



Invitation to Bid (ITB)

For

**Re-Advertisement for Specialty Gases
(Cylinder, Micro-Bulk, and Bulk)**

ITB 2024018

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**Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk)**

Table of Contents

| | | |
|------|--|----|
| 1 | Introduction | 4 |
| 1.1 | Solicitation Objective | 4 |
| 1.2 | Background and Program Information | 4 |
| 1.3 | Anticipated Contract Term & Renewals..... | 4 |
| 1.4 | Definitions..... | 4 |
| 1.5 | Draft Contract Terms | 4 |
| 1.6 | Procurement Officer | 5 |
| 1.7 | Special Accommodations | 5 |
| 1.8 | Timeline of Events..... | 5 |
| 1.9 | List of Attachments and Forms | 6 |
| 2 | ITB Process | 7 |
| 2.1 | Vendor Responsibilities..... | 7 |
| 2.2 | Who May Respond..... | 7 |
| 2.3 | Overview of the ITB..... | 7 |
| 2.4 | Conformance to Requirements..... | 9 |
| 2.5 | Limitation on Vendor Contact with Agency During Solicitation Period..... | 9 |
| 2.6 | Addenda/Amendments to the ITB..... | 9 |
| 2.7 | Contract Formation..... | 9 |
| 2.8 | Disclosure of Response Contents..... | 10 |
| 2.9 | Withdrawal of Responses | 10 |
| 2.10 | Administrative Cure Process | 10 |
| 2.11 | Clarification Process..... | 10 |
| 2.12 | Information from Other Sources | 10 |
| 2.13 | Firm Response..... | 10 |
| 2.14 | Right to Reject..... | 11 |
| 2.15 | Cancellation, Non-Award, and Withdrawal | 11 |
| 2.16 | Misrepresentations..... | 11 |
| 2.17 | Licensure & Registration | 11 |
| 2.18 | Replacement and Alternate Responses | 11 |

**Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk)**

| | | |
|------|--|----|
| 2.19 | Exclusivity | 12 |
| 2.20 | Diversity | 12 |
| 2.21 | Bid Protests | 12 |
| 3 | Response Instructions | 13 |
| 3.1 | MyFloridaMarketPlace (MFMP) Vendor Registration | 13 |
| 3.2 | Pre-Response Conferences and/or Site Visits..... | 14 |
| 3.3 | Submission of Responses | 14 |
| 3.4 | Response Content Requirements | 14 |
| 3.5 | Economy of Presentation..... | 15 |
| 3.6 | Confidential Response Materials and Redacted Submissions | 15 |
| 4 | Scope of Work..... | 17 |
| 4.1 | Scope of Work..... | 17 |
| 4.2 | Definitions..... | 17 |
| 4.3 | Contractor Responsibilities | 17 |
| 4.4 | Department's Responsibilities | 26 |
| 4.5 | Enforcement | 27 |
| 5 | Award | 28 |
| 5.1 | Basis of Award..... | 28 |
| 5.2 | Florida-Based Business Preference..... | 28 |
| 5.3 | Award Preferences for Equal Scores (Ties) | 28 |
| 5.4 | Recommendation of Award | 28 |
| 5.5 | Posting of Decision..... | 29 |
| 5.6 | Execution of Contract..... | 29 |
| 5.7 | Failure to Perform the Contract..... | 29 |



Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk)

1 Introduction

The Florida Department of Environmental Protection (the Department or DEP) hereby issues this Invitation to Bid (ITB) to contract for Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk). The Solicitation will be administered through the Vendor Information Portal (VIP). Respondents interested in submitting a Response must comply with all of the terms and conditions described in this ITB.

1.1 Solicitation Objective

The Department intends to enter into a contract using the Attachment 1, Draft Contract, for Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk), hereby incorporated by reference. The Department intends to make a single award, however the Department reserves the right to award to one Respondent or multiple Respondents, or to make no award, as determined to be in the best interest of the State.

1.2 Background and Program Information

The Division of Environmental Assessment and Restoration (DEAR) Laboratory provides data to various agency programs for decision-making purposes. Several sophisticated analytical instruments that are used by the laboratory require gases for operation.

1.3 Anticipated Contract Term & Renewals

The initial term of the Contract will begin on July 10, 2024, and continue until July 9, 2029, with up to five (5) renewal year(s). At the discretion of the Department, the Contract may be renewed subject to the terms and conditions specified in the Contract.

1.4 Definitions

The "General Contract Conditions" Form PUR 1000 (PUR 1000) and "General Instructions to Respondents" Form PUR 1001 (PUR 1001), found in Rule 60A-1.002, Florida Administrative Code (F.A.C.), are hereby incorporated by reference and can be accessed at:

https://www.dms.myflorida.com/business_operations/state_purchasing/state_agency_resources/state_purchasing_pur_forms. The following definitions apply to this ITB:

Business Days - Monday through Friday, inclusive, except for State government holidays.

Confidential Information - Any documents, data, or records that are confidential and not subject to disclosure pursuant to Chapter 119, Florida Statute (F.S.), the Florida Constitution, or any other authority.

Contract - The agreement that results from this competitive procurement, if any, between the Department and the Contractor.

Contractor(s) - The Respondent(s) that will be awarded a Contract pursuant to this Solicitation.

Respondent - an entity that submits a Response to this ITB.

State - The State of Florida.

1.5 Draft Contract Terms

Awarded Respondent(s) must provide the contractual services sought by this ITB in accordance with the terms, conditions, and Scope of Work detailed in the Contract. All Respondents should carefully review

**Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk)**

Attachment 1, prior to submission of a Response. Any questions related to the Contract should be submitted as a formal question in accordance with the instructions contained in this ITB.

1.6 Procurement Officer

The Procurement Officer is the Department's sole point of contact for information regarding this ITB from the date of release until an Agency Decision is posted on the VIP, at <https://vendor.myfloridamarketplace.com/> in accordance with Section 2.3.1.2 below. **Violation of this provision may be grounds for rejecting a Response.**

Refer ALL inquiries in writing to the Procurement Officer by email. Responses to timely questions posed to the Procurement Officer will be posted on the VIP, at <https://vendor.myfloridamarketplace.com/> in accordance with Section 2.3.1.2 below.

The Department will not talk to any Respondents or their agents regarding a pending solicitation. Questions will NOT be answered via telephone.

