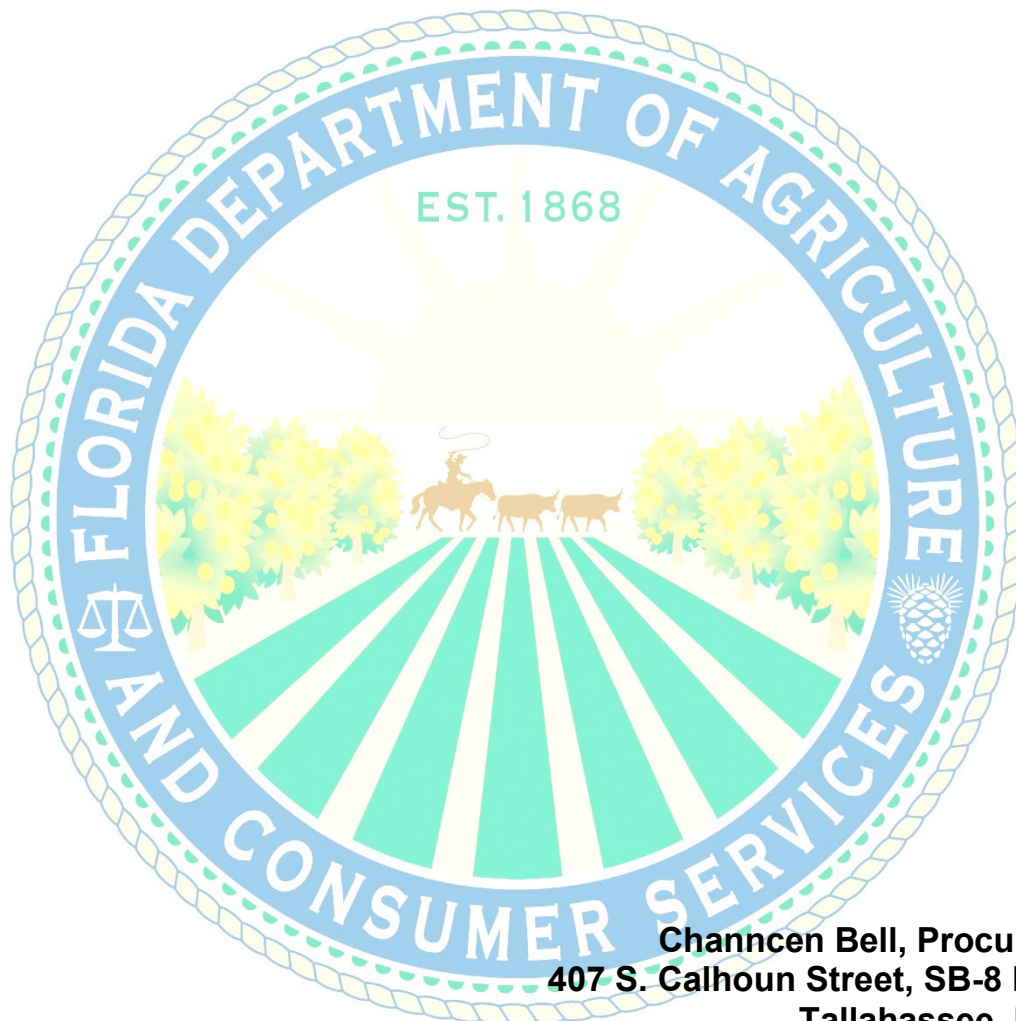


FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Invitation to Bid (ITB) No: ITB FFS 21 22 44

Title: Limerock- Goethe State Forest



Channcen Bell, Procurement Officer
407 S. Calhoun Street, SB-8 Mayo Building
Tallahassee, FL 32399-0800
850-617-7192

Bids@FDACS.gov

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. Protests must be filed with the Agency Clerk, Florida Department of Agriculture and Consumer Services, The Holland Building, 600 South Calhoun Street, Tallahassee, Florida 32399.

SECTION 1.0 INTRODUCTORY SECTION

1.1 Statement of Purpose

The Florida Department of Agriculture and Consumer Services (FDACS or Department) seeks to obtain competitive bids for the outright purchase and delivery of 29,500 tons of road material for use in road construction. This Invitation to Bid (ITB) and all activities leading toward the anticipated issuance of a Purchase Order are conducted pursuant to 287 Florida Statutes (F.S.) and Rule 60A-1 Florida Administrative Code (F.A.C.).

This solicitation will be administered through the Vendor Bid System (VBS). Vendors interested in submitting a bid must comply with all terms and conditions described in this solicitation.

It is the intent of the Department to make a single award as a result of this ITB.

1.2 Timeline of Events

The table below contains the Time 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).

