

**State of Florida
Department of Transportation**



INVITATION TO BID
HIGH VISIBILITY SAFETY APPAREL

ITB-DOT-17/18-9063-GH

CONTACT FOR QUESTIONS:

Greg Hill, Procurement Agent
greg.hill@dot.state.fl.us
605 Suwannee Street, MS20
Tallahassee, FL 32399-0450
Phone: 850-414-4482

BID SHEET Instructions and Signature Page

BID #: ITB-DOT-17/18-9063-GH

FOB: Destination

BID TITLE: HIGH VISIBILITY SAFETY APPAREL

- **A BID SHEET (Excel Format) IS ATTACHED SEPARATELY TO THIS BID ADVERTISEMENT IN THE VENDOR BID SYSTEM. BID AS SPECIFIED.**
- **DOWNLOAD THE BID SHEET AND ELECTRONICALLY ENTER/COMPLETE**
 1. **PART #**
 2. **Min. Qty.**
 3. **Price/Each**
 4. **Printing for Front/Back of apparel**
 5. **Bidder Name and Authorized Signature (may be electronic)**
- **SAVE THE COMPLETED BID SHEET (in Excel Format) TO A CD-ROM or USB FLASH DRIVE AND SUBMIT WITH YOUR BID.**
- **ALSO INCLUDE A PRINTED HARD COPY OF THE COMPLETED BID SHEET AND A SIGNED COPY OF THIS BID SHEET WITH YOUR BID RESPONSE PACKAGE.**

Must be included with ALL bids: "In-State Preference Form" (see Special Conditions #7)

In-State Preference: Based on registration with the Department of State, if you are considered an out of state vendor you must include a written opinion of the attorney licensed to practice law in that foreign state.

RENEWAL: see Introduction Section #7.

THE UNIT PRICE(S) WILL APPLY TO THE INITIAL TERM AND ANY RENEWAL PERIODS.

NOTE: In submitting a response, the bidder acknowledges they have read and agree to the solicitation terms and conditions and their submission is made in conformance with those terms and conditions.

ACKNOWLEDGEMENT: I certify that I have read and agree to abide by all terms and conditions of this solicitation and that I am authorized to sign for the bidder. I certify that the response submitted is made in conformance with all requirements of the solicitation.

Bidder: _____ FEIN: _____

Address: _____ City, State, Zip: _____

Phone: _____ Fax: _____ E-mail: _____

Authorized Signature: _____ Date: _____

Printed/Typed: _____ Title: _____

HIGH VISIBILITY SAFETY APPAREL SPECIFICATION

All apparel must be ANSI/ISEA 107-2015 or newer

ANSI: American National Standards Institute / ISEA: International Safety Equipment Association

All items will be either Class 2 or Class 3, as specified

Colors: Apparel should be available in both Fluorescent Orange or Fluorescent Lime, as specified

*** Minimum Order:** We will attempt to order in Minimum Quantities when possible; however, due to several factors the Warehouses will order on an as needed basis in the quantities needed. Minimum order quantities will include same item style; but with a mixture of sizes, or at the vendors discretion it can include a mixture of sizes (please state in bid).

Estimated Purchases: An estimated dollar amount has been given based on usage for the past year.

****Estimated Quantities** have been given for evaluation purposes only. This amount is not a guideline for past usage and should not be used for figuring bid prices.

VESTS

- 1) Zipper closure Two-Tone Vest, 2" silver tape reflective material and 1 horizontal stripe with contrasting trim detail. Pockets: upper split pad/pencil, upper radio/phone, 2 each lower flap covered, 2 large deep open inside, 1 inside flashlight and mic tab on both shoulders. Style: Surveyor, Color: Available in Lime and Orange, ANSI Class: Class 3 / Type R.

Brand of Vest

Min. Order *

_____ _____

YES NO
Does product meet the specifications?

- 2) Zipper closure Two-Tone Vest, 100% polyester mesh. 2" silver tape reflective material and 1 horizontal stripe with contrasting strip detail. Pockets: 1 upper left front and 1 lower right inside. Style: Economy, Color: Available in Lime and Orange, ANSI Class: Class 3 / Type R.

Brand of Vest

Min. Order *

_____ _____

YES NO
Does product meet the specifications?

- 3) Zipper closure Two-tone Surveyor Vest, 2" silver tape reflective material and 1 horizontal stripe with contrasting trim detail, mic tabs on both shoulders. Pockets: upper split pad / pencil, upper with clear badge holder, 2 lower flap covered outside, 2 large deep open inside, 1 inside flashlight, 100% polyester mesh. Style: Economy, Color: Available in Lime and Orange, ANSI Class: Class 2 / Type R.

Brand of Vest

Min. Order *

_____ _____

YES NO
Does product meet the specifications?

- 4) Zipper closure Two-Tone Vest, 2" silver tape reflective material and 1 horizontal stripe with contrasting trim detail, made of 100% polyester mesh. Pockets: 12 upper left front and 1 lower right inside. Style: Economy, Color: Available in Lime and Orange, ANSI Class: Class 2 / Type R.

Brand of Vest	Min. Order *	YES	NO	
Does product meet the specifications?				

- 5) Dual-Sized Expandable Chevron Vest has 2" and 1-1/2" 3M Reflexite prismatic tape. Hook and loop closures and expandable side panels for adjustable sizing. Style: Chevron, Color: Available in Lime or Orange, ANSI Class: Class 2 / Garment Type P.