1.7 Special Accommodations

Any person requiring a special accommodation due to a disability should contact the Department's Procurement Officer. Requests for accommodation for meetings must be made at least five (5) Business Days prior to the meeting.

1.8 Timeline of Events

The following schedule will be strictly adhered to in all actions relative to this Solicitation. The Department reserves the right to modify this schedule and will notify participants in the Solicitation by posting an addendum to this Solicitation on VIP. It is the responsibility of the Respondent to check VIP on a regular basis for such updates.

| Event | Date | Time* | Location/Method |
|------------------------------|-------------------------|----------|--|
| ITB Advertised | 3/25/24 | N/A | Vendor Information Portal |
| Questions Due | 4/8/24 | 5:00 PM | Email to Procurement Officer |
| Answers Posted (Anticipated) | On or about: 4/15/24 | | Vendor Information Portal |
| Responses Due | 5/6/24 | 3:00 PM | Department of Environmental Protection DEP Procurement Section, Room 215 3800 Commonwealth Blvd, MS# 93 Tallahassee, Florida 32399-3000 |
| Public Opening | 5/7/24 | 10:00 AM | Teleconference by calling 850.629.7330 Conference Room Number 754 187 885# The number will be active 5 minutes before the meeting |
| Award Date (Anticipated) | On or about: 5/20/24 | | Vendor Information Portal |

*All times are Eastern Time Zone.

**Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk)****1.9 List of Attachments and Forms**

The Attachments and Forms below are incorporated by reference. Copies of these documents are available in the VIP advertisement that accompanies the ITB posting. If a Form requires electronic completion or filling in, such as a Microsoft Excel spreadsheet, an electronic copy can be obtained by contacting the Procurement Officer.

| Attachment | Title |
|-------------------|----------------|
| 1 | Draft Contract |

| Form | Title |
|-------------|---------------------------------------|
| A | Business Response Form |
| B | Foreign State Preference Opinion Form |
| C | -RESERVED- |
| D | Price Sheet |
| E | Award Preference Form |



Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk)

2 ITB Process

2.1 Vendor Responsibilities

Vendors should carefully read the entire ITB, all attachments, and any addenda before submitting a Response. Vendors interested in submitting a Response must comply with all instructions, terms, and conditions of this ITB to be considered for Award.

Vendors are responsible for understanding all terms and conditions of this ITB, its attachments, addenda, and proposed resulting Contract. If a Vendor does not understand these requirements, Vendor should submit formal questions to the Department in accordance with Section 2.3.1.2.

2.2 Who May Respond

Vendors who possess the financial capability, experience, and personnel resources described in this ITB are invited to submit Responses. Vendors on the Convicted, Suspended, Discriminatory Vendor List(s), the Antitrust Violator Vendor List(s), and/or the Scrutinized List(s) of Prohibited Companies may not submit a Response.

2.3 Overview of the ITB

The ITB is a method of competitively soliciting a commodity or contractual service under Chapter 287, F.S. The ITB process involves three phases: Solicitation, Minimum Mandatory Requirement Review and Evaluation.

2.3.1 Solicitation Phase

2.3.1.1 Pre-Response Conference and Site Visit (If Applicable)

The Department may hold an optional or mandatory pre-response conference or site visit as part of the process as indicated in Section 3.2.

Anyone attending a pre-response conference or site visit is required to register their attendance in a means provided by the Department at the time and location of the meeting. **Respondents who fail to attend or who are not represented at a mandatory conference or site visit will be determined Non-Responsive.**

Note: Any answers to questions given at any conferences or site visits are not binding and do not alter the ITB. Only questions submitted in accordance with the instructions below and answered on the VIP are considered binding.

2.3.1.2 Question and Answer Period

Respondents may submit questions regarding the terms, conditions, and requirements of the ITB to the Procurement Officer via email by the deadline listed in the Timeline, Section 1.8 of the ITB.

Questions will not constitute a formal protest of the specifications or of the Solicitation. Answers to questions will be posted on the VIP.

All emails shall have the Solicitation number in the subject line. The Department recommends that questions be submitted in the following format:

**Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk)**

| ITB Section | ITB Page # | Question |
|-------------|------------|----------|
| | | |

2.3.1.3 Submission of Responses

Once the Department posts the answers to the questions, Respondents may begin submitting Responses as indicated in Section 3.4; however, Respondents are encouraged to submit their Responses no earlier than five (5) days prior to the submission deadline. Responses must be submitted by the deadline listed in the Timeline above.

2.3.1.4 Public Opening

The Department will open the Responses in a public meeting at the date, time, and location noted in the Timeline, Section 1.8. The Procurement Officer will review the entire Response to ensure that all required volumes were timely submitted, however prices will not be read aloud at the public opening.

2.3.2 Minimum Mandatory Requirement Review Phase**2.3.2.1 Administrative Review**

All responses will be reviewed by the Procurement Officer to ensure that Responses contain all mandatory Forms and are complete. Complete Responses may be sent to the Program Area for their qualifications review, if any.

2.3.2.2 Responsibility Review

The Department will review the Responsibility section of the Respondent's Business Response Form, Form A, for affirmative responses and attached documentation, if any. Answers in the affirmative are not, in themselves, grounds for declaring a vendor as Non-Responsible; the Department may seek additional clarification and decide whether the circumstances of the case warrant declaring a Respondent Non-Responsible. Respondents deemed Non-Responsible are **not eligible for Contract Award**.

2.3.2.3 Qualifications Review (if any)

If the Department requires the Respondents to submit documentation as evidence of qualifications, the Department will review said documentation to ensure it supports the minimum qualifications outlined in Section 1.2.

2.3.3 Evaluation Phase**Price Sheet Evaluation**

The Procurement Officer will review and compare the Price Sheets of the Respondents who are determined to be responsible and develop the recommendation of award based on the lowest total price (LTP) as described on the Price Sheet, Form D. Form D must be completed, signed, and submitted without alteration as part of a response. Respondents must not submit their own forms, including quote forms or other documents, in lieu of Form D. Please see Section 2.4, Conformance to Requirements, below.



Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk)

2.4 Conformance to Requirements

In order to be considered for Award, Responses submitted to the Department must conform in all material aspects to the requirements set forth in this ITB, including the requirement set forth in Form D, Price Sheet. Responses failing to conform in all material aspects to the requirements included in this ITB, including the requirement set forth in Form D, Price Sheet are Non-Responsive and are not eligible for Award, at the sole discretion of the Department.