EVENT	DATE/TIME (ET)	LOCATION
Release of ITB	November 09, 2021	Vendor Bid System http://www.myflorida.com/apps/vbs
Last day for written inquiries to be received by the Department	November 19, 2021	Florida Department of Agriculture and Consumer Services Email: Bids@FDACS.gov **ALL EMAILS SHOULD CONTAIN THE SOLICITATION NUMBER IN THE SUBJECT LINE OF THE EMAIL**
Anticipated Posting of Written Responses to Vendor Inquiries	November 22, 2021	Vendor Bid System http://www.myflorida.com/apps/vbs
Sealed Bids Due	December 02, 2021 @ 5:00PM	Florida Department of Agriculture and Consumer Services 407 S. Calhoun Street, SB-8 Mayo Building Tallahassee, Florida 32399-0800
Public Meeting for Opening of Bids	December 03, 2021 @ 2:00PM	Teleconference Number: 1 (888) 585 – 9008 Conference Room Number: 407 639 217
Anticipated Posting of Recommended Award	December 17, 2021	Vendor Bid System http://www.myflorida.com/apps/vbs

The Department shall utilize the State of Florida, VBS as the single resource for all ITB, Public Notice information in accordance with 28-102.001, F.A.C.

1.3 Public Opening

The Public Opening for this solicitation will be available via teleconference.

DIAL – IN TELECONFERENCE NUMBER: 1 (888) 585 – 9008

CONFERENCE ROOM NUMBER: 407 639 217, Then # and follow prompts

Residents in the State of Florida who are hearing, sight or speech impaired, please contact Florida Relay at 1 (800) 955 – 8771 or visit https://www.ftri.org/relay_for_assistance.

1.4 Mandatory Requirements

The FDACS has established certain requirements with respect to bids to be submitted by respondents. The use of “shall”, “must” or “will” (except to indicate simple futurity) in this ITB indicates a requirement or conditions from which a material deviation may not be waived by the Department. A deviation is material if, in the Department’s sole discretion, the deficient response is not substantial accord with the ITB requirements, provides an advantage to one respondent over other respondents, has potentially significant effect on the quantity or quality of items bid, or on the cost of the Department. Material deviations cannot be waived. The words “should” or “may” in this ITB indicate desirable attributes or conditions but are permissive in nature. Deviation from, or omission of, such a desirable feature, will not in itself cause rejection of a Bid.

1.5 Conflicts and Order(s) of Precedence

All bids are subject to the terms of the following provisions of this ITB, which in case of conflict shall have the following order of precedence:

- 1) Addenda, in reverse order of issuance
- 2) ITB, including attachments
- 3) [PUR 1000, General Contract Conditions](#)
- 4) [PUR 1001, General Instructions to Respondents](#)

SECTION 2.0 TECHNICAL SPECIFICATIONS

2.1 Specifications

All products shall contain no lumps of aggregate of such nature or in sufficient quantity to prevent purchaser from obtaining a smooth work surface free from pits and pockets. Product shall be free of trash and foreign matter. Product shall come from pits that are free of exotic plant species. FFS personnel will inspect the mines of the winning bid for the presences of invasive species and have the right to refuse the bid if invasive species are present.

PRODUCT 1:

Quantity: 28,000 tons

Description: Certified DOT Limerock Road Base

All materials must adhere to Florida Department of Transportation (FDOT) Section 911, Limerock Material for Base and Stabilized Base.

PRODUCT 2:

Quantity: 1,500 tons

Description: Certified DOT Grade 57 Limestone

All materials must adhere to Florida Department of Transportation (FDOT) Section 901, Coarse Aggregates.

Haul (Scale) ticket

Haul (scale) tickets must be provided with each load of rock delivered and a copy must be received by a Florida Forest Service representative or left in a previously discussed location upon each delivery. Tickets must include total weight of material delivered. Payment will be rendered based on material delivered on the Haul (scale) ticket amount. Failure to provide Haul (scale) tickets when material is delivered more than five (5) times may result in the contract being terminated.

Contract Period

This contract period for this project is valid for 90 days after the contract is awarded. Extension of this contract may be granted by the Project Manager when submitted in writing and is received no later than two (2) weeks before the contract ends.

2.2 Pre-Bid Conference / Site Visitation

It is **STRONGLY** recommended that each bidder, before submitting a bid, inspect the site where the project is to be completed to satisfy themselves regarding all general and local conditions that may affect the preparation of their bid and cost of contractor's performance. Appointments, if needed, for site inspection may be arranged with **Mark Larson** via telephone at (352) 566-5215 to arrange for a site visit between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. It is the bidders' responsibility to consider any and all site conditions or requirements for the project. A site visit is recommended but IS NOT mandatory.

2.3 Estimated Quantities

Intended quantities are estimates only and are to be used as a guideline. The Department reserves the right to add or reduce any item; therefore, the Department assigned purchase order shall be the official determination for final quantities.

2.4 Delivery Instructions

All Deliveries must be made between 7:00 A.M. through 5:00 P.M. Monday through Friday. All products in this agreement will be delivered to STOCKPILE SITES 1 OR 2 listed below. The project manager shall be contacted before delivery to specify which products and quantities will be delivered to each site. Delivery routes on forest roads may vary depending on weather and road conditions. The project manager reserves the right to adjust routes or postpone delivery if road conditions deteriorate.