Brand of Vest	Min. Order *	YES	NO	
Does product meet the specifications?				

- 6) Zipper closure Standard Vest, for enhanced night time visibility. 2" silver tape reflective material. Pockets: 4 inside and 2 outside. Style: Economy, Color: Available in Lime and Orange, ANSI Class: Class 3 / Garment Type R.

Brand of Vest	Min. Order *	YES	NO	
Does product meet the specifications?				

- 7) Economy Vest with hook and loop closure, 2" silver tape reflective material and 1 horizontal stripe, made with 100% polyester mesh. Pockets: 2 front. Style: Economy, Color: Available in Lime and Orange, ANSI Class: Class 2 / Garment Type R.

Brand of Vest	Min. Order *	YES	NO	
Does product meet the specifications?				

- 8) Breakaway vest with Zip-N-Rip closure at shoulders, sides and front zipper closure to breakaway when tugged with moderate force. Has solid front and mesh back. Contrast trim combinations to help make workers more visible during low light and broad daylight conditions. Pockets: upper split pad/pencil, upper radio/phone, 2 lower flap covered, 2 large deep open inside and 1 inside flashlight pocket. Style: Breakaway, Color: Available in Lime and Orange, ANSI Class: Class 2 / Garment Type R.

Brand of Vest	Min. Order *	YES	NO	
Does product meet the specifications?				

9) Two-Tone vest with chevron reflective back, combined with the two-tone trim. Vest should be available in both Hi-Viz lime and orange with the opposite color of the base as the trim. Adjustable velcro sides to allow for better fit and use over other garments when needed. Pockets: 1 inside and 1 outside as a pen/radio pocket. Style: Two-Tone, Color: Available in Hi-Viz Lime and Hi-Viz Orange, ANSI Class: Class 2 / Garment Type R.

Brand of Vest	Min. Order *	YES	NO
		Does product meet the specifications?	

10) Zipper closure Breakaway Expandable Two-Tone vest, 5-point breakaway system with expandable sides for comfort and customized fit, 2" Silver Reflective tape and 1 horizontal stripe with mic tabs on shoulder, made with 100% polyester mesh. Pockets: 2 outside chest, 2 lower inside and 1 divided pencil. Style: Breakaway, Color: Available in Lime and Orange, ANSI Class: Class 2 / Garment Type R.

Brand of Vest	Min. Order *	YES	NO
		Does product meet the specifications?	

11) Zipper closure Economy Vest, 2" Silver Reflective tape and 1 horizontal stripe with contrasting trim detail, made with 100% polyester mesh. Pockets: 1 upper left front chest and 1 lower right inside. Style: Economy, Color: Available in Lime and Orange, ANSI Class: Class 3 / Garment Type R.

Brand of Vest	Min. Order *	YES	NO
		Does product meet the specifications?	

12) Zipper closure Economy Two-Tone Vest with adjustable sides, 2" silver tape reflective and 1 horizontal stripe, made with 100% polyester mesh, mic tabs on both shoulders with a clear badge holder on chest. Pockets: 2 upper chest, 1 upper split pencil, and 2 lower inside. Style: Economy, Color: Available in Lime and Orange, ANSI Class: Class 2 / Garment Type R.

Brand of Vest	Min. Order *	YES	NO
		Does product meet the specifications?	

SHIRTS

- 13) Hi-Viz Safety T-shirt made with an arid Birdseye Mesh allowing for maximum breathability, without compromising durability. The 2" stripes across the chest and back are adhered by heat transfer rather than sewn on. The front pocket does not include reflective material to allow for logo imprints. Made with 100% wicking polyester mesh (MAX-DRI), minimum 25 washes. Available in Short Sleeves. Available in Lime and Orange, ANSI Class: Class 2 / Type R.

_____	_____	_____	_____
Brand of T-Shirt	Min. Order *	YES	NO
Does product meet the specifications?			

- 14) Safety T-shirt made with an arid Birdseye Mesh allowing for maximum breathability, without compromising durability. The 2" stripes across the chest and back are adhered by heat transfer rather than sewn on. The front pocket does not include reflective material to allow for logo imprints. Made with 100% wicking polyester mesh (MAX-DRI), minimum 25 washes. Available in Long Sleeves. Available in Lime and Orange, ANSI Class: Class 3 / Type R.

_____	_____	_____	_____
Brand of T-Shirt	Min. Order *	YES	NO
Does product meet the specifications?			

RAIN GEAR

- 15) Lightweight rain jacket with Reflectivz weather proof and high visibility technology. 150 Denier PU coated, high visibility oxford material for protection with 2" wide reflective stripes on chest, back and two stripes on each of the sleeves. The Jacket has a vented back cape to keep the worker cool and comfortable, but still protecting them in tough environments. Color: Yellow. Minimum of 25 washes. ANSI Class: Class 3 / Garment Type R.

_____	_____	_____	_____
Brand of Rain Jacket	Min. Order *	YES	NO
Does product meet the specifications?			

- 16) Lightweight rain pants with Reflectivz weather proof and high visibility technology. 150 Denier PU coated, high visibility oxford material for protection. The pants have two 2" wide reflective stripes on legs for better visibility. Color: Yellow. Minimum of 25 washes. ANSI Class: Class E / Garment Type R.