This is an invitation to bid. The Response must not include any proposal to negotiate, or any proposed terms and conditions that supersede, conflict with, take exception to, supplement, or materially change, the terms and conditions set forth in this ITB or the documents that will comprise the Contract. Any questions regarding the terms, conditions, or requirements of this ITB or the Contract can be raised during the Question and Answer Period described in Section 2.3.1.2 of this ITB. Respondents that fail to comply with the requirements of this paragraph may, at the sole discretion of the Department, be deemed to be Non-Responsive.

2.5 Limitation on Vendor Contact with Agency During Solicitation Period

Respondents to this Solicitation or persons acting on their behalf may not contact, between the release of the Solicitation and the end of the 72-hour period following the agency posting the notice of intended award, excluding Saturdays, Sundays, and state holidays, any employee or officer of the executive or legislative branch concerning any aspect of this Solicitation, except in writing to the Procurement Officer or as provided in the Solicitation documents. Violation of this provision may be grounds for rejecting a Response.

2.6 Addenda/Amendments to the ITB

The Department reserves the right to modify this ITB by issuing addenda and/or amendments. All changes to the ITB will be made through addenda or amendments posted on the VIP. It is the responsibility of the Respondent to check for any changes on the VIP. Issuance of written Addenda and/or amendments is the only method by which a solicitation may be modified.

2.7 Contract Formation

The Department will issue a notice of award, if any, to successful Respondent(s). No contract shall be formed between the Department and the awarded Respondent until both parties sign the Contract. The Department will not be liable for any costs incurred by a Respondent in preparing or producing its Response or for any work performed before the Contract is effective.

The Contract will consist of the Draft Contract as attached, which will incorporate the Scope of Work/Technical Specifications, below in Section 4, relevant portions of the Response submitted by the awarded Respondent (if any), and the Price Sheet submitted by the awarded Respondent. If there is any discrepancy between the Scope of Work/Technical Specifications and the incorporated relevant portions of the Response, the terms most favorable to the Department shall prevail.

The Department objects to and shall not consider any additional terms or conditions submitted by a Respondent, including any appearing in documents attached as part of a Response, except those identified in the Contract. The Respondent shall bring any perceived inconsistencies among any of the



Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk)

provisions of the ITB and its attachments to the attention of the Department prior to the submission of its Response. At any time during the Solicitation, the Department may specifically identify and incorporate by reference any additional documents which are to be incorporated into the Contract. The Contract that results from this Solicitation will be posted on the Florida Accountability Contract Tracking System (FACTS) website in accordance with section 215.985, F.S., "Transparency Florida Act."

2.8 Disclosure of Response Contents

All documentation produced as part of the ITB will become the exclusive property of the Department and will not be returned to the Respondent unless it is withdrawn prior to the Response opening in accordance with Section 2.9. Once the Procurement Officer opens the Response, the Response may be disclosed pursuant to a public records request, subject to any confidentiality claims and the timeframes identified in section 119.071(1)(b), F.S.

2.9 Withdrawal of Responses

The Respondent may withdraw or modify a Response at any time prior to the due date by submitting a request to the Procurement Officer.

2.10 Administrative Cure Process

In the interest of maximizing competition, the Response qualification and cure process seeks to minimize, if not eliminate, Respondent disqualifications resulting from nonmaterial, curable deficiencies in the Response that are identified in the Minimum Mandatory Review Phase. Therefore, the Department may, in its sole discretion, notify Respondents whose qualifying information or documentation does not meet the requirements of the ITB and allow for the correction of errors and omissions prior to making a final determination of responsiveness. Timely cures made pursuant to this section will be accepted by the Department.

2.11 Clarification Process

The Department may request clarification from the Respondent for the purpose of resolving ambiguities or questioning information presented in the Response. Clarifications may be requested throughout the Solicitation process. The Respondent's answers to requested clarifications must be in writing and must address only the information requested. Respondent's answers to requested clarifications must be submitted to the Department within the time specified by the Department in the requested clarification.

2.12 Information from Other Sources

The Department reserves the right to seek information from outside sources regarding the Respondent, the Respondent's offerings, capabilities, references, and the Respondent's performance, if the Department determines that such information is pertinent to the ITB. The Department may consider such information throughout the Solicitation process including, but not limited to, determining whether the award is ultimately in the best interest of the State. This may include, but is not limited to, the Department engaging consultants, subject matter experts, and others to ensure that the Department has a complete understanding of the information provided pursuant to the Solicitation.

2.13 Firm Response

The Department may make an award within one hundred and eighty (180) days after the date of the opening, during which period responses shall remain firm and shall not be withdrawn. If award is not made within one hundred and eighty (180) days, the Response shall remain firm until either the



Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk)

Department awards the Contract, or the Department receives from the Respondent written notice that the Response is withdrawn. Any response that expresses a shorter duration may, in the Department's sole discretion, be accepted or rejected.

2.14 Right to Reject

The Department may reject any Response not submitted in the manner specified by the Solicitation documents. Respondents whose past performance, current status, or Response does not reflect the capability, integrity, or reliability to fully, and in good faith, perform the requirements of Contract may be rejected as Non-Responsible and are **not eligible for Award**.

2.15 Cancellation, Non-Award, and Withdrawal

When the Department determines that it is in the best interest of the State, it reserves the right to:

- Cancel this Solicitation.
- Make no Award and reject all responses.
- Withdraw the Solicitation at any time, including after an award is made.
- Withdraw or amend its Notice of Award at any time prior to execution of a contract, including, but not limited to situations in which the Contractor(s) fails to execute the contract.
- Re-procure services.

2.16 Misrepresentations

All information submitted, and all representations made, by the Respondent in a response may be relied upon by the Department in determining Responsibility of a Respondent for Award. Any misstatement or omission, whether intentional or not, may be treated by the Department as a fraudulent concealment of the true facts relating to the Response. Such misrepresentation will be a basis for the Department to disqualify the Respondent as Non-Responsible, and bar the Respondent from participation in any re-solicitation pertaining to this subject matter (regardless of whether the re-solicitation resulted from Respondent's misrepresentation) and may be punishable under law, including, but not limited to, Chapter 817, F.S.

2.17 Licensure & Registration

Prior to the execution of a Contract, the selected Respondent must be properly licensed to do business within the State, and all entities must be appropriately registered with the Florida Department of State, if required by federal or state law.