STOCKPILE SITE 1 "Sand Pit": This stockpile located on County Road 337 approximately 4.5 miles north of State Road 121 in Levy County. (See Exhibit I- Map)

STOCKPILE SITE 2 "Wellhead": This stockpile is located 3 miles North of County Road 326 at the intersection of Goethe State Forest road Black Prong and Wellhead. (See Exhibit I- Map)

For additional information regarding delivery, please revisit Section 2.1 Haul Scale ticket.

SECTION 3.0 INVITATION TO BID PROCESS

3.1 Advertisement

This ITB is hereby advertised on the State of Florida VBS. To find the ITB or other related

information, enter Agency "Department of Agriculture" and click on "Advertisement Search" at the bottom of the web page. If unable to download the document(s), contact the FDACS Procurement Officer.

3.2 General Instructions to Respondents (PUR 1001)

Pursuant to Rule 60A-1.002 F.A.C., the General Instructions to Respondents, [PUR 1001](#) are incorporated in this ITB by reference and available at: https://www.dms.myflorida.com/content/download/2934/11780/PUR_1001_General_Instructions_to_Respondents.pdf. There is no need to return this document with the bid response.

Any terms and conditions set forth within this FDACS ITB document shall supersede any and all conflicting terms and conditions set forth within the PUR 1001. Specific references to MyFloridaMarketPlace (MFMP) usage for this ITB stated in paragraphs 3 and 5 of the PUR 1001, General Instructions to Respondents are not applicable.

3.3 Bidder Inquiries

The Procurement Officer, acting on behalf of the FDACS, is the sole point of contact of official meetings, questions, and all matters pertaining to this solicitation from the date of the release of the solicitation, until the FDACS Notice of Agency Decision is published on the VBS.

Questions related to this ITB, or requests for approved equivalents (if applicable), must be received in writing, via email, by the Procurement Officer listed below, as indicated in the Timeline of Events. Oral inquiries, or those submitted after the period specified in the Timeline, will may be acknowledged.

Responses to written questions will be posted on the VBS on or about the date referenced in the Timeline. The VBS is located at: <http://www.myflorida.com/apps/vbs>.

The Procurement Officer for this ITB is:

Channcen Bell Purchasing Specialist
Florida Department of Agriculture and Consumer Services
407 S. Calhoun Street, SB-8 Mayo Building
Tallahassee, Florida 32399-0800
Phone: (850) 617-7192
Email: Bids@FDACS.gov

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

Between the release of the solicitation, and the end of the 72-hour period following posting of notice of intent to award (72-hour period excludes Saturdays, Sundays and state holidays), bidders responding to this solicitation, or persons acting on their behalf, may not contact any employee or officer of the executive or legislative branches of government, concerning any aspect of this solicitation, except in writing to the procurement officer as provided in this solicitation. Violation of this provision may be grounds for rejecting a response, as per Section 287.057(23), Florida Statutes.

3.4 Addenda

If the Department deems it necessary to supplement, modify, or interpret any portion of the solicitation documents or exhibits, addenda, and materials relative to this procurement during

the bidding period, information will be posted on the VBS (<http://www.myflorida.com/apps/vbs>) as a written addenda. Any addenda issued in relation to this solicitation shall thereby become part of the final bid specifications and requirements.

Interested parties are responsible for monitoring this site for new, changing, or clarifying information relative to this solicitation.

3.5 MyFloridaMarketPlace (MFMP) Registration

Each vendor desiring to sell commodities or contractual services as defined in Section 287.012, F.S., to the State is prequalified to do so and shall register in the MFMP system, unless exempted under subsection 60A-1.033(3) F.A.C. Information about the registration process is available, and registration may be completed, at the MFMP website: [Vendor Information Portal \(https://vendor.myfloridamarketplace.com/vms-web/spring/login?execution=e1s1\)](https://vendor.myfloridamarketplace.com/vms-web/spring/login?execution=e1s1). Interested persons lacking internet access may request assistance from the MFMP Customer Service at (866) 352-3776.

Vendors should register for the following United Nations Standard Products and Services (UNSPSC) Class/Group Commodity Code(s) pertaining to this Procurement:

- 30121700- Road and railroad construction materials

3.6 Vendor Substitute W-9

The Florida Department of Financial Services (DFS) requires all bidders that conduct business with the state to electronically submit a Substitute W-9 Form to <https://flvendor.myfloridacfo.com>. Forms and answers to frequently asked questions are located on that website once a registration has been completed. DFS may assist bidders with questions and be reached by contacting (850) 413-5519, or FLW9@myfloridacfo.com.

The awarded Vendor must have a valid W-9 on file with the DFS prior to issuance of a purchase order or contract. This may be completed by the bidder post-award and is not something which FDACS will consider in determining the responsiveness of a bid.

3.7 Cost of Bid Preparation

Neither the Department, nor the state of Florida, is liable for any costs incurred by a bidder in response to this ITB.