_____	_____	_____	_____
Brand of Rain Pants	Min. Order *	YES	NO
Does product meet the specifications?			

17) Rain coat is made of 300 denier thick fabric for durability and has a detachable hood. There is a storm fly front with snap closure with mesh lining on upper body. Two flap pockets with Velcro closure and one inside cell phone pocket. Adjustable Velcro cuffs with a coat length of 49" long. The coat has 2" wide reflective stripes on chest, back and two stripes on each of the sleeves. 100% Waterproof. Color: Yellow. ANSI Class: Class 3 / Type R.

Brand of Rain Coat

Min. Order *

YES

NO

Does product meet the specifications?

PRINTING IS NOT INCLUDED IN THE AWARD PRICE EVALUATION, BUT WILL BE A PART OF THE CONTRACT!

Printing on front and back of vests / shirts / rain gear must be available!

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
IN-STATE PREFERENCE FORM
For Invitation-to-Bid Commodity

375-040-56
PROCUREMENT
OGC – 03/13

Bid Number: _____

Title: _____

Pursuant to Section 287.084, Florida Statutes, relating to the Florida-based business preference, effective July 1, 2012:

In a competitive solicitation in which the lowest bid is submitted by a vendor whose principal place of business is located outside the state of Florida and that state where the vendor's principal place of business is located 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 vendor having a principal place of business in this state shall be 5 percent.

Note: The Vendor is required to complete and submit this form with its bid to be considered for this preference.

Vendor Name: _____

Vendor FEIN: _____

The Vendor (does) (does not) have a principal place of business located in the state of Florida.

If so, please provide an address:

Note: A vendor whose principal place of business is outside the state of Florida must accompany any written bid documents with a written opinion of an attorney licensed to practice law in that foreign state, as to the preferences, if any or none, granted by the law of that state to its own business entities whose principal places of business is in that foreign state in the letting of any or all public contracts.

Authorized Signature: _____

Title: _____

Date: _____

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

DRUG-FREE WORKPLACE PROGRAM CERTIFICATION

287.087 Preference to businesses with drug-free workplace programs. Whenever two or more bids, proposals, or replies that 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, proposal, or reply received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. 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' 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 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.

Does the individual responding to this solicitation certify that their firm has implemented a drug-free workplace program in accordance with the provision of Section 287.087, Florida Statutes, as stated above?

YES

NO

NAME OF BUSINESS: _____

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**VENDOR CERTIFICATION REGARDING
SCRUTINIZED COMPANIES LISTS**

Respondent Vendor Name: _____
Vendor FEIN: _____
Vendor's Authorized Representative Name and Title: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone Number: _____
Email Address: _____

Section 287.135, Florida Statutes, prohibits agencies from contracting with companies for goods or services of \$1,000,000 or more, that are on either the Scrutinized Companies with Activities in Sudan List, the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector Lists which are created pursuant to s. 215.473, F.S., or the Scrutinized Companies that Boycott Israel List, created pursuant to s. 215.4725, F.S., or companies that are engaged in a boycott of Israel.

As the person authorized to sign on behalf of Respondent, I hereby certify that the company identified above in the section entitled "Respondent Vendor Name" is not listed on either the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or the Scrutinized Companies that Boycott Israel List. I further certify that the company is not engaged in a boycott of Israel. I understand that pursuant to section 287.135, Florida Statutes, the submission of a false certification may subject company to civil penalties, attorney's fees, and/or costs.

Certified By: _____
who is authorized to sign on behalf of the above referenced company.
Authorized Signature Print Name and Title: _____
Date: _____

ORDERING INSTRUCTIONS

Bid Number: ITB-DOT-17/18-9063-GH

Title: HIGH VISIBILITY SAFETY APPAREL

NOTE: ALL ORDERS SHOULD BE DIRECTED TO:

FEDERAL EMPLOYER IDENTIFICATION NUMBER (FEIN): _____

VENDOR: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

TELEPHONE: _____

TOLL FREE NO.: _____

DELIVERY: DELIVERY WILL BE MADE WITHIN ____ DAYS AFTER RECEIPT OF PURCHASE ORDER.

PRODUCT INFORMATION: DIRECT QUESTIONS TO:

NAME & TITLE: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

TELEPHONE: _____

TOLL FREE NO.: _____

E-MAIL ADDRESS: _____

WEBSITE URL: _____

Will you accept the State of Florida Purchasing Card (VISA)? Yes No

INTRODUCTION SECTION

1) INVITATION

The purpose of this Invitation to Bid is to obtain competitive bids to establish a three year contract for the purchase of High Visibility Safety Apparel by the Department of Transportation, hereafter referred to as the "Department". The contract will become effective on the date the successful bidder(s) is approved for award and will expire three years from that date. After the award, said bidder(s) will be referred to as the "Vendor(s)".

All commodities identified in this Invitation to Bid will be subject to the availability of identical commodities as provided by mandatory Department of Management Services' State Contract(s) at such time these commodities become available. In the event of duplication(s) of commodities, the Department of Management Services' mandatory State Contract shall prevail.

2) TIMELINE

Provided below is a list of critical dates and actions. These dates are subject to change. Notices of changes (Addenda) will be posted on the Florida Vendor Bid System at www.myflorida.com (click on "BUSINESS", click on "Doing Business with the State", under "Everything for Vendors and Customers", click on "Vendor Bid System (VBS)", click on "Search Advertisements") under this bid number. It is the responsibility of all potential bidders to monitor this site for any changing information prior to submitting your bid.