2.18 Replacement and Alternate Responses

The Department will only consider one (1) Response per Respondent, unless otherwise indicated in Section 3. Respondents may submit revised Responses at any time prior to the Response Due Date as specified in the Timeline of Events. Revised Responses must include a statement, signed and dated by an Authorized Signatory, withdrawing all prior Responses from the Respondent. Alternate commodities and/or contractual services may be proposed only if permitted in accordance with the instructions contained in this Solicitation. The Department is under no obligation to consider alternate commodities and/or contractual services to those requested in this Solicitation if not specifically requested as part of a Response and may reject a Response making such offers as Non-Responsive.

**Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk)****2.19 Exclusivity**

This Solicitation will not result in an exclusive license to provide the commodities and/or contractual services described in this Solicitation or the resulting Contract. The Department may, in compliance with applicable laws, contract with other vendors to provide the same or similar commodities and/or contractual services if the Department determines that doing so will serve the State's best interests.

2.20 Diversity

The State is dedicated to fostering the continued development and economic growth of minority-owned, veteran-owned, and woman-owned businesses. Participation of a diverse group of Respondents doing business with the Department is central to the State's effort.

The Office of Supplier Diversity (OSD) has been established within the Florida Department of Management Services (DMS) to certify qualifying minority-owned, veteran-owned, and woman-owned business enterprises (CBEs). CBEs are encouraged to participate in the State's procurement process as both prime Respondents and subcontractors. Non-CBE Respondents are encouraged to partner with CBEs for Contract performance.

2.21 Bid Protests

Failure to file a protest within the time prescribed in section 120.57(3), F. S., 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, F.S.

Documents received after normal working hours (Monday-Friday, 8:00 a.m. - 5:00 p.m., Eastern Time) will be filed the following business day.

All filings must be made with the Agency Clerk ONLY and are only considered "filed" when stamped, physically or digitally, by the Agency Clerk. It is the responsibility of the filing party to meet all filing deadlines.

The Agency Clerk's address is:

Agency Clerk, Office of General Counsel
Department of Environmental Protection
3900 Commonwealth Boulevard,
Douglas Building, MS#35
Tallahassee, Florida 32399-3000
Email: Agency_clerk@floridadep.gov

**Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk)**

3 Response Instructions

This section contains the General Instructions and Special Instructions to Respondents. The “General Instructions to Respondents” Form PUR 1001 is incorporated by reference and can be accessed at https://www.dms.myflorida.com/business_operations/state_purchasing/state_agency_resources/state_purchasing_pur_forms.

The terms of the PUR1001 are controlling for this ITB, except for the following sections, which are inapplicable:

Section 3. Electronic Submission of Responses

Responses shall be submitted in accordance with Section 3.4 of this Solicitation.

Section 5. Questions

Questions shall be submitted in accordance with Section 2.3.1.2 of this Solicitation.

Section 14. Firm Response.

This paragraph is superseded by Section 2.13 of this Solicitation.

Section 15. Clarifications/Revisions.

This paragraph is superseded by Section 2.11 of this Solicitation.

Section 16. Minor Irregularities/Right to Reject.

This paragraph is superseded by sections 2.10 and 2.14 of this Solicitation.

Section 17. Contract Formation.

This paragraph is superseded by Section 2.7 of this Solicitation.

Section 20. Protests.

This paragraph is superseded by Section 2.21 of this Solicitation.

3.1 MyFloridaMarketPlace (MFMP) Vendor Registration

Prior to execution of the Contract by the Department, the Contractor must be registered with MFMP. Information about the registration process is available on, and registration may be completed at <https://vendor.myfloridamarketplace.com/>.

Prospective vendors who do not have internet access may request assistance from MFMP Customer Service within DMS.

The following United Nations Standard Products and Services Code(s) (UNSPSC) are provided to assist potential Respondents in their registration efforts:

| Code | Title |
|----------|---|
| 12141900 | Non metals and pure and elemental gases |
| 12142100 | Industrial use gases |
| 24111800 | Tanks and cylinders and their accessories |

**Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk)**

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| 24112600 | Liquid Containers |
| 73152001 | Liquid filling services |
| 73152002 | Aerosol filling services |

3.2 Pre-Response Conferences and/or Site Visits

The Department will not hold a Pre-Response Conference or a Site Visit.

3.3 Submission of Responses

Respondents shall deliver Responses to the Department's office designated in the Timeline of Events before the date and time specified. Any Response that is received after the exact time specified in the Timeline of Events is late. Late Responses, as well as Responses submitted through email or by facsimile, are Non-Responsive and will not be evaluated. All Response materials must be packaged so that each box shipped to the Department does not exceed 25 pounds.

Response packages must be marked to show the Respondent's name and address, the Solicitation number, and the date and time Responses are due. If multiple packages are shipped, package sequences (i.e. 1 of 3, 2 of 4, etc.) must also be indicated on the outside of the package.

3.4 Response Content Requirements

Respondent's Responses must be submitted in hard and electronic copies divided into volumes containing the information specified below:

| Volume | Name | Copies |
|------------|--|--------------------------------------|
| Volume I | Business Response | One (1) Original |
| Volume II | Price Sheet | One (1) Original |
| CD/DVD/USB | Electronic Copy of Response | One (1) copy of each Volume |
| CD/DVD/USB | Redacted Electronic Copy of Response (if applicable) | One (1) Redacted copy of each Volume |

3.4.1 Volume I, Business Response

Respondents must prepare a Business Response volume in the order outlined below.

| Volume I | Business Response | Page Limit |
|----------|--------------------------|------------|
| Tab A | Executive Summary | Two (2) |
| Tab B | Required Forms | None |
| Tab C | Certificates of Analysis | None |

3.4.1.1 Tab A: Executive Summary

Respondents must prepare and include an Executive Summary that summarizes the key points from the Respondent's Business. The Executive Summary must begin with company/division's street address; and size of business, CBEs status, and a summary of the key points from the Respondent's Response. If the Respondent is a current or former Contractor to the Department, the Respondent will notify the Department of the contract number and the Department's contract manager in its Executive Summary.

3.4.1.2 Tab B: Required Forms

Respondents must complete and submit Form A, Business Response Form and Form B, Foreign State Preference Opinion Form.



Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk)

3.4.2 Volume II, Price Sheet

The Respondent must complete and submit Form D, Price Sheet, without alteration, using the instructions provided. The Price Sheet is to be organized as directed on the Form and must contain complete responses to all items. If a portion of any section is omitted, the Price Sheet may be deemed non-Responsive at the sole discretion of the Department. The Respondent must not submit their own forms, including quote forms or other documents, in lieu of Form D.

