



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

Ron DeSantis, Governor
Pedro Allende, Secretary

The State of Florida

Department of Management Services

Supplemental Invitation to Bid (ITB)

Prequalification for Information Technology Staff Augmentation Services

ITB No: 23-80101507-ITB-Supplemental24

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Failure to file a protest within the time prescribed in section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

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

The Procurement Officer should be copied on such filings.

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1 INTRODUCTION

1.1 Timeline of Events

The table below contains the Timeline of Events for this solicitation. The dates and times within the Timeline of Events are subject to change. It is the responsibility of the Bidder to check for any changes on the Vendor Information Portal (VIP) and in the Business Network.

Bidders shall not rely on the Business Network time clock. It is not the official submission date and time deadline. In the event of a technical malfunction or discrepancy in VIP or in the Business Network, the Timeline of Events listed in the solicitation document shall prevail. The official solicitation dates and time deadlines are reflected in the Timeline of Events.

| Timeline of Events | | |
|---|------------------------|-----------|
| Event | Time (Eastern Time) | Date |
| Solicitation posted on MFMP VIP and in the Business Network in Preview Status | | 7/16/2024 |
| Public Meeting: Non-Mandatory Pre-Bid Conference In-person attendees: Department of Management Services 4050 Esplanade Way Conference Room 101 Tallahassee, FL 32399 Virtual Option: https://attendee.gotowebinar.com/register/5192980663998870368 | 2:00 PM | 7/26/2024 |
| Deadline to submit questions in the Business Network | 2:00 PM | 8/5/2024 |
| Department's anticipated date of posting Q&A on VIP and in the Business Network | | 8/20/2024 |
| Solicitation opens in the Business Network in Open status and Bidders may begin submitting Bids. | 8:00 AM | 8/21/2024 |
| Deadline to submit bid and all required documents in the Business Network | 2:00 PM | 9/4/2024 |

| Timeline of Events | | |
|--|------------------------|----------|
| Event | Time (Eastern Time) | Date |
| <p>Public meeting: Bid opening (non-mandatory)</p> <p>In-person attendees: Department of Management Services 4050 Esplanade Way Conference Room 101 Tallahassee, FL 32399</p> <p>Virtual Option: https://attendee.gotowebinar.com/register/5612162875035696217 </p> <p>Any person requiring a special accommodation due to a disability should contact the Department's Americans with Disabilities Act (ADA) Coordinator at (850) 922-7535 or ADA.Coordinator@dms.myflorida.com at least five (5) business days prior to the scheduled event.</p> | 2:01 PM | 9/4/2024 |
| Anticipated date to post Notice of Intent to Award on VIP and in the Business Network | 9/24/2024 | |
| Anticipated Contract start date | 10/1/2024 | |

1.2 Definitions

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

Bid – The document(s) submitted by a Bidder in response to this ITB.

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

Business Network – The Business Network (formerly known as Ariba Network) is an online marketplace that connects vendors and buyers for solicitations collaboration and purchasing transactions. A Business Network account is required to submit responses to electronic solicitations.

Business Day – Monday through Friday, inclusive, except for those holidays specified in section 110.117, F.S., from 8:00 a.m. to 5:00 p.m., in the time zone the Customer is located.

Ceiling Rate – The maximum Proposed Price a Bidder may propose for an associated Job Title or Scope Variant while still being deemed to have submitted the lowest responsive Bid.

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

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

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

Contractor – A Vendor that enters into a Contract with the Department as a result of this procurement.

Customer – A State Agency or Eligible User, as defined in Rule 60A-1.001, Florida Administrative Code.

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

Information Technology (IT) – as defined in 287.012(15), F.S.

Information Technology (IT) Experience – Experience working in the computer science industry that involves performing IT services and utilizing equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material.

Information Technology (IT) Staff Augmentation Contract Experience – Demonstrated prior work experience in the allocation and outsourcing of qualified IT Staff to augment a workforce on a temporary basis.

Job Family – A group of related Job Titles within Attachment J, Job Family Descriptions.

Job Title – The position described within Attachment J, Job Family Descriptions. The Job Family Descriptions document includes each Job Title's general characteristics and dimensions.