<u>ACTION / LOCATION</u>	<u>DATE</u>	<u>LOCAL TIME</u>
DEADLINE FOR TECHNICAL QUESTIONS - (There is no deadline for administrative questions)	3-23-2017	3:00 PM
<u>BIDS DUE (On or Before) -</u> Florida Department of Transportation Procurement Office Rm. 429 Greg Hill (850) 414-4482 605 Suwannee Street, MS 20 Tallahassee, FL 32399-0450	04-11-2018	3:00 PM
<u>PUBLIC OPENING -</u> Florida Department of Transportation Procurement Office Rm. 429 Greg Hill (850) 414-4482 605 Suwannee Street, MS 20 Tallahassee, FL 32399-0450	04-11-2018	3:00 PM
POSTING OF INTENDED DECISION/AWARD -	04-16-2018	5:00 PM

3) BID OPENING AGENDA

The sealed bids will be opened by the Department's Procurement Office personnel at the date, time and location in the Timeline. All bid openings are open to the public and will be conducted according to the following agenda:

Opening remarks – Approximate time of 2 minutes by Department Procurement Office personnel.

Public input period – To allow a maximum of 15 minutes total for public input related to the bid solicitation.

Bids opened – At conclusion of public input or 15 minutes, whichever occurs first, bids received timely will be opened with bidder's name and prices to be read aloud.

Adjourn - After all bids received timely have been opened, the meeting will be adjourned.

4) SPECIAL ACCOMMODATIONS

Any person with a qualified disability requiring special accommodations at a pre-bid conference, public meeting, and/or opening shall contact the contact person at the phone number, e-mail address or fax number provided on the title page at least five (5) working days prior to the event. If you are hearing or speech impaired, please contact this office by using the Florida Relay Services which can be reached at 1 (800) 955-8771 (TDD).

5) CONTRACT USE

Use of the contract resulting from this bid will be optional for the Department. The Department reserves the right to solicit separate bids for any unusual or abnormal quantity requirements that may arise during the term of the contract.

6) ESTIMATED PURCHASES

It is anticipated that the Department will purchase approximately \$130,000.00 under any contract resulting from this bid. This estimated amount is given only as a guideline for preparing your bid and should not be construed as representing an actual amount to be purchased under this contract. The Vendor(s) shall supply, at bid prices, the actual amounts ordered regardless of whether the total of such amounts is more or less than anticipated. This bid and the resulting contract will be subject to annual appropriated funding.

7) RENEWAL

Upon mutual agreement, the Department and the Contract Vendor may renew the contract for a period that may not exceed 3 years or the term of the original contract, whichever is longer. The renewal must be in writing and signed by both parties, and is subject to the same terms and conditions set forth in the initial contract and any written amendments signed by the parties. Any renewal shall specify the renewal price, as set forth in the solicitation response except that an agency may negotiate lower pricing. Renewal is contingent upon satisfactory performance evaluations and subject to the availability of funds.

SPECIAL CONDITIONS

1) MyFloridaMarketPlace

BIDDERS MUST BE ACTIVELY REGISTERED IN THE STATE OF FLORIDA'S MYFLORIDAMARKETPLACE SYSTEM BY THE TIME AND DATE OF THE BID OPENING OR THEY MAY BE CONSIDERED NON-RESPONSIVE (see Special Condition 21). All prospective bidders that are not registered should go to <https://vendor.myfloridamarketplace.com/> to complete on-line registration, or call 1-866-352-3776 for assisted registration.

All payment(s) to the vendor resulting from this competitive solicitation **WILL** be subject to the MFMP Transaction Fee in accordance with the attached Form PUR 1000 General Contract Condition #14. The Transaction Fees imposed shall be based upon the date of issuance of the payment.

2) Florida Department of Financial Services (DFS) W-9 REQUIREMENT

The Florida Department of Financial Services (DFS) requires all vendors that do business with the state to submit an electronic Substitute Form W-9. Vendors must submit their W-9 forms electronically at <https://flvendor.myfloridacfo.com> to receive payments from the state. Contact the DFS Customer Service Desk at (850) 413-5519 or FLW9@myfloridacfo.com with any questions.

3) QUESTIONS & ANSWERS

In accordance with 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.

Any technical questions arising from this Invitation to Bid must be forwarded, in writing, to the procurement agent identified below. Questions must be received no later than the time and date reflected on the Timeline. The Department's written response to written inquiries submitted timely by bidders will be posted on the Florida Vendor Bid System at www.myflorida.com (click on "BUSINESS", click on "Doing Business with the State", under "Everything for Vendors and Customers", click on "Vendor Bid System (VBS)", click on "Search Advertisements"), under this bid number. It is the responsibility of all potential bidders to monitor this site for any changing information prior to submitting their bid.

WRITTEN TECHNICAL QUESTIONS should be submitted to:

greg.hill@dot.state.fl.us, or mailed to FDOT Procurement Office, Greg Hill, 605 Suwannee St., MS20, Tallahassee, FL 32399.

Questions regarding administrative aspects of the bid process should be directed to the Procurement Agent in writing at the address above or by phone.

4) ORAL INSTRUCTIONS / CHANGES TO THE INVITATION TO BID (ADDENDA)

No negotiations, decisions, or actions will be initiated or executed by a bidder as a result of any oral discussions with a State employee. Only those communications which are in writing from the Department will be considered as a duly authorized expression on behalf of the Department.