3.5 Economy of Presentation

Responses must be prepared simply and economically, providing a straightforward, concise delineation of the Respondent's capabilities to satisfy the requirements of this Solicitation without the use of marketing materials, white papers, fancy or flashy graphics, case studies, or other promotional materials. The emphasis of each Response should be on completeness and clarity of content.

3.6 Confidential Response Materials and Redacted Submissions

In addition to the public records requirements of the PUR 1001, section 19, if the Respondent considers any portion of its Response to be Confidential Information or exempt under Chapter 119, F.S., or other authority (Public Records Law), then the Respondent must simultaneously provide the Department with an unredacted version of the materials and a separate redacted copy of the materials the Respondent claims as Confidential Information or exempt and in an index, as described in Section 3.6.1.

The Respondent shall mark the unredacted version of the document as "Unredacted version – contains Confidential Information" and place such information in an encrypted electronic form or a sealed separate envelope.

3.6.1 Redacted Submissions

If submitting a redacted version of its Response, the Respondent shall mark the cover of the redacted copy with the Respondent's name, Department's solicitation name, and number, and the words "Redacted Copy." The Redacted Copy should only redact those portions of material that the Respondent claims are Confidential Information or exempt from Public Records Law. An entire Response should not be redacted. An entire page or paragraph which contains Confidential Information or exempt material should not be redacted unless the entire page or paragraph is wholly Confidential Information or exempt from Public Records Law. In the Redacted Copy, the Respondent shall redact and maintain in confidence any materials the Department provides or seeks regarding security of a proposed technology system or information subject to sections 119.011(14), 119.071(1)(f), and 119.071(3), F.S.

In addition, the Respondent should submit a separate index listing the Confidential Information or exempt portions of its Response. The index should briefly describe in writing the grounds for claiming exemption from the Public Records Law, including the specific statutory citation for such exemption.

The Redacted Copy will be used to fulfill public records and other disclosure requests and will be posted on the FACTS website. In addition, the Department will follow the procedures described in Attachment 4, Public Records Requirements, of the Draft Contract.

By submitting a Response, the Respondent agrees to protect, defend, and indemnify the Department for any and all claims arising from or relating to the Respondent's determination that the redacted portions of its Response are Confidential Information or otherwise not subject to disclosure. If the Respondent



Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk)

fails to submit a Redacted Copy of its Response, the Department is authorized to produce the entire unredacted Response submitted to the Department in response to a public records request.



Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk)

4 Scope of Work

4.1 Scope of Work

The Contractor shall provide the following deliverables to the DEP Laboratory at the Bob Martinez Center located at 2600 Blair Stone Road, Tallahassee, FL 32399:

1. The compressed specialty laboratory gases and cryogenic liquids specified in this scope of work and required by the Department.
2. Liquid Argon micro-bulk and Liquid Nitrogen bulk services to include monitoring systems and protocols that ensure a continuous supply of these gases.
3. Containers for the storage of specialty laboratory gases and cryogenic liquids including cylinders; micro-bulk and bulk cryogenic tank storage systems for Liquid Argon and Liquid Nitrogen; and Dewar Flasks.

4.2 Definitions

In this Contract, the following terms shall be defined as set forth below:

- “Contract Manager” means the Department Division of Environmental Assessment and Restoration (DEAR) employee designated to be responsible for overall receiving, inspection, acceptance, or rejection of the deliverables.
- “Dewar Flask” is a type of vacuum flask to keep liquid for scientific experiments.

4.3 Contractor Responsibilities

A. Deliverables.

- i. **Deliverable 1 - Compressed Specialty Laboratory Gases and Cryogenic Liquids.**
 - a) The Contractor must furnish the necessary personnel, materials, facilities, and services to provide the compressed specialty laboratory gases and cryogenic liquids specified in the below Tables. Except for Micro-Bulk Liquid Argon (Line-Item Number 18) and Bulk Liquid Nitrogen (Line-Item Number 19), the Contractor shall deliver and pick up empty gas cylinders when requested by the Department. Liquid Argon and Liquid Nitrogen must be delivered by the Contractor according to the protocols specified in Deliverable 2 below. Gases must be delivered to the Bob Martinez Center located at 2600 Blair Stone Road, Tallahassee, FL 32399.
 - b) Compensation for the compressed specialty laboratory gases and cryogenic liquids provided by the Contractor shall be at the rates specified in the Price Sheet which must include any applicable deposits.
 - c) Compensation for longer transport distances for bulk gases (Liquid Argon and Liquid Nitrogen) shall be at the rate specified in the Price Sheet.

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**Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk)**

Tables:

| | | |
|--------------------------|--|-----------|
| Line-Item Number: | 1 | |
| Name: | UPC Helium | |
| Purity: | Ultrapure carrier 99.995% | |
| Cylinder Content Volume: | 291 cubic feet | |
| Full Pressure Fill: | 2500 psi | |
| Cylinder Valve Outlet: | CGA 580 | |
| Analytical Requirements: | Must be free of all contaminants which can be detected on gas chromatography equipped with these detectors: flame ionization; electron capture; Hall; nitrogen-phosphorus; photoionization; mass selective. General categories of contaminants include petroleum hydrocarbons; halogenated compounds; nitrogen or phosphorous containing compounds; industrial solvents; unsaturated hydrocarbons; components having a high electron affinity; or any other component that the DEP Laboratory considers as a contaminant in the analytical applications. | |
| Minimum Requirements: | Nitrogen (N2) | < 5.0 ppm |
| | Oxygen (O2) | < 1.0 ppm |
| | Total Hydrocarbons (THC) | < 0.5 ppm |
| | Water (H2O) | 1.0 ppm |
| | Dew Point | 105 F |

| | | |
|--------------------------|--|-----------|
| Line-Item Number: | 2 | |
| Name: | UPC Hydrogen | |
| Purity: | Ultrapure carrier 99.9995% | |
| Cylinder Content Volume: | 260 cubic feet | |
| Full Pressure Fill: | 2400 psi | |
| Cylinder Valve Outlet: | CGA 350 | |
| Analytical Requirements: | Must be free of all contaminants which can be detected on gas chromatography equipped with these detectors: flame ionization; electron capture; Hall; nitrogen-phosphorus; photoionization; mass selective. General categories of contaminants include petroleum hydrocarbons; halogenated compounds; nitrogen or phosphorous containing compounds; industrial solvents; unsaturated hydrocarbons; components having a high electron affinity; or any other component that the DEP Laboratory considers as a contaminant in the analytical applications. | |
| Minimum Requirements: | Nitrogen (N2) | < 7.0 ppm |
| | Oxygen (O2) | < 1.0 ppm |
| | Total Hydrocarbons (THC) | < 0.5 ppm |
| | Water (H2O) | < 2.0 ppm |
| | Dew Point | - 105 F |

**Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk)**

| | | |
|--------------------------|--|-----------|
| Line-Item Number: | 3 | |
| Name: | UPC Nitrogen | |
| Purity: | Ultrapure carrier 99.9993% | |
| Cylinder Content Volume: | 304 cubic feet | |
| Full Pressure Fill: | 2500 psi | |
| Cylinder Valve Outlet: | CGA 580 | |
| Analytical Requirements: | Must be free of all contaminants which can be detected on gas chromatography equipped with these detectors: flame ionization; electron capture; Hall; nitrogen-phosphorus; photoionization; mass selective. General categories of contaminants include petroleum hydrocarbons; halogenated compounds; nitrogen or phosphorous containing compounds; industrial solvents; unsaturated hydrocarbons; components having a high electron affinity; or any other component that the DEP Laboratory considers as a contaminant in the analytical applications. | |
| Minimum Requirements: | Oxygen (O2) | < 1.0 ppm |
| | Total Hydrocarbons (THC) | < 0.5 ppm |
| | Water (H2O) | < 1.0 ppm |
| | Dew Point | - 105 F |

| | | |
|--------------------------|---|----------------|
| Line-Item Number: | 4 | |
| Name: | UPC Oxygen | |
| Purity: | Ultrapure carrier 99.996% | |
| Full Pressure Fill: | 2400 psi | |
| Cylinder Valve Outlet: | CGA 540 | |
| Analytical Requirements: | Must be free of the same components listed for ultrapure helium in (1). | |
| Minimum Requirements: | Cylinder Size: | 337 cubic feet |
| | Nitrogen (N2) | < 7.0 ppm |
| | Total Hydrocarbons (THC) | < 0.5 ppm |
| | Water (H2O) | < 2.0 ppm |
| | Dew Point | - 105 F |

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Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk)

| | | |
|---------------------------------|--|--------------|
| Line-Item Number: | 5 | |
| Name: | Zero Air | |
| Purity: | Ultrapure carrier | |
| Cylinder Content Volume: | 318 cubic feet | |
| Full Pressure Fill: | 2500 psi | |
| Cylinder Valve Outlet: | CGA 590 | |
| Analytical Requirements: | Must be free of all contaminants which can be detected on gas chromatography equipped with these detectors: flame ionization; electron capture; Hall; nitrogen-phosphorus; photoionization; mass selective. General categories of contaminants include petroleum hydrocarbons; halogenated compounds; nitrogen or phosphorous containing compounds; industrial solvents; unsaturated hydrocarbons; components having a high electron affinity; or any other component that the DEP Laboratory considers as a contaminant in the analytical applications. | |
| Minimum Requirements: | Oxygen (O ₂) | 19.5 - 23.5% |
| | Total Hydrocarbons (THC) | < 0.1 ppm |
| | Water (H ₂ O) | < 2.0 ppm |
| | Carbon Monoxide* | < 1.0 ppm |
| | Carbon Dioxide* (CO ₂) | < 1.0 ppm |
| | Dew Point | - 70 F |

* Typical analysis

| | | |
|---------------------------------|---|-----------|
| Line-Item Number: | 6 | |
| Name: | UHP/Zero Argon | |
| Purity: | Ultrahigh purity / Zero grade 99.999% | |
| Cylinder Content Volume: | 336 cubic feet | |
| Full Pressure Fill: | 2500 psi | |
| Cylinder Valve Outlet: | CGA 580 | |
| Analytical Requirements: | Must contain no trace metal contaminants that might interfere with trace metals analysis. Shall contain no detectable traces of the following: Hg, Al, Ba, Be, Sb, Tl, Fe, Zn, Cd, Cr, Pb, Cu, Co, Mn, Ni, Ca, Mg, K, Na, Sr, As, Se, V, Ti, Mo. Each metal cannot exceed the specified concentration level outlined on the attached list (Section 4.07). | |
| Minimum Requirements: | Oxygen (O ₂) | < 4.0 ppm |
| | Total Hydrocarbons (THC) | < 0.5 ppm |
| | Water (H ₂ O) | < 3.5 ppm |

| | | |
|---------------------------------|--|--|
| Line-Item Number: | 7 | |
| Name: | UHP/Zero Methane | |
| Purity: | Ultrahigh purity 99.99% | |
| Cylinder Content Volume: | 360 cubic feet | |
| Full Pressure Fill: | 2400 psi | |
| Cylinder Valve Outlet: | CGA 350 | |
| Analytical Requirements: | The sum of CO ₂ , N ₂ , O ₂ , H ₂ C ₆ , C ₃ H ₈ , and H ₂ O must be less than 100 ppm. Must be suitable for GC/MS using chemical ionization. | |

**Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk)**

| | | |
|--------------------------|---|------------|
| Line-Item Number: | 8 | |
| Name: | Breathing Air | |
| Purity: | Breathing Quality | |
| Cylinder Content Volume: | 312 cubic feet | |
| Full Pressure Fill: | 2500 psi | |
| Cylinder Valve Outlet: | CGA 346 | |
| Analytical Requirements: | Suitable for use with a gas chromatography equipped with a flame ionization detector. Must be free of any contaminants interfering with analysis by GC/FID. | |
| Minimum Requirements: | Oxygen (O ₂) | 19.5-23.5% |
| | Rare gases: (Argon, Krypton, Hydrogen, Xenon, Helium, Neon) | < 1% |
| | Carbon Dioxide (CO ₂) | < 1% |
| | Carbon Monoxide (CO) | < 10 ppm |
| | Total Hydrocarbons (THC) | < 25 ppm |
| | Nitrous oxide | < 0.1 ppm |
| | Dew point | -70 F |

| | | |
|--------------------------|--|-----------|
| Line-Item Number: | 9 | |
| Name: | Liquid Nitrogen (Low Pressure) | |
| Purity: | 99.998% | |
| Cylinder Content Volume: | 5245 cubic feet | |
| Cylinder Valve Outlet: | ½" ODT x 45 flair fitting with 22 psi liquid control valve for liquid service. | |
| Cylinder Requirements: | Tare Weight: | ~375 lbs. |
| | Full Liquid Weight: | ~340 lbs. |

| | | |
|--------------------------|---|-----------|
| Line-Item Number: | 10 | |
| Name: | Liquid Nitrogen (High Pressure) | |
| Purity: | 99.998% | |
| Cylinder Content Volume: | 5024 cubic feet | |
| Cylinder Valve Outlet: | CGA 580-valve for high-pressure service, pressure regulator set at 135 psi with 235 psi relief valve. | |
| Cylinder Requirements: | Tare Weight: | ~375 lbs. |
| | Full Liquid Weight: | ~320 lbs. |