3.8 Instructions for Bid Submittal

Each bid response shall be prepared simply and economically, providing a straightforward, concise delineation of the bidder's capabilities to satisfy the requirements of this ITB. Elaborate bindings, colored displays and promotional material are discouraged. Emphasis in each bid must be on completeness and clarity of content. In order to expedite the review of bids, it is essential that bidders follow the format and instructions.

- 1) Bids may be sent by U.S. mail, courier, overnight or hand delivered to the location indicated in the Timeline. **Electronic (email/fax) submission of bids will not be accepted for the ITB.**
- 2) All bids must be submitted in a sealed envelope/package with the relevant ITB number clearly marked on the outside of the envelope/package.
- 3) It is the bidder's responsibility to assure its bid submittal is delivered to the proper place and time as stipulated in the Timeline.

4) Late bids will not be accepted.

3.9 Bidder Acknowledgement

By submission of a signature on the FDACS Acknowledgment Form, the Bidder certifies that they comply with all terms and conditions contained herein. The Bid must contain the original signature of an authorized representative who can legally bind the Bidder. The product offered by the Bidder will conform to the specifications of this ITB without exception.

Bidders must include Attachment A, FDACS Acknowledgement Form with their Bid response.

3.10 Price Sheet

The bidder shall complete, sign, date and return Attachment B, Price Sheet.

Bid prices must be firm and be inclusive of all packaging, handling, shipping and delivery charges, environmental and fuel service fees, and any other relevant and related charges.

No remuneration is available to the Bidder beyond the Bid price for all specifications and considerations in response to this ITB, as outlined herein. Bidders will be strictly held to the prices of their Bid. The contents of this ITB and vendor Bid submission will become a contractual obligation upon execution of the purchase order or contract.

Quantities referred to are estimated quantities. If Attachment B stipulates a unit price, the Department reserves the right to increase or decrease the quantities and amounts. No guarantee is made regarding actual orders issued for items or quantities. The FDACS shall not be responsible for Vendor inventory or order commitment.

If a submitted **Attachment B, Price Sheet** includes inconsistencies, inaccuracies or is incomplete, it may be rejected by the Department. All calculations will be reviewed and verified. The Department may correct mathematical errors, however, in the event of any miscalculation, unit prices shall prevail.

3.11 Vendor Generated Terms and Conditions

The FDACS objects to and shall not consider any additional terms and conditions submitted by a Bidder, including any appearing in documents attached as part of a Bidder's response. In submitting a response, a Bidder agrees that any additional terms or conditions, whether submitted intentionally or inadvertently, shall have no force and effect. Failure to comply with terms and conditions, including those specifying information that must be submitted with a Bid, shall be grounds for rejecting a Bid.

The purchase or contract issued by the FDACS as a result of this ITB shall incorporate all terms and conditions identified herein. No oral agreements or representations shall be valid or binding upon FDACS or the Bidder unless expressly contained herein or by a written addendum to this ITB.

3.12 Public Records

Any and all documents submitted in response to this ITB shall be considered public record pursuant to Chapter 119, Florida Statutes.

3.13 Disclosure of Bid Submittal Contents

All documentation produced as part of this solicitation shall become the exclusive property of the Department and may not be removed by the bidder or its agents or returned. Selection or rejection of a bid shall not affect this right.

3.14 Bid Opening

Bids are due, and will be publicly opened, at the time, date, and location specified in the Timeline. Bid responses received late (after bid due date and time) will not be accepted, nor considered, and modification by the bidder of submitted bids will not be allowed, unless the Department has made a request for additional information. Department staff will not be held responsible for the inadvertent opening of a bid response if it is not properly sealed, addressed, or identified.

3.15 Administrative Review

Each Vendor shall submit a Bid that meets all material requirements of this ITB. Material requirements are those without which adequate analysis and comparison of Bids is impossible or those that affect the competitiveness of the Bid. Bids that do not meet all requirements, specifications, terms and conditions of this solicitation or fail to provide all required information, documents, or materials may be rejected as non-responsive.

The Department may request, and Bidder shall provide, clarifying information or documentation. Failure to supply the information or documentation as requested may result in the Bid being deemed non-responsive.

IF FDACS DETERMINES, IN ITS SOLE DISCRETION, THAT THE CONDITIONS OF THE BID DOCUMENTS ARE NOT COMPLIED WITH, OR THAT THE PRODUCT PROPOSED TO BE FURNISHED DOES NOT MEET THE SPECIFIED REQUIREMENTS, THE BID MAY BE REJECTED AS NON-RESPONSIVE.