Notices of changes (Addenda) will be posted on the Florida Vendor Bid System at www.myflorida.com (click on "BUSINESS", click on "Doing Business with the State", under "Everything for Vendors and Customers", click on "Vendor Bid System (VBS)", click on "Search Advertisements") under this bid number. It is the responsibility of all potential bidders to monitor this site for any changing information prior to submitting your bid. All Addenda will be acknowledged by signature and subsequent submission of Addenda with bid when so stated in the Addenda.

5) DIVERSITY ACHIEVEMENT

The Department, in accordance with ***Title VI of the Civil Rights Act of 1964, 42 USC 2000d- 2000d-4, Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21***, Nondiscrimination in federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that the Department will affirmatively ensure that in any contract/agreement entered into pursuant to this advertisement, minority and disadvantaged business enterprises will be afforded the full opportunity to submit bids in response to this invitation and will not be discriminated on the basis of race, color, national origin, or sex in consideration for an award.

The Department encourages the recruitment and utilization of small, minority, women, and service-disabled veteran businesses. The Department, its vendors, suppliers, and consultants should take all necessary and reasonable steps to ensure that small, minority, women, and service-disabled veteran businesses have the opportunity to compete for and perform contract work for the Department in a nondiscriminatory environment.

6) PRICES/DELIVERY

Prices shall be firm, net, delivered prices, F.O.B. destination.

Delivery must be made within thirty (30) calendar days or less upon receipt of a purchase order by the contract vendor at their designated ordering location. If more time is needed, the bidder should state the extra time required and the reasons why, in their bid response. Acceptance will be subject to the Department's approval.

7) IN-STATE PREFERENCE FOR COMMODITY BIDS

In accordance with Section 287.084, Florida Statutes, when the lowest responsible and responsive bid is submitted by a vendor whose principal place of business is located outside the state of Florida, a 5% price preference shall be awarded to the lowest responsible and responsive vendor whose principal place of business is located in the state of Florida unless the state where the out-of-state vendor is located provides a price preference for businesses having a principal place of business in that state. In that case, the same price preference shall be awarded to the lowest responsible and responsive vendor whose principal place of business is located in the state of Florida responding to this Invitation to Bid (ITB).

All bidders should complete the attached "In-State Preference Form" and submit with their bid response. A vendor whose principal place of business is located outside the state of Florida, as determined by the vendor's registration with the Florida Department of State, **must accompany their bid response documents** with a written opinion of an attorney licensed to practice law in that foreign state, as to the preferences granted by that state to its own business entities in the letting of public contracts. **Failure of a vendor, whose principal place of business is located outside the state of Florida, to submit the aforementioned written opinion shall result in a non-responsive reply.**

For the 5% preference, the Department will apply 5% to the bid price(s) of the lowest out of state vendor whose state does not grant a preference if that vendor has submitted the lowest responsible and responsive bid. The "In-State Preference" does not apply to transportation projects that use federal funds.

8) INTENDED AWARD

As the best interest of the State may require, the right is reserved to make award(s) by individual item, group of items, all or none, or a combination thereof: on a geographical district basis and / or on a statewide basis with one or more suppliers 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 lowest 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. All awards made as a result of this bid shall conform to applicable Florida Statute. If the Department is confronted with identical pricing or scoring from multiple vendors, the Department shall determine the order of award in accordance with section 295.187(4), Florida Statutes, and Rule 60A-1.011 Florida Administrative Code.

9) PRE-BID CONFERENCE: A PRE-BID CONFERENCE WILL NOT BE HELD.

10) ALTERNATES

Alternate brands will be considered for this bid. The "Department" reserves the right to require each bidder to demonstrate to the satisfaction of the "Department" that the items/materials will perform in a completely acceptable manner. In the event the "Department" judges that the demonstrated performance is unsatisfactory, the "Department" may reject the bid. The bidder must be prepared to demonstrate the materials within fourteen (14) days after the bid opening date. Demonstration time and place is subject to agreement of the "Department" and the bidder.

Bidders submitting a bid that is based on an alternate brand of equipment must submit, with their bid, complete specifications and descriptive technical literature for the equipment proposed.

11) WARRANTY/SUBSTITUTIONS

A warranty is required on all items purchased against defective materials, workmanship, and failure to perform in accordance with required industry performance criteria, for a period of not less than ninety (90) days from the date of acceptance by the purchaser. Any deviation from this criteria must be documented in the bid response or the above statement shall prevail. Delivery of substitute commodities requires prior written approval from the ordering location.

12) REPLACEMENT/RESTOCKING

Replacement of all materials found defective within the warranty period shall be made without cost to the purchaser, including transportation if applicable. All fees associated with restocking cancelled orders shall be the responsibility of the vendor.

13) PRODUCT REQUIREMENTS/SPECIFICATIONS

Items furnished shall be standard products of the manufacturer or their suppliers, shall be new, unused, clean, and free from any defects or features affecting appearance, serviceability, or the safety of the user in normal intended use.

Any deviation from specifications indicated herein must be clearly pointed out; otherwise, it will be considered that items offered are in strict compliance with these specifications, and successful bidder will be held responsible therefore. Deviations must be explained in detail on separate attached sheet(s).