MyFloridaMarketPlace (MFMP) – the State of Florida's eProcurement system and connects vendors with state government organizations that purchase goods and services.

Operational Formula – The day-to-day actions of a company that are guided by a policy or procedure that is prescribed for repetitive use as a practice, in accordance with agreed upon operations that are aimed at obtaining a desired outcome.

Prequalification – A determination by the Department that a responsible and responsive Bidder is deemed to have submitted the lowest responsive Bid and has met the minimum requirements within the solicitation (including capability, experience, and past performance) for participation on the Contract. A Bidder who has been Prequalified is authorized to respond to Requests for Quotes from Customers in accordance with section 287.0591(6), F.S.

Principal Personnel – The management of the Bidder company who makes operational decisions.

Proposed Price – The Vendor’s maximum hourly rate for an associated Job Title or Scope Variant for the initial term. A “not to exceed” price.

Scope Variant – A gradation of experience within a Job Title.

Staff – The temporary staff provided by the Contractor or Contractor’s subcontractor(s) to render information technology services identified by Customers.

State – The State of Florida.

Supplemental Invitation to Bid – The annual opportunity, pursuant to section 287.0591(6), Florida Statutes, for Bidders to submit Bids for Prequalification of firms and individuals to provide Information Technology Staff Augmentation Services on the State Term Contract No. 80101507-23-STC-ITSA.

Vendor Information Portal (VIP) – The State’s bidding system developed in accordance with section 287.042(3)(b)2., F.S. The Vendor Information Portal is accessible at <https://vendor.myfloridamarketplace.com>.

1.3 Objective and Overview

The Department of Management Services is issuing this solicitation for the Prequalification of firms and individuals for participation on the Information Technology Staff Augmentation Services State Term Contract. The purpose of this Invitation to Bid is to Prequalify Bidders for the future possibility of obtaining work from Customers, in accordance with section 287.0591(6), F.S. The existing State Term Contract has three-years remaining in the contract term, for which awarded vendors will be permitted to offer Information Technology Staff Augmentation Services for the remaining Contract term. Proposed Prices will apply to the initial term and shall not increase at any point during the Contract.

The Department intends to issue a Supplemental Invitation to Bid on an annual basis for the remaining term of the Information Technology Staff Augmentation Services State Term Contract. New Vendors may submit a bid for Prequalification annually. Additionally, current Vendors previously awarded a contract to provide Information Technology Staff Augmentation Services on the existing State Term Contract (80101507-23-STC-ITSA) (“Current Vendors”) may submit supplemental bids annually to prequalify for additional Job Titles not previously awarded under the existing State Term Contract (80101507-23-STC-ITSA).

Vendors who currently have an executed Contract for Information Technology Staff Augmentation Services (80101507-23-STC-ITSA) may only submit a Bid for Job Titles not currently awarded to the Vendor under the current Information Technology Staff Augmentation Services State Term Contract. Bids submitted by Current Vendors for Job Titles previously awarded a contract to provide under 80101507-23-STC-ITSA shall not be eligible for an award under this Supplemental Invitation to Bid and shall not be considered by the Department.

There is currently a contract for Information Technology Staff Augmentation Services. Contract number 80101507-23-STC-ITSA expires on September 30, 2027, and consists of approximately 409 Vendors. The contract has an estimated annual spend of approximately

\$5,165,700.98. Additional information regarding the contract can be found on the Department's website at:

Contract Number 80101507-23-STC-ITSA

https://www.dms.myflorida.com/business_operations/state_purchasing/state_contracts_and_agreements/state_term_contract/information_technology_staff_augmentation.

Historical spend and current contract information, including current contract pricing, are provided for informational purposes only. Historical spend should not be construed as representing actual, guaranteed, or minimum spend under the resultant contract.

Responsive and responsible Bidders submitting the lowest Bid in accordance with the Basis of Award section will be Prequalified by Job Title and eligible to respond to Requests for Quotes for all Job Titles for which the Bidder provides the lowest Bid. Current Vendors on the State Term Contract are eligible to submit a Bid for all Job Titles, including Job Titles that were not previously awarded.