3.16 The Florida Based Business Preference

When commodities are to be procured using state funds, pursuant to Section 287.084, Florida Statutes, the lowest responsible and responsive bidder whose principal place of business is located within the state of Florida is entitled to a preference over the lowest responsible and responsive bid submitted by a bidder whose principal place of business is located outside of this state. The preference will be determined as follows:

- 1) If the lowest bid is submitted by a bidder whose principal place of business is located outside of the state of Florida, and that state or political subdivision grants a preference to vendors whose principal place business is with that state or political subdivision, the preference given to the lowest bidder whose principal place of business is within the state of Florida shall be equal to that granted in the other state or political subdivision.
- 2) If the lowest bid is submitted by a bidder whose principal place of business is located outside the state of Florida, and that state does not grant a preference to bidders having a principal of business in that state, the preference granted to the lowest responsible and responsive bidder having a principal place of business within the state of Florida shall be five percent (5%).
- 3) **A vendor whose principal place of business is outside of the state of Florida must accompany any written bid, proposal or reply documents with a written opinion of an attorney at law 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 are in that foreign state in the letting of any or all public contracts. Failure to submit this letter will result in disqualification of the bid.**

3.17 Basis of Award

An award shall be made to the responsive and responsible bidder with the lowest Total Price, as specified in Attachment B, Price Sheet for all specifications and considerations in response to this ITB. An award from this Bid does not constitute an official purchase order or contract, agreement or commitment on behalf of the state.

In the event the bidder with the lowest Total Price is found non-responsive, the Department may proceed to the next responsive bidder with the lowest Total Price and continue the award process.

The Department reserves the right to award, or not award, contract(s) based on the availability of funds.

3.18 Bid Rules for Withdrawal

A submitted bid may be withdrawn by submitting a written request for its withdrawal to the Department. The withdrawal request must be signed by an authorized representative of the bidder and must be received within 72 hours after the bid submission date indicated in the Timeline. Any submitted bid shall remain valid for 90 days from the bid submission date.

3.19 No Prior Involvement and Conflict of Interest

Section 287.057(17)(c), Florida Statutes, provides, "A person who receives a contract that has not been procured pursuant to Subsections (1)-(3) to perform a feasibility study of the potential implementation of a subsequent contract, who participates in the drafting of a solicitation or who develops a program for future implementation, is not eligible to contract with the agency for any other contracts dealing with that specific subject matter, and any firm in which such person has any interest is not eligible to receive such contract. However, this prohibition does not prevent a bidder who responds to a request for information from being eligible to contract with an agency."

The Department considers participation in a solicitation to be any actions related to the decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or functioning in any other advisory capacity.

The bidder shall not compensate, in any manner, directly or indirectly, any officer, agent or employee of the Department, for any act or service, which they may do, or perform, for, or on behalf of, any officer, agent or employee of the bidder. Officers, agents or employees of the Department shall not have any interest, directly or indirectly, in any contract or purchase made, or authorized to be made, by anyone for, or on behalf of, the Department.

The bidder shall have no interest, and shall not acquire any interest, that conflicts in any manner, or degree, with the performance of the services required under this ITB.

3.20 Scrutinized Companies and Prohibited Business Activities

Pursuant to Section 287.135, Florida Statutes, a company is ineligible to, and may not bid on, submit a proposal for, or enter into or renew a contract with an agency or local governmental entity for goods or services of any amount if, at the time of bidding on, submitting a proposal for, or entering into or renewing such contract, the company is on the Scrutinized Companies that Boycott Israel List, created pursuant to Section 215.4725, Florida Statutes, or is engaged in a boycott of Israel.

When goods or services to be provided are \$1 million or more, Section 287.135, Florida Statutes, requires the contractor to certify that it is not 1) on the Scrutinized Companies with Activities in Sudan List; 2) on the Scrutinized Companies; with Activities in the Iran Petroleum Energy Sector List, created pursuant to Section 215.473, Florida Statutes, or 3) engaging in business operations in Cuba or Syria.

In order for your bid to be considered responsive, **Attachment C, Certification Regarding Scrutinized Companies Form**, must be completed and included in your bid package.

The of Scrutinized Companies is available at:

<https://www.sbafla.com/fsb/FundsWeManage/FRSPensionPlan/GlobalGovernanceMandates.aspx>. The

Department may immediately terminate any contract, as a result of this bid, for cause if the contractor is found to have submitted a false certification.

3.21 Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters for Expenditure of Federal Funds Tie Bids

Any person submitting a response to this bid MUST execute the enclosed form FDACS-01522, **Attachment D, Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters for Expenditure of Federal Funds** and enclose it with his/her bid or proposal. The Certification for Lobbying is required by 2 CFR for expenditures \$100,000 and above. The Certification for Debarment and Suspension and Other Responsibility Matters is required by 2 CFR for expenditures \$25,000 and above.

3.22 Identical Tie Bids

When evaluating Bidder responses to solicitations where there is identical pricing or scoring from two or more Bidders, the Department shall determine the order of award in accordance with Sections 287.057 (12), 287.082, 287.087, 287.092 and 295.187(4), Florida Statutes.

1) CERTIFIED MINORITY BUSINESS ENTERPRISE

Pursuant to Section 287.057(12), Florida Statutes, if two equal bids are received and one bid is from a certified minority Business Enterprise, the Department must contract with the Certified Minority Business Enterprise. Bidders must provide a copy of this certification in their bid response to receive this preference.