14) ACCEPTANCE

All items listed in the specifications, delivered to the Department not meeting specifications or found to be poorly manufactured will not be accepted, but returned to the vendor, at their expense, for replacement. Replacement of all items found defective shall be made without cost to the Department, including transportation, if applicable. As it may be impossible for each facility to inspect all items upon arrival, a reasonable opportunity must be given to these facilities for inspection of the items, and returning those that are defective.

15) REVIEW OF BIDDER'S FACILITIES & QUALIFICATIONS

After the bid due date and prior to contract execution, the Department reserves the right to perform or to have performed, an on-site review of the bidder's facilities and qualifications. This review will serve to verify data and representations submitted by the bidder and may be used to determine whether the bidder has adequate facilities, equipment, qualified and experienced staff, and overall management capabilities to provide the required items. The review may also serve to verify whether the bidder has financial capabilities adequate to meet the contract requirements.

Should the Department determine that the bid package has material misrepresentations or that the size or nature of the bidder's facilities, equipment, management capabilities, or the number of experienced personnel (including technical staff) are not adequate to ensure satisfactory contract performance, the Department has the right to reject the bid.

16) PROTEST OF INVITATION TO BID SPECIFICATIONS

Any person who is adversely affected by the contents of this Invitation to Bid must file the following with the Department of Transportation, Clerk of Agency Proceedings, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0450:

1. A written notice of protest within seventy-two (72) hours after the posting of the solicitation, (the notice of protest may be Faxed to 850-414-5264), and

2. A formal written protest in compliance with Section 120.57(3), Florida Statutes, within ten (10) days of the date on which the written notice of protest is filed.

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.

17) UNAUTHORIZED ALIENS

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.

18) SCRUTINIZED COMPANIES LISTS

Responses of \$1 million or more must include a completed [Vendor Certification Regarding Scrutinized Companies Lists](#) to certify the respondent is not on either of those lists. The Form should be submitted with the Price Proposal.

Section 287.135, Florida Statutes, requires that at the time a vendor submits a bid or proposal for a contract for goods or services of \$1,000,000 or greater, the vendor must certify that the company is not on Scrutinized Companies with Activities in the Sudan List, the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or the Scrutinized Companies that Boycott Israel List.

For Contracts \$1,000,000 and greater, if the Department determines the Vendor submitted a false certification under Section 287.135(5) of the Florida Statutes, or if the Vendor has been placed on the Scrutinized Companies with Activities in the Sudan List, the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or the Scrutinized Companies that Boycott Israel List, the Department shall either terminate the Contract after it has given the Vendor notice and an opportunity to demonstrate the Department's determination of false certification was in error pursuant to Section 287.135(5)(a) of the Florida Statutes, or maintain the Contract if the conditions of Section 287.135(4) of the Florida Statutes are met.

19) RESERVATIONS

The Department reserves the right to accept or reject any or all bids received and reserves the right to make an award without further discussion of the bids submitted. Therefore, the bidder should make sure that the bid package submitted is complete and accurate and submitted to ensure delivery on or before the bid opening time and date specified in this solicitation. It is understood that the bid will become a part of the Department's official file, without obligation to the Department.

20) ADDITIONAL TERMS & CONDITIONS

No conditions may be applied to any aspect of the ITB by the bidder. Any conditions placed on any aspect of the bid documents by the bidder may result in the bid being rejected as a conditional bid (see "RESPONSIVENESS OF BIDS"). **DO NOT WRITE IN CHANGES ON ANY ITB SHEET.** The only recognized changes to the ITB prior to bid opening will be a written Addenda issued by the Department.

21) RESPONSIVENESS OF BIDS

Bids will not be considered if not received by the Department **on or before** the date and time specified as the due date for submission. All bids must be typed or printed in ink. A responsive bid is an offer to provide the items specified in this Invitation to Bid in accordance with all requirements of this Invitation to Bid. Bids found to be non-responsive will not be considered. Bids may be rejected if found to be irregular or not in conformance with the specifications and instructions herein contained. A bid may be found to be irregular or non-responsive by reasons that include, but are not limited to, failure to utilize or complete prescribed forms, modifying the bid specifications, submitting conditional bids or incomplete bids, submitting indefinite or ambiguous bids, or executing forms or the bid

sheet with improper and/or undated signatures. Other conditions which may cause rejection of bids include, evidence of collusion among bidders, obvious lack of experience or expertise to provide the required items, and failure to perform or meet financial obligations on previous contracts.

22) REQUIRED DOCUMENTS

The bidder must use the Bid Sheet (attached to this VBS advertisement) to submit its bid. Upload and submit an electronic copy of the Bid Sheet (saved in Excel format) to a CD-ROM or USB flash drive and a printed, signed hard copy. The Bid Sheet must be signed and dated in ink by a representative who is authorized to contractually bind the bidder. All bid sheets and other documentation submitted in response to this solicitation must be executed and submitted in a sealed envelope. **Indicate the bid number, with the time and date of the bid opening, on the envelope used to return the bid.**

23) "DRUG-FREE WORK PLACE" PREFERENCE

Whenever two or more bids which are equal with respect to price, quality, and service are received, the Department shall determine the order of award in accordance with section 295.187(4), Florida Statutes, and Rule 60A-1.011 Florida Administrative Code, which includes a preference for bid responses that certify the business has implemented a drug-free workplace program in accordance with Section 287.087, F.S. The "Drug-Free Workplace Program Certification" must be completed and submitted with the bid response to be eligible for this preference.