Upon Prequalification, Bidders will be eligible to receive Requests for Quotes from Customers to perform assignments on an hourly basis. Agencies seeking Information Technology Staff Augmentation Services will be required to issue a Request for Quotes to at least 25 awarded Bidders, in accordance with section 287.0591(5), F.S. Customers may utilize the Bidder's submitted Executive Summary and Staff Resource Management Plan and Price Sheet, which will be incorporated into the Contract, when hiring a Vendor. Customers may issue Requests for Quotes to Vendors on the current State Term Contract, to Vendors awarded Contracts pursuant to this solicitation, or to both sets of Vendors.

The award to multiple Bidders for each Job Title through a competitive solicitation satisfies section 287.0591(6), F.S. The resultant awards will increase competition and provide Customers significant choice in selecting a Vendor, with each additional award having the effect of increasing the competition and choice available to Customers who utilize the State Term Contract. The Department intends to post a notice of intent to award to prequalify multiple Bidders; however, the Department reserves the right to award Bidders statewide or by region, or to make no award.

1.4 Supplemental Invitation to Bid

Pursuant F.S. 287.0591(6), this Supplemental Invitation to Bid is being issued for the duration of the initial term of the State Term Contract 80101507-23-STC-ITSA. The State Term Contract is set to expire on September 30, 2027. Bids shall be allowed by both new vendors seeking Prequalification under the current State Term Contract and Current Vendors for Prequalification for additional job titles it is not currently offering on the State Term Contract 80101507-23-STC-ITSA .

1.4.1 Current Vendor Eligibility to Bid on Supplemental Invitation to Bid

Current Vendors on the current Information Technology Staff Augmentation Services Contract 80101507-23-STC-ITSA cannot use this Supplemental Invitation to Bid to change Prices on previously awarded Job Titles. Current Vendors shall only submit Bids for Job Titles that were not previously awarded to them.

Any Bids submitted by Bidders for Job Titles that they have been previously awarded a contract to provide under 80101507-23-STC-ITSA will not be considered for award.

1.4.2 Additional Bids

The acceptance of any Bids during the term of this Contract will be at the sole discretion of the Department. The Department reserves the right to issue a supplementary Bid on an annual basis to add Bidders during the term of the contract. Receiving a Contract is not a guarantee of work. No work may be performed without the issuance of a Purchase Order.

1.5 Scope of Work

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

1.6 Term

The term is as specified in the Attachment K, Draft State Term Contract.

1.7 Procurement Officer

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

Allen Thompson

Senior Purchasing Analyst, Division of State Purchasing

Florida Department of Management Services

4050 Esplanade Way, Suite 360.5Y, Tallahassee, FL 32399-0950

Phone: (850) 921-4072

Email: Allen.Thompson@dms.fl.gov

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

1.8 Order of Precedence for Solicitation

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

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

1.9 Commitment to Diversity

The State is committed to supporting its diverse business population through involving woman-, veteran-, and minority-owned business enterprises in the state's purchasing process. The Department supports diversity in its procurements, and requests that all subcontracting opportunities afforded by this solicitation be shared with certified woman-, veteran-, and minority-owned business enterprises. The award of subcontracts should reflect the vast array of citizens in the State. Bidders can search for certified businesses online at the Office of Supplier Diversity's Certified Vendor Directory or by contacting 850-487-0915 for

information on certified businesses that may be considered for subcontracting opportunities. The Certified Vendor Directory is accessible at <https://osd.dms.myflorida.com/directories>.

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

1.10 Department's Rights to Reject Bids

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

Bids that do not meet all requirements, specifications, terms, and conditions of the solicitation or fail to provide all required information, documents, or materials may be rejected as non-responsive. Bidders whose Bids, references, or current status do not reflect the capability, integrity, or reliability to fully and in good faith perform the requirements of the Contract may be rejected as not responsible. The Department reserves the right to determine which Bids meet the requirements of this solicitation and which Bidders are responsive and responsible.