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**Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk)**

| | | |
|--------------------------|---|---------------------------------------|
| Line-Item Number: | 11 | |
| Name: | Liquid Argon | |
| Purity: | 99.997% | |
| Cylinder Valve Outlet: | CGA 580-valve outlet for high-pressure service, pressure regulator set at 135 psi with a 235-psi pressure relieve valve. | |
| Analytical Requirements: | Must contain no trace metal contaminants that might interfere with trace metals analysis. Shall contain no detectable traces of the following: Hg, Al, Ba, Be, Sb, Tl, Fe, Zn, Cd, Cr, Pb, Cu, Co, Mn, Ni, Ca, Mg, K, Na, Sr, As, Se, V, Ti, Mo. Each metal cannot exceed the specified concentration level outlined on the attached list (Section 4.07). | |
| Cylinder Requirements: | Cylinder contents volume 5000 cubic feet | 230 L high-pressure Dewar on casters. |
| | Tare Weight: | ~383 lbs. |
| | Full Liquid Weight: | ~590 lbs. |

| | | |
|--------------------------|---|--|
| Line-Item Number: | 12 | |
| Name: | Argon | |
| Purity: | Commercial grade 99.997% | |
| Cylinder Content Volume: | 336 cubic feet | |
| Full Pressure Fill: | 2500 psi | |
| Cylinder Valve Outlet: | CGA 580 | |
| Analytical Requirements: | Must contain no trace metal contaminants that might interfere with trace metals analysis. Shall contain no detectable traces of the following: Hg, Al, Ba, Be, Sb, Tl, Fe, Zn, Cd, Cr, Pb, Cu, Co, Mn, Ni, Ca, Mg, K, Na, Sr, As, Se, V, Ti, Mo. Each metal cannot exceed the specified concentration level outlined on the attached list (Section 4.07). | |

| | | |
|--------------------------|---|-------------------|
| Line-Item Number: | 13 | |
| Name: | Sulfur Dioxide in Nitrogen | |
| Purity: | Nitrogen Balance Purity: EPA Protocol Level Gases 99.999% | |
| Full Pressure Fill: | 1800 psi | |
| Cylinder Valve Outlet: | CGA 660 | |
| Cylinder Requirements: | Cylinder material | Aluminum |
| | Cylinder Size: | 144 cubic feet |
| | Sulfur Dioxide: | 11 ppm and 52 ppm |

| | | |
|--------------------------|---|----------------|
| Line-Item Number: | 14 | |
| Name: | Carbon Monoxide in Nitrogen | |
| Purity: | Nitrogen Balance Purity: EPA Protocol Level Gases 99.999% | |
| Full Pressure Fill: | 1800 psi | |
| Cylinder Valve Outlet: | CGA 660 | |
| Cylinder Requirements: | Cylinder size: | 144 cubic feet |
| | Carbon Monoxide: | 200 ppm |



Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk)

| | | |
|--------------------------|----------------------------------|----------------|
| Line-Item Number: | 15 | |
| Name: | Nitric Oxide in Nitrogen | |
| Purity: | EPA Protocol Level Gases 99.999% | |
| Full Pressure Fill: | 1800 psi | |
| Cylinder Valve Outlet: | CGA 660 | |
| Cylinder Requirements: | Cylinder size: | 144 cubic feet |
| | Nitric Oxide: | 11 ppm |

| | | |
|--------------------------|----------------------------------|----------------------------------|
| Line-Item Number: | 16 | |
| Name: | Tri-Blend in Nitrogen | |
| Purity: | EPA Protocol Level Gases 99.999% | |
| Full Pressure Fill: | 1800 psi | |
| Cylinder Valve Outlet: | CGA 660 | |
| Cylinder Requirements: | Cylinder Material | Aluminum |
| | Cylinder size: | 27 cubic feet and 144 cubic feet |
| | Sulfur Dioxide: | 5 ppm |
| | Nitric Oxide: | 16 ppm |
| | Carbon Monoxide: | 200 ppm |

| | | |
|--------------------------|----------------------|----------------|
| Line-Item Number: | 17 | |
| Name: | Hydrogen Sulfide | |
| Purity: | EPA Protocol 99.999% | |
| Full Pressure Fill: | 1800 psi | |
| Cylinder Valve Outlet: | CGA 660 | |
| Cylinder Requirements: | Cylinder Material | Aluminum |
| | Cylinder size: | 144 cubic feet |
| | Hydrogen Sulfide: | 25 ppm |

| | | |
|--------------------------|--|--|
| Line-Item Number: | 18 | |
| Name: | Micro Bulk Liquid Argon | |
| Purity: | 99.997% | |
| Tank Content Volume: | 139,665 cubic feet | |
| Bulk Contents: | 2000-L high-pressure stainless-steel tank | |
| Analytical Requirements: | Must contain no trace metal contaminants that might interfere with trace metals analysis. Shall contain no detectable traces of the following: Hg, Al, Ba, Be, Sb, Tl, Fe, Zn, Cd, Cr, Pb, Cu, Co, Mn, Ni, Ca, Mg, K, Na, Sr, As, Se, V, Ti, Mo. Each metal cannot exceed the specified concentration level outlined on the attached list (Section 4.07). Must be sufficiently free of krypton to not cause interference in metals analysis by inductively coupled plasma mass spectrometry. | |

**Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk)**

| | |
|-----------------------------|--|
| Line-Item Number: | 19 |
| Name: | Bulk Liquid Nitrogen |
| Purity: | 99.998% |
| Tank Content Volume: | 79,200 cubic feet |
| Bulk Contents: | 1,500-gallon high-pressure stainless steel/steel bulk tank |

| | | |
|--------------------------|-------------------|------------------|
| Line-Item Number: | 20 | |
| Name: | Helium Hydrogen | |
| Purity: | 99.997% | |
| Cylinder Content Volume: | 196.0 | |
| Full Pressure Fill: | 2013 psi | |
| Cylinder Valve Outlet: | CGA 350 | |
| Cylinder Requirements: | Cylinder Material | Aluminum |
| | Cylinder size: | 196.0 cubic feet |
| | Helium: | 93 ppm |
| | Hydrogen: | 7 ppm |

ii. Deliverable 2 - Liquid Argon Micro-Bulk and Liquid Nitrogen Bulk Service.