2) COMMODITIES MANUFACTURED, GROWN OR PRODUCED IN STATE GIVEN PREFERENCE

Pursuant to Section 287.082, Florida Statutes, whenever two or more competitive sealed bids are received, one or more of which relates to commodities manufactured, grown or produced within this state, and whenever all things stated in such received bids are equal with respect to price, quality and service, the commodities manufactured, grown or produced within this state shall be given preference. Bidders must provide proof in their bid response to receive this preference.

3) CERTIFICATION OF DRUG-FREE WORKPLACE PROGRAM

Pursuant to Section 287.087, Florida Statutes, 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. To be considered for the drug-free workplace program preference, bidders may provide **Attachment E, Certification of Drug-Free Workplace Program Form** that it has implemented a drug-free workplace program. Submission is required.

4) PREFERENCE TO CERTAIN FOREIGN MANUFACTURERS

Pursuant to 287.092, Florida Statutes, any foreign manufacturing company with a factory in the state and employing over 200 employees working in the state shall have preference over any other foreign company when price, quality and service are the same, regardless of where the product is manufactured. Bidders must provide proof in their bid response to receive this preference.

5) FLORIDA VETERAN BUSINESS ENTERPRISE OPPORTUNITY ACT PREFERENCE

Pursuant to Section 295.187(4), Florida Statutes, a state agency, when considering two or more bids, proposals or replies for the procurement of commodities or contractual services, at least one of which is from a certified veteran business enterprise, which are equal with respect to all relevant considerations, including price, quality and service, shall award such procurement or contract to the certified veteran business enterprise. Proof of certification pursuant to Section 295.187(5), Florida Statutes, shall accompany the bid. Failure to submit proof of certification will result in non-application of the preference.

3.23 Disqualification of Bidders

More than one bid from an individual, firm, partnership, corporation or association, under the same or different names, will not be considered. Reasonable grounds for believing that a bidder is interested in more than one bid for the same work will cause the rejection of all bids in which such bidders are believed to be interested.

If there is reason to believe that collusion exists among the bidders, any or all bids will be rejected. No participants in such collusion will be considered in future bids for the same work. Falsifications of any entry made on the bidder's offer will be deemed a material irregularity and will be grounds for rejection.

3.24 Rejection of Bids

The Department reserves the right to reject any and all bids when such rejection is determined to be in the best interest of the Department. The Department further reserves the right to reject the bid of a vendor who the Department determines is not in a position to perform the contract.

3.25 Protest Procedures

Pursuant to Section 120.57(3), Florida Statutes, a Notice of Protest or Formal Written Protest must be filed with the Department's Agency Clerk. Filings may be made delivered to The Holland Building, 600 South Calhoun Street, Tallahassee, Florida 32399. Filings received after regular Business Hours (8:00 a.m. to 5:00 p.m., ET) will be filed the next business day. 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.

SECTION 4.0 SPECIAL CONDITIONS

4.1 Additional Quantities/Renewal

The Department reserves the right to and may purchase additional quantities of the items listed herein. Orders shall be made by Department purchase order and shall be made within 12 months of award of this bid. The bidder shall hold firm their price during this period. Additional quantities ordered shall be subject to the same terms, conditions and pricing of the initial bid response.

4.2 Warranty and 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 criterion 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.

4.3 Damaged Commodities

The commodities shall be to the Department satisfaction and are subject to the Department's approval. The bidder bears all risk of loss or damage to the commodities until the Department has accepted delivery of the commodities. The Department shall be entitled to return, at the Bidder's expense, any commodities which the Department deems to be unsatisfactory.

4.4 Public Entity Crimes

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

4.5 Acknowledgements

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.

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.

4.6 Employment of Unauthorized Aliens

Pursuant to Executive Order 96-236, effective October 1, 1996, the following standard provision

shall apply to any contract awarded as a result of this Invitation to Bid (ITB):

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. The awarded vendor avers that it is registered in the E-Verify system and further agrees to comply with the provisions of Section 448.095(2), Florida Statutes.

4.7 National Defense Authorization Act

By submission of this bid response, the Bidder hereby represents and warrants that it shall comply with the Federal Acquisition Regulation 52.204-25, prohibition on contracting for certain telecommunications and video surveillance services or equipment pursuant to the National Defense Authorization Act. Failure to comply or if the Bidder knowingly provides funds to any entity prohibited from receiving a contract or award pursuant to the Federal Acquisition Regulation 52.204-25, shall be cause for unilateral cancellation of the Department's purchase order or contract. Subcontractors shall be verified through the General Services Administration (GSA) Federal Excluded Parties List: <https://sam.gov/SAM/>.

4.8 Cooperation with the Inspector General

Pursuant to Section 20.055(5), Florida Statutes, the contractor and any subcontractors understand and will comply with their duty to cooperate with the inspector general in any investigation, audit, inspection, review or hearing.