24) COPYRIGHTED MATERIAL

Copyrighted material will be accepted as part of a bid only if accompanied by a waiver that will allow the Department to make paper and electronic copies necessary for the use of Department staff and agents. It is noted that copyrighted material is not exempt from the Public Records Law, Chapter 119, Florida Statutes. Therefore, such material will be subject to viewing by the public, but copies of the material will not be provided to the public.

25) ATTACHMENT TO ITB SUBMITTAL - CONFIDENTIAL MATERIAL

The Bidder must include any materials it asserts to be exempted from public disclosure under Chapter 119, Florida Statutes, in a separate bound document labeled "Attachment to Invitation to Bid, Number ITB-DOT- 1718-9063 - Confidential Material". The Bidder must identify the specific Statute that authorizes exemption from the Public Records Law. Any claim of confidentiality on materials the Bidder asserts to be exempt from public disclosure and placed elsewhere in the bid will be considered waived by the Bidder upon submission, effective after opening.

26) MAIL OR DELIVER BIDS TO: (DO NOT FAX OR SEND BY E-MAIL)

**Florida Department of Transportation
Procurement Office
605 Suwannee Street, MS 20
Tallahassee, Florida 32399-0450
Attn: Greg Hill (850) 414-4482**

It is the bidder's responsibility to assure that the bid is delivered to the proper place **on or before** the Bid Due date and time (See Introduction Section 2, Timeline). Bids which for any reason are not so delivered will not be considered.

27) MODIFICATIONS, RESUBMITTAL AND WITHDRAWAL

Bidders may modify submitted bids at any time prior to the bid due date. Requests for modification of a submitted bid shall be in writing and must be signed by an authorized signatory of the bidder. Upon receipt and acceptance of such a request, the entire bid will be returned to the bidder and not considered unless resubmitted by the due date and time. Bidders may also send a change in a sealed envelope to be opened at the same time as the bid. The ITB

number, opening date and time should appear on the envelope of the modified bid.

28) POSTING OF INTENDED DECISION/AWARD

28.1 - General:

The Department's decision will be posted on the Florida Vendor Bid System at www.myflorida.com, (click on "BUSINESS", click on "Doing Business with the State", under "Everything for Vendors and Customers", click on "Vendor Bid System (VBS)", on date and time in the Timeline, and will remain posted for a period of seventy-two (72) hours. Any bidder who is adversely affected by the Department's recommended award or intended decision must file the following with the Department of Transportation, Clerk of Agency Proceedings, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0450:

1. A written notice of protest within seventy-two (72) hours after posting of the Intended Award, (the notice of protest may be Faxed to 850-414-5264), and
2. A formal written protest and protest bond in compliance with Section 120.57(3), Florida Statutes, within ten (10) days of the date on which the written notice of protest is filed. At the time of filing the formal written protest, a bond (a cashier's check or money order may be accepted) payable to the Department must also be submitted in an amount equal to one percent (1%) of the estimated contract amount based on the contract price submitted by the protestor.

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.

28.2 - Inability to Post:

If the Department is unable to post as defined above, the Department will notify all bidders by electronic notification on the Florida Vendor Bid System (see special condition 28.1, above) or by mail, fax, and/or telephone. The Department will provide notification of any future posting in a timely manner.

28.3 - Request to Withdraw Bid:

Requests for withdrawal will be considered if received by the Department, in writing, within seventy-two (72) hours after the bid opening time and date. Requests received in accordance with this provision will be granted by the Department upon proof of the impossibility to perform based upon obvious error on the part of the bidder. Bidders that do not withdraw as stated above will forfeit their bid bond, if applicable.

29) RECYCLED MATERIAL

The Department encourages the use of products and materials with recycled content and post-consumer recovered materials. If the item(s) specified in the Technical Specification is available with recycled content, we request that you provide product information to help in our search for recycled products. However, this bid request is for the product as specified herein and does not require prices for recycled product. This information should be sent as part of your bid response or may be sent separately.

30) PRICE ADJUSTMENTS

Price(s) shall remain firm for the life of the contract. Price adjustments will not be allowed.

31) DELIVERY LOCATION(S)

The primary point of delivery for this contract will be FDOT Warehouses, but bid prices will include delivery to other locations, throughout the State of Florida.

32) CANCELLATION

All contract obligations shall prevail for at least one hundred and eighty (180) days after the effective date of the contract. For the protection of both parties, this contract may be cancelled in whole or in part after one hundred and eighty (180) days by either party giving thirty (30) days prior written notice to the other contract party. The contract may, also, be cancelled by the Department for nonperformance (default) in accordance with Rule 60A-1.006(3), F.A.C.

33) ORDERING INSTRUCTIONS

Manufacturers are encouraged to bid direct naming dealers who will accept orders and complete deliveries. Bidders must include complete ordering instructions, including FEDERAL EMPLOYER IDENTIFICATION NUMBER (FEID), for invoicing dealers, with the bid on a separate sheet.

