of Events' section, above.

Pending Selection Status

After the Bid due date and time, the solicitation will enter 'Pending Selection' status. During this phase of the solicitation, the 'Pending Selection' tab will appear in MFMP Sourcing.

Completed Status

If the tab in MFMP Sourcing indicates 'Completed,' either an agency decision or an intended decision has been posted on VBS. However, do not rely on MFMP Sourcing for this information. VBS is the centralized procurement website for the posting of agency decisions.

3.4.3 MFMP Training

MFMP University offers Vendor training materials on a variety of topics, including Vendor Registration and Selecting Commodity Codes; training materials are accessible at

https://www.dms.myflorida.com/business_operations/state_purchasing/myfloridamarketplace/mfmp_vendors/training_for_vendors.

It is highly recommended that Vendors review the training for 'Responding to Electronic Solicitations' provided at

https://www.dms.myflorida.com/business_operations/state_purchasing/myfloridamarketplace/mfmp_agency_customers/mfmp_university/course_catalog.

3.4.4 MFMP Assistance

Vendors needing assistance with using MFMP may contact the MFMP Customer Service Desk Monday through Friday, 8:00 a.m. to 6:00 p.m. ET, at 866-352-3776 or email at VendorHelp@myfloridamarketplace.com.

3.5 Modification or Withdrawal of Bid

Bidders are responsible for the content and accuracy of their Bids. A Bidder may modify or withdraw its Bid in MFMP Sourcing at any time prior to the Bid due date and time set forth in the 'Timeline of Events' section.

3.6 Cost of Bid Preparation

The costs related to the development and submission of a Bid are the full responsibility of the Bidder and are not chargeable to the Department.

3.7 Independent Preparation

A Bidder shall not, directly or indirectly, collude, consult, communicate or agree with any other Bidder as to any matter related to the Bid each is submitting. Additionally, a Bidder shall not induce any other Bidder to modify, withdraw, submit, or not submit a Bid.

3.8 False or Erroneous Information

A Bidder who submits false or erroneous information may be deemed non-responsive and not awarded a Contract. If the Bidder's Bid is found to contain false or erroneous information after Contract award, the Contract may be terminated, and the Department may pursue any other legal action available.

ITB ATTACHMENTS

Attachment A, Scope of Work

Attachment B, Draft Contract

Attachment C, Price Sheet Instructions and Price Sheet (C.1 - C.6)

Attachment D, Special Contract Conditions

Attachment E, Additional Special Contract Conditions

Attachment F, MSRP Certification

Attachment G, Preferred Pricing Affidavit

Attachment H, Mandatory Responsive Requirements

Attachment I, Certification of Drug Free Workplace

Attachment J, Price Quote Form (PQF)

Attachment K, Acknowledgement of Order Form

Required Documents to be submitted by vendor prior to bid submission deadline:

Vendor's signed Attachment H, Mandatory Responsive Requirements

Vendor's completed Attachment F, MSRP Certification(s) for each Manufacturer of Representative Models' bid

Vendor's completed Attachment C, Price Sheet(s)

Vendor's completed Attachment I, Certification of Drug Free Workplace (if applicable)

Requested Documents to be submitted by vendor prior to bid submission deadline:
Vendor's MSRP Sheet (Build Sheet) for each Representative Model bid