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

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

2 THE ITB PROCESS

2.1 Question Submission

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

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

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

2.2 Addenda to the ITB

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

2.3 Public Opening

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

2.4 Special Accommodations

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

2.5 Mandatory Responsive Requirements

The Department will not review Bids from Bidders who do not meet the mandatory responsive requirements listed in Attachment L, Mandatory Responsive Requirements, or Bidders who fail to submit a signed Attachment L, Mandatory Responsive Requirements.

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

The Department will not review Bids from Bidders who do not meet or make the certifications within Attachment M, Experience, Capability, and Past Performance Questionnaire, or Bidders who fail to submit a signed Attachment M, Experience, Capability, and Past Performance Questionnaire.

The Bidder must submit a completed Attachment D, Executive Summary and Staff Resource Management Plan, when submitting a Bid. Bidder should provide the Bidder's specific response for each question number in Attachment D, Executive Summary and Staff Resource Management Plan, which should provide the following for each question: 1) The question number and prompt, and 2) the Bidder's response to that question number and prompt. Bidder should not provide an overarching narrative which responds to multiple question numbers at once. The Bidder's Executive Summary and Staff Resource Management Plan will be incorporated into the Contract to assist Customers with their determination of which Prequalified Vendor(s) to hire.

The Bidder must submit a completed and unaltered Attachment P, PUR1355 Foreign Country of Concern Attestation.

Bidders must upload an electronic copy of Attachment E, Price Sheet into the MFMP Business Network application. Bidder should provide Attachment E, Price Sheet, in accordance with the Price Sheet Instructions of the ITB, and complete the following:

- i. Provide Proposed Price(s) in Attachment E, Price Sheet, and upload it into the MFMP Business Network.
- ii. Do not change or alter Attachment E, Price Sheet, when providing Proposed Prices.
- iii. Submit Attachment E, Price Sheet in Microsoft Excel .xlsx format. Do not convert to PDF or scan Attachment E, Price Sheet.

- iv. Do not submit any version of the Price Sheet that is not part of the solicitation documents.
- v. Current Vendors shall not submit pricing in Attachment E, Price Sheet, for Job Titles previously awarded a contract to provide on the existing State Term Contract 80101507-23-STC-ITSA. Any such pricing shall not be eligible for an award under this Supplemental Invitation to Bid and shall not be considered by the Department. The Department reserves the right to remove such pricing and evaluate any remaining Job Title pricing which does not conflict with this instruction.
- vi. Price Sheets and Proposed Prices not provided in accordance with this subsection may be deemed nonresponsive.

2.6 Basis of Award

The Department intends to make multiple awards from this solicitation. Contracts will be awarded to the responsible and responsive Bidder(s) who submit the lowest responsive Bid(s) for Job Titles in accordance with the Price Sheet Instruction within Section 3.8 of this solicitation and Attachment E, Price Sheet, and who also meet the solicitation's requirements for Prequalification on the State Term Contract, including the restrictions for Current Vendors outlined in Section 1.4.

Proposed prices that do not exceed the Ceiling Rate(s) for a respective Job Title, including respective Scope Variants, will be deemed to be the lowest responsive Bid(s). However, if any of Bidder's Proposed Prices for a respective Job Title, including respective Scope Variants, exceed the Ceiling Rate then the Bidder will not be deemed to have submitted the lowest responsive Bid for that Job Title or any Scope Variant within it.

Awarded Bidders will be prequalified to respond to Customer Requests for Quotes to provide Information Technology Staff Augmentation contractual services by Job Title.

The Department intends to post a notice of intent to award to prequalify multiple Bidders; however, the Department reserves the right to award Vendors statewide or by region, or to make no award, as determined to be in the best interest of the State.

2.7 Electronic Posting of Notice of Intent to Award

The Department will electronically post a 'Notice of Intent to Award' on VIP in accordance with the Timeline of Events. The 'Notice of Intent to Award' will remain posted for a period of 72 hours, not including Saturdays and Sundays or State holidays, as specified in section 110.117, F.S.

2.8 Contract Formation

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

The Department intends to enter into the Contract(s) with Bidder(s) pursuant to the 'Basis for Award' section of this solicitation. No additional documents submitted by a Bidder shall be incorporated in the Contract unless they are specifically identified, incorporated by reference,

and approved by the Department. If any additional documents are submitted by the Bidder, the additional documents will not be considered for the Basis for Award.