34) ORDER QUANTITIES

The Department will, at its discretion, place orders with the Vendor(s) for various quantities of the items, as needed, during the contract period. Bidders are encouraged to identify the standard packaging quantity and minimum order quantity acceptable for each item or group of items bid. **Excessive minimum order quantities will not be accepted.**

35) OPEN PURCHASE ORDERS

The Department may, at its discretion, establish an open (estimated quantity) purchase order with the contract vendor(s) to facilitate the purchasing of materials. The purchase of materials may be placed by; (1) written purchase order, (2) telephone orders by authorized Department personnel, or (3) an itemized order in writing. The Department will supply the contract vendor(s) with a list of personnel authorized to order. Delivery of items on these open purchase orders shall not exceed the contract effective period.

36) INVOICING

Invoices must match units specified on the Purchase Order.

37) FORMS

The Bidder must complete all required items below and submit them as part of the Bid package. Any Bid in which these forms are not used or in which these forms are improperly executed may be considered non-responsive and the bid may be subject to rejection.

Bid Sheet (Excel Format attached to the solicitation in VBS)

High Visibility Safety Apparel Specification

In-State Preference

Drug-Free Workplace Program Certification (if applicable)

Vendor Certification Regarding Scrutinized Companies Lists (Form 375-030-60)

Certification of Recycled Content (if applicable)

Ordering Instructions

38) TERMS AND CONDITIONS

38.1 General Contract Conditions (PUR 1000)

The State of Florida's General Contract Conditions are outlined in form PUR 1000, which is a downloadable document incorporated into this Invitation to Bid (ITB) by reference. Any terms and conditions set forth in this ITB

document will take precedence over the PUR 1000 form where applicable.

<http://www.dms.myflorida.com/content/download/2933/11777/1000.pdf>

The following paragraphs do not apply to this Invitation to Bid:

Paragraph 31, Dispute Resolution - PUR 1000

Paragraph 40, PRIDE – PUR 1000, when federal funds are utilized.

38.2 General Instructions to Respondents (PUR 1001)

The State of Florida's General Instructions to Respondents are outlined in form PUR 1001, which is a downloadable document incorporated into this Invitation to Bid (ITB) by reference. Any terms and conditions set forth in this ITB document take precedence over the PUR 1001 form where applicable.

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

The following paragraphs do not apply to this Invitation to Bid:

Paragraph 3, Electronic Submission – PUR 1001

Paragraph 4, Terms and Conditions – PUR 1001

Paragraph 5, Questions – PUR 1001

38.3 MFMP Purchase Order Terms and Conditions

All MFMP Purchase Order contracts resulting from this solicitation will include the terms and conditions of this solicitation and the State of Florida's standardized Purchase Order Terms and Conditions, which can be found at the Department of Management Services website at the following link:

http://www.dms.myflorida.com/content/download/117735/646919/Purchase_Order_Terms_Sept_1,_2015_.pdf

Section 8(B), PRIDE, is not applicable when using federal funds.

39) ORDER OF PRECEDENCE

All responses are subject to the terms and conditions of this solicitation, which, in case of conflict, shall have the following order of precedence listed:

Special Conditions

Technical Specifications

Bid Sheet

MFMP PO Terms and Conditions – Section 8(B), PRIDE, is not applicable when using federal funds.

General Instructions to Respondents (PUR 1001)

General Contract Conditions (PUR 1000)

Introduction Section

40) SAMPLES & TESTING

Samples should not be sent in with the bid but shall be submitted by the proposed awarded vendor within two (2) weeks after notification. Samples shall be sent to the address listed in notification letter to be tested for compliance with the bid specifications. Failure to provide these samples within this time period or the submission of samples not meeting the exact specifications shall be cause for rejection and the next lowest bidder contacted. Samples must be submitted at no additional cost to the Department and will be retained for use as quality assurance standards and as models for acceptance inspection.

BID CHECKLIST

(DOES NOT NEED TO BE RETURNED WITH YOUR BID)

This Checklist is provided as a guideline, only, to assist bidders in the preparation of their bid response. Included are some important matters that the bidder should check. This checklist is just a guideline, and is not intended to include all matters required by the ITB. Bidders are responsible to read and comply with the ITB in its entirety.

Check off each the following:

- 1. The "Bid Sheet" (1 electronic copy and 1 printed copy) has been filled out completely, signed, uploaded to a CD-ROM or USB Flash Drive, and a hard copy enclosed in the bid response.
- 2. The "High Visibility Safety Apparel Specification" section has been thoroughly reviewed for compliance and completed according to the bid requirements.
- 3. The "In-State Preference Form" (see Special Conditions #7) has been completed and submitted with the bid response.
- 4. "Drug-Free Workplace Program Certification" form has been read, signed, and enclosed in the bid response, if applicable.
- 5. "Scrutinized Companies Lists" certification form has been read, signed, and enclosed in the bid response, if applicable (bids of \$1 million or more).
- 6. The prices bid have been reviewed for accuracy.
- 7. The "Certification of Recycled Content" form, (if applicable) has been filled out completely and enclosed in the bid response.
- 8. The "Ordering Instructions" form has been completed and enclosed in the bid response.
- 9. The www.myflorida.com website has been checked and any Addendums posted have been completed, signed, and included in the bid response.
- 10. The bid response must be received, at the location specified, **on or before** the Bid Due Date and Time designated in the ITB.
- 11. On the Lower Left Hand Corner of the Envelope transmitting your bid response, write in the following information:

Bid No.: ITB-DOT-17/18-9063-GH

Title: HIGH VISIBILITY SAFETY APPAREL

Opening Date & Time: See "TIMELINE" in INTRODUCTION SECTION