4.9 Vendor Ombudsman

Vendors providing goods and services to an agency should be aware of the following time frames. Upon receipt, an agency has five (5) working days to inspect and approve the goods and service, unless the bid specifications, purchase order or contract specifies otherwise. An agency has 20 days to deliver a request for payment (voucher) to the Department of Financial Services. The 20 days are measured from the latter of the date the invoice is received or the goods or services are received, inspected and approved.

If a payment is made within 40 days, a separate interest rate shall apply in accordance with Section 55.03 Florida Statutes (F.S).

A Vendor Ombudsman has been established within the Department of Financial Services. The duties of this individual include acting as an advocate for vendors who may be experiencing problems in obtaining timely payments(s) from a state agency. The Vendor Ombudsman may be contacted at (850) 413-5516.

4.10 Payment and Invoicing

Payment will be made upon delivery and/or satisfactory completion, by state government warrant. Invoices must be submitted in sufficient detail, to allow for a proper pre-audit and post-audit thereof, to the contract manager. Partial payments may be made upon satisfactory delivery of items and receipt of invoices. Payment will be made based on the bid price and successfully delivered items. Payment shall be made in accordance with Section 215.422, F.S.

Invoices shall be submitted as outlined in the resulting purchase order or contract.

4.11 Modifications after Purchase Order or Contract Execution


Any changes in the specifications, delivery, quantity or terms of the executed purchase order or contract must be agreed upon by the Department and the awarded Vendor by written change order or contract amendment.

If the awarded Vendor requests an equitable adjustment in the price(s) or delivery date(s), that affects the cost or time of performance, such equitable adjustments require the express written approval of the Department's contract manager or designee and a written purchase order or contract amendment.

4.12 Annual Appropriation

The state of Florida's and the Department's performances and obligations to pay for services under any contract or purchase order are contingent upon an annual appropriation by the Legislature. The costs of services paid under any other contract or from any other source are not eligible for reimbursement.

ATTACHMENT A ACKNOWLEDGEMENT FORM

	<p>FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES INVITATION TO BID</p>
Agency Release Date: November 9, 2021	<p>SUBMIT BID RESPONSE TO:</p> <p>Florida Department of Agriculture and Consumer Services Office of General Services - Purchasing Office 407 South Calhoun Street – Mayo Building, Room SB-8 Tallahassee, Florida 32399-0800</p>
<p>FDACS BID Number: ITB FFS 21 22 44</p>	
Bid Due: December 02, 2021 @ 5:00PM	<p>Bid Title: Limerock- Goethe State Forest</p>
Bid Opening Date and Time: December 09, @ 2:00PM	
<p>**Bidder (Vendor) Name:</p>	
<p>**If a fictitious name is used, include registered name (i.e. XYZ, Inc. DBA ABC)</p>	
Bidder Mailing Address:	*Authorized Signature (Manual)
City, State, Zip:	
Phone Number:	*Typed Name and Title of Authorized Agent
Toll Free Number:	<p>*This individual must have the authority to legally bind the Bidder to a contractual obligation. By submission of a signature on the response, the Bidder certifies that they agree to and shall comply with all bid specifications, terms and conditions contained herein.</p>
Fax Number:	
Email Address:	
FEID Number:	
Type of Business Entity (Corporation, LLC, partnership, etc.):	
<p>BIDDER CONTACTS: Provide the name, title, address, telephone number, and email address of the official contact and an alternate, if available. These individuals shall be available to be contacted by telephone or attend meetings as may be appropriate regarding the solicitation schedule.</p>	
PRIMARY CONTACT:	SECONDARY CONTACT:
Contact Name, Title:	Contact Name, Title:
Address:	Address:
Phone Number:	Phone Number:
Fax Number:	Fax Number:
Email Address:	Email Address:

ATTACHMENT B PRICE SHEET

DESCRIPTION	ESTMATED TONS	FIRM FIXED PRICE PER TON	TOTAL PRICE
Certified DOT Limerock Road Base	28,000 TONS	\$ _____	\$ _____
DOT Grade 57 Limestone	1,500 TONS	\$ _____	\$ _____
		Grand Total	\$ _____

By affixing signature to this PRICE SHEET, bidder agrees to honor the rate/total listed above and acknowledges any addenda (if applicable) contained in this Invitation to Bid.

BIDDER NAME: _____

SIGNATURE (MANUAL): _____

SIGNATURE (PRINTED): _____

*BIDDER PRINCIPAL PLACE OF BUSINESS: _____

NOTE:** *If outside of the state of Florida, attach a written opinion of an attorney, per Section 287.084, Florida Statutes, and "THE FLORIDA BASED BUSINESS PREFERENCE" section of the bid document. **Failure to submit this letter will result in disqualification of the bid.