2.9 Other Requirements Following Award

2.9.1 Registration with the Florida Department of State

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

2.9.2 Florida Substitute Form W-9

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

3 RESPONDING TO THE ITB

3.1 General Instructions

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

3.2 Special Instructions

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

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

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

3. Electronic Submission of Bids. All Bids should be submitted through the Business Network. See section 3.3 for more information.

4. Terms and Conditions. All Bids are subject to the terms of this solicitation, which, in case of conflict, will have the order of precedence listed in the 'Order of Precedence for Solicitation' section.

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

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

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

a. Convicted Vendor List.

Pursuant to section 287.133, F.S., a person or affiliate who has been placed on the Convicted Vendor List following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in section 287.017, F.S. for CATEGORY TWO for a period of 36 months following the date of being placed on the Convicted Vendor List.

b. Discriminatory Vendor List.

Pursuant to section 287.134, F.S., an entity or affiliate who has been placed on the Discriminatory Vendor List may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity.

c. Antitrust Violator Vendor List.

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

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

- a. The Bidder is not currently under suspension or debarment by the State or any other governmental authority.
- b. The Bidder currently has no delinquent obligations to the State, including a claim by the State for liquidated damages under any other contract.
- c. The submission is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any entity or person to submit a complementary or other noncompetitive Bid.

- d. The prices and amounts have been arrived at independently and without consultation, communication, or agreement with any other Bidder or potential Bidder; neither the prices nor amounts, actual or approximate, have been disclosed to any other Bidder or potential Bidder, and they will not be disclosed before the solicitation opening.
- e. The Bidder has fully informed the Department in writing of all convictions of the Bidder, its affiliates (as defined in section 287.133(1)(a), F.S.), and all directors, officers, and employees of the Bidder and its affiliates for violation of any state or federal law involving a public entity crime (as defined in section 287.133(1)(g), F.S.). This includes disclosure of the names of current employees who were convicted of public entity crimes while in the employ of another company.
- f. Neither the Bidder nor any person associated with it in the capacity of owner, partner, director, officer, principal, investigator, project director, manager, auditor, or in a position involving the administration of federal funds:
 - o Is presently indicted or, within the preceding three years, has been convicted or found guilty of, or found civilly liable for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local government transaction or public contract; violation of federal or state antitrust statutes; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or
 - o Has within a three-year period preceding this certification had one or more federal, state, or local government contracts terminated for cause or default.
- g. The products and services offered by the Bidder conform to the specifications contained herein without exception.
- h. The Bidder has read and understands the terms and conditions listed in the Draft Contract, and the submission is made in conformance with those terms and conditions.
- i. If an award is made to the Bidder, the Bidder agrees that it will execute the Draft Contract.
- j. The Bidder has made a diligent inquiry of its employees and agents responsible for preparing, approving, or submitting the Bid, and has been advised by each of them that he or she has not participated in any communication, consultation, discussion, agreement, collusion, act, or other conduct inconsistent with any of the statements and representations made in the Bid.
- k. The Bidder shall indemnify, defend, and hold harmless the Department, Customer, and their employees against any cost, damage, or expense which may be incurred or be caused by the Bidder's Bid (including any errors therein).
- l. All information provided by, and representations made by, the Bidder are material and important and will be relied upon by the Department in awarding the Contract. Any misstatement may be treated as fraudulent concealment from the Department and Customers of the true facts relating to submission of the Bid. A misrepresentation may be punishable under law.

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

14. Firm Response. The Department intends to make an award within 180 days after the date of the opening, during which period Bids shall remain firm and shall not be

withdrawn. If award is not made within 180 days, the Bid shall remain firm until the Department enters into a Contract or the Department receives from the Bidder written notice that the Bid is withdrawn.

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

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

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

In the event of a request for public records pursuant to Chapter 119, F.S., the Florida Constitution, or other authority, to which documents that are marked as “confidential” are responsive, the Department will provide the redacted copy to the requestor. If a requestor asserts a right to the redacted Confidential Information, the Department will notify the Bidder such an assertion has been made. It is the Bidder’s responsibility to take the appropriate legal action to assert that the information in question is exempt from disclosure under Chapter 119, F.S., or other applicable law.

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

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

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

3.3 How to Submit a Bid in MyFloridaMarketPlace

3.3.1 MFMP Registration

A Vendor must be registered in the MyFloridaMarketPlace (MFMP) Vendor Information Portal (VIP) to submit its intent to participate in this solicitation from the Advertisements Dashboard in VIP. A Vendor must also be registered in the Business Network (formerly known as Ariba Network) to submit questions and respond to this solicitation event.

To Participate in this solicitation, a Vendor must:

- a) Create an account through VIP at <https://vendor.myfloridamarketplace.com> if not already registered. For information on how to register in VIP, access MFMP training materials using the link in Section 3.3.2 MFMP Training below.
- b) Once registered in VIP, search for this solicitation from the Advertisements Dashboard and click “Intends to Participate.”
- c) The Vendor’s solicitation contact as listed in Vendor’s MFMP account will receive an invitation to participate in the solicitation via email. This email will give the option to register the Vendor’s company on the Business Network or to log into the Business Network using the Vendor’s credentials if the Vendor already has a Business Network account.

If a Vendor is **NOT** registered in the Business Network, the Vendor must:

- a) Register in the Business Network using the provided link received after selecting “Intends to Participate” in VIP. The Vendor must follow the registration wizard to fill in all required sections, read, and agree to the MFMP terms of use by checking the box, and click “Register” to complete the registration process.
 - 1) The Vendor’s contact will receive an email from the Business Network confirming the registration of the Vendor’s account. To activate the Vendor’s account, select the “Click here to activate your Ariba account” link. This will direct the Vendor to the Business Network welcome page.

If a Vendor is registered in the Business Network and has selected it Intends to Participate in this solicitation:

- a) Login using the login credentials to gain access to the Business Network home page.
- b) To navigate to different tools, select the “**Business Network**” drop down menu at the top left-hand corner of the screen. To access sourcing (solicitation) events select “**Ariba Proposals & Questionnaires**” and review the “**Events**” list.
- c) Review the “Events” list for the title of this solicitation’s sourcing event.

- 1) The sourcing event will either be displayed in the “Open” or “Preview” status.

A sourcing event can appear in various statuses based on where the solicitation is in the procurement process. The possible statuses are defined below:

- Completed - The sourcing event is no longer receiving submissions for the solicitation and an agency decision has been posted on VIP
 - Open – The sourcing event is currently open for viewing and registered Vendors may respond to the solicitation
 - Pending Selection – The sourcing event is no longer receiving submissions for the solicitation, but an agency decision has not yet been posted on VIP
 - Preview – The sourcing event has not yet been opened to receive responses, but the details of the solicitation can be viewed by registered Vendors
- d) Click the sourcing event title to review the details of the event.
 - e) In the Event Details page, there is a “Checklist” of steps which must be completed before a Vendor can respond to this solicitation, including accepting the Ariba Network’s Respondent’s Agreement.

For more information on reviewing and submitting a response, access MFMP training materials using the link in Section 3.3.2 MFMP Training below.

ALL VENDORS MUST SELECT ‘INTENDS TO PARTICIPATE’ IN VIP AND SUBMIT THEIR RESPONSE AND ALL REQUIRED DOCUMENTS IN THE BUSINESS NETWORK BY THE TIME AND DATE LISTED IN THE TIMELINE OF EVENTS IN ORDER TO PARTICIPATE IN THIS SOLICITATION.

NOTE: Changes made in VIP, including new registrations, may take up to 48 hours to take effect

3.3.2 MFMP Training

MFMP University offers Vendor training materials on the Department’s MFMP Vendor Training website. Please visit:

http://www.dms.myflorida.com/business_operations/state_purchasing/myfloridamarketplace/mfmp_university/mfmp_u_for_vendors to access the MFMP Vendor Guide for information on VIP registration, commodity codes, and responding to solicitations in the Business Network.