ATTACHMENT C



Florida Department of Agriculture and Consumer Services
Division of Administration

CERTIFICATION REGARDING SCRUTINIZED COMPANIES

NICOLE "NIKKI" FRIED
COMMISSIONER

Certification Regarding Scrutinized Companies that Boycott Israel List and Engage in a Boycott of Israel

I, _____ (Enter Name of Authorized Representative), as the authorized representative of _____ (Enter Legal Name of Contractor), (the "company") hereby certify that, the company has reviewed Section 287.135, Florida Statutes, and certify the company:

1. Is not listed on the Scrutinized Companies that Boycott Israel list or
2. Does not participate or engage in a boycott of Israel.

The List of Scrutinized Companies that Boycott Israel can be located on the State Board of Administration of Florida's website at <https://www.sbafla.com/fsb/FundsWeManage/FRSPensionPlan/GlobalGovernanceMandates.aspx>

I understand that pursuant to Section 287.135, Florida Statutes, the submission of a false certification may subject the Company to civil penalties, attorney's fees and other penalties and consequences as provided by Section 287.135, Florida Statutes.

Signature of Authorized Representative:

Date:

Certification Regarding Scrutinized Companies List And Business Operations in Cuba/Syria

I, _____ (Enter Name of Authorized Representative), as the authorized representative of _____ (Enter Legal Name of Contractor), (the "company") hereby certify that, the company has reviewed Florida Laws Chapter 2018-52 (revising Section 287.135, Florida Statutes) and Section 287.135, Florida Statutes, and certify the company:

1. 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 and
2. Does not have business operations in Cuba or Syria.

The Scrutinized List of Prohibited Companies can be located on the State Board of Administration of Florida's website at <https://www.sbafla.com/fsb/FundsWeManage/FRSPensionPlan/GlobalGovernanceMandates.aspx>

I understand that Section 287.135, Florida Statutes, prohibits Florida state agencies from contracting for goods or services over \$1,000,000, with companies on either List or that are engaged in business operations in Cuba or Syria, and that pursuant to Section 287.135, Florida Statutes, the submission of a false certification may subject the Company to civil penalties, attorney's fees, and other penalties and consequences as provided by Section 287.135, Florida Statutes.

Signature of Authorized Representative:

Date:



ATTACHMENT D
Florida Department of Agriculture and Consumer Services
Division of Administration

**CERTIFICATION REGARDING LOBBYING;
DEBARMENT, SUSPENSION AND OTHER
RESPONSIBILITY MATTERS**

**NICOLE "NIKKI" FRIED FOR EXPENDITURE OF FEDERAL FUNDS LOBBYING
COMMISSIONER**

As required by 2 CFR 200, for persons entering into a contract, grant or cooperative agreement over \$100,000 involving the expenditure of Federal funds, the undersigned certifies for itself and its principals that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement and the extension, continuation, renewal, amendment or modification of any Federal grant or cooperative agreement;
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress, in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

PRINTED NAME/TITLE OF REPRESENTATIVE

CONTRACT / PURCHASE ORDER NUMBER

SIGNATURE OF REPRESENTATIVE / DATE

DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

As required by 2 CFR 200, for persons entering into a contract, grant or cooperative agreement over \$25,000 involving the expenditure of Federal funds, the undersigned certifies for itself and its principals that:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; 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;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a Government entity (Federal, State, or local) with commission of any offenses enumerated in paragraph (b) of this certification; and
- (d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

PRINTED NAME/TITLE OF REPRESENTATIVE

CONTRACT / PURCHASE ORDER NUMBER

SIGNATURE OF REPRESENTATIVE / DATE

ATTACHMENT E



NICOLE "NIKKI" FRIED
COMMISSIONER

Florida Department of Agriculture and Consumer Services
Bureau of General Services
DRUG-FREE WORKPLACE PROGRAM - BIDDER CERTIFICATION

IDENTICAL TIE BIDS - Preference shall be given to businesses with drug-free workplace programs. Whenever two or more bids, which are equal with respect to price, quality and service, are received by the state or by any political subdivision for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie bids will be followed if none of the tied vendors have a drug-free workplace program. In order to have a drug-free workplace program, a business shall:

- 1) Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
- 2) Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation and employee assistance programs and the penalties that may be imposed upon employees for drug abuse violations.
- 3) Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
- 4) In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
- 5) Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
- 6) Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

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

VENDOR'S SIGNATURE

Limerock- Goethe State Forest

Bidder Checklist

For your convenience, the following is a checklist of documentation that must be submitted by the response deadline listed in the ITB. Bidders that fail to provide all mandatory documentation specified within this ITB will be found non-responsive.

Attachment and Description	
Attachment A - Acknowledgement Form (Required)	
Attachment B - Price Sheet (Required)	
Attachment C - Certification Regarding Scrutinized Companies (Required)	
Attachment D - Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters for Expenditure of Federal Funds (Required)	
Attachment E - Certification of Drug-Free Workplace Program Form (Required, if applicable)	
Attorney Opinion for Non-Florida Vendors (Required, if applicable)	






Goethe State Forest 2021-22 Stockpile Sites



Legend

Roads_Ln

CLASS

-  Primary
-  Secondary
-  Service
-  Tertiary
-  Forest Boundary