3.3.3 MFMP Assistance

If you need assistance with using MFMP, please contact the MFMP Customer Service Desk at (866) 352-3776 or VendorHelp@myfloridamarketplace.com. Note-specific questions regarding this solicitation must be submitted in accordance with the Question Submission section.

3.4 Modification or Withdrawal of Bid

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

3.5 Cost of Bid Preparation

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

3.6 Independent Preparation

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

3.7 False or Erroneous Information

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

3.8 Price Sheet Instructions

Descriptions of Job Families are displayed in the left columns of Attachment E, Price Sheet. Within each Job Family are Job Titles. The Job Title is often, but not always, divided into Scope Variants. Prequalification awards will be made by Job Title.

Bidders shall insert Proposed Price(s) in Attachment E, Price Sheet. All Proposed Prices must be in U.S. Dollars and price ranges will not be accepted. A Bidder's Proposed Price is a "not to exceed" hourly rate and will apply for the entire Contract term.

A Bidder is not required to respond to every Job Family or Job Title; however, a Bidder is required to provide a Proposed Price for every Scope Variant within every Job Title bid.

The Department will not consider a bid on a Job Title that fails to include a Proposed Price for every Scope Variant within that Job Title.

The State Term Contract will have a one-year initial term. The Proposed Price will be the same for the initial term and shall not increase at any point during the Contract.

3.9 Submitting a Bid

Bidders will submit their questions and Bids electronically via Business Network and enter all attachments and documents electronically in the Business Network application during this solicitation as indicated. The Department will only consider Bids submitted using Business Network. Vendors must 'Join' the Business Network event in order to be able to submit a Bid.

MFMP Files and Attachment Naming Convention:

Attachments submitted in Business Network should be similar to the following file naming conventions:

Example:

JohnDoeLLC_Attachment_D_ExecSum_and_StaffResManPlan.pdf
JohnDoeLLC_Attachment_E_Price Sheet.xlsx
JohnDoeLLC_Attachment_B_Mandatory_Responsive_Req.pdf
JohnDoeLLC_Attachment_C_ECPPQ.pdf

Bidders that fail to submit complete Bids containing all requested information in Business Network may be deemed non-responsive. Bidders are responsible for submitting their Bids in Business Network by the date and time specified in the Timeline of Events located in section 1.1 of this solicitation. The Department will not consider late Bids.

Do not submit mass-produced general information/promotional material about the Bidder that is prepared/printed for general distribution. Bid materials should be prepared simply and economically and should provide a straightforward, concise delineation of the Bidder's capabilities to satisfy the requirements of this solicitation.

By submitting a Bid, the Bidder certifies that it agrees to all criteria specified in this solicitation.

ITB ATTACHMENTS

Attachment A, Scope of Work
Attachment B, Additional Special Contract Conditions
Attachment C, Special Contract Conditions
Attachment D, Executive Summary and Staffing Resource Management Plan
Attachment E, Price Sheet
Attachment F, Resume Self-Certification Form
Attachment G, Contract Selection Justification Form
Attachment H, Contractor Performance Survey
Attachment I, Preferred Pricing Affidavit
Attachment J, Job Family Descriptions
Attachment K, Draft State Term Contract
Attachment L, Mandatory Responsive Requirements
Attachment M, Experience, Capability, and Past Performance Questionnaire
Attachment N, Certification of Drug-Free Workplace
Attachment O, Contact Information Form
Attachment P, PUR 1355 Foreign Country of Concern Attestation

Required Documents to be submitted by Bidder prior to ITB opening

Bidder's Completed Attachment D, Executive Summary and Staffing Resource Management Plan
Bidder's Completed Attachment E, Price Sheet
Bidder's Completed Attachment L, Mandatory Responsive Requirements
Bidder's Completed Attachment M, Experience, Capability, and Past Performance Questionnaire
Bidder's Completed Attachment P, PUR 1355 Foreign Country of Concern Attestation

Other Documents to be submitted by the Bidder prior to ITB opening:

Bidder's Completed Attachment O, Contact Information Form
Bidder's Completed Attachment N, Certification of Drug Free Workplace, if applicable