- a) Liquid Argon. The Contractor must provide a 2000 L micro-bulk tank system and related services for Liquid Argon (Line-Item Number 18, above) within 60 days after Contract execution. Failure to provide these services may, at the discretion of the Department, result in the termination of the Contract. Specifically, the Contractor must:
 - 1) provide a 2000 L micro-bulk tank on-site at the location designated by the Department;
 - 2) use their delivery vehicle to refill the bulk tank; and
 - 3) set up a system that includes a protocol for the delivery of Liquid Argon to ensure the tank is never empty during routine laboratory operations (e.g., use radio telemetry to monitor the tank's argon levels).
- b) Liquid Nitrogen. The Contractor must provide a bulk 1,500-gallon storage system and related services for Liquid Nitrogen (Line-Item Number 19, above) within 60 days after Contract execution. Failure to provide these services may, at the discretion of the Department, result in the termination of the Contract. Specifically, the Contractor must:
 - 1) provide a 1,500-gallon bulk tank on-site at the location designated by the Department;
 - 2) use their delivery vehicle to refill the bulk tank; and
 - 3) set up a system that includes a protocol for the delivery of Liquid Nitrogen to ensure the tank is never empty during routine laboratory operations (e.g., use radio telemetry to monitor nitrogen levels).
- c) Dewar Flasks. The Contractor must provide portable Dewar Flasks for Liquid Nitrogen and Liquid Argon that must be on permanent casters for the ease of movement in the laboratory. No exceptions to this requirement shall be allowed.

**Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk)****iii. Deliverable 3 – Containers for Compressed Specialty Laboratory Gases and Cryogenic Liquids.**

- a) The Contractor must provide all cylinders, Dewar Flasks, and liquid gas storage tanks (containers) for the storage of the compressed specialty laboratory gases and cryogenic liquids it provides to the Department.
- b) The Contractor may charge rental fees for the use of these containers at the monthly rate indicated in the Price Sheet. For rental periods less than a full month, the Contractor must pro-rate the monthly rate based on the number of days the container was in service during the month. Rental fees shall cease to accrue the day that written notice is provided by the Department to the Contractor to pick up any container. The Department shall pay all container rental fees in arrears.

B. Performance Measures.**i. Cylinders.**

- a) All cylinder sizes and filled pressure must conform to the product specifications listed in the above Tables. The filled pressure of a cylinder must be within 6% of the standard pressure requirement for the specified products.
- b) If the filled pressure for a cylinder does not conform to the specifications, the Contractor shall provide a replacement gas cylinder at no additional charge to the Department. The Contractor shall be responsible for all material, maintenance, and upkeep of rental cylinders at no additional cost to the Department. The price per cylinder will be as specified in the Price Sheet and must include any charges for cylinder deposits and delivery.
- c) Certificate(s) of Analysis. The Contractor shall have on record the laboratory analytical certificate for each cylinder batch of specialty grade gas (referred to as UPC or UHP/Zero). These certificates shall be produced to the Department upon request during the Contract term at no additional cost to the Department.
- d) All specialty gas cylinders dedicated to analytical gas service shall not have previous use in industrial service. This information shall be verifiable by serial numbers on cylinders or other means.
- e) All gas cylinders will be delivered within 2 days for standard operations. Gas cylinders can have expedited delivery requested in emergency situations.

ii. Compressed Specialty Laboratory Gases and Cryogenic Liquids.

- a) Gases and cryogenic liquids provided by the Contractor must meet or exceed the specifications outlined in the Tables in Section 4.3. A. i., above.
- b) Each gas or cryogenic liquid provided by the Contractor will be used by the Department for a specific analysis and must be free of all components of analytical interest.
- c) If a particular grade of purity cannot meet the specifications of the analytical applications, as determined by the Department, the Contractor must provide a higher or purer grade at no additional charge.
- d) If the Department determines that the proposed grade is unsuitable for the analytical application, the Contractor shall provide an acceptable grade at the price provided for the gas or cryogenic liquid in the Price Sheet.
- e) Gases provided to the Department by the Contractor for atomic spectroscopy applications must not exceed the maximum metal contamination limits specified in the following table:

**Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk)**

| Metal | Atomic Symbol | Maximum Level (ppb) |
|--------------|----------------------|----------------------------|
| Mercury | Hg | 0.02 |
| Aluminum | Al | 1 |
| Silver | Ag | 0.04 |
| Barium | Ba | 1 |
| Beryllium | Be | 0.1 |
| Antimony | Sb | 1 |
| Thallium | Tl | 0.5 |
| Iron | Fe | 0.5 |
| Zinc | Zn | 0.02 |
| Cadmium | Cd | 0.05 |
| Chromium | Cr | 0.5 |
| Lead | Pb | 0.2 |
| Copper | Cu | 0.5 |
| Cobalt | Co | 0.5 |
| Manganese | Mn | 0.1 |
| Nickel | Ni | 0.5 |
| Calcium | Ca | 1 |
| Magnesium | Mg | 0.5 |
| Potassium | K | 1 |
| Sodium | Na | 0.5 |
| Strontium | Sr | 1 |
| Arsenic | As | 0.1 |
| Selenium | Se | 0.2 |
| Vanadium | V | 2 |
| Titanium | Ti | 2 |
| Molybdenum | Mo | 0.5 |

C. Other Contractor Responsibilities.

- i. During the Contract term, the Contractor, at its sole expense, shall provide commercial insurance of such type, and with such terms and limits, as may be reasonably associated with the Contract. Providing and maintaining adequate insurance coverage is a material obligation of the Contractor. Upon request, the Contractor shall provide a certificate of insurance to the Department. The limits of coverage under each policy maintained by the Contractor shall not be interpreted as limiting the Contractor's liability and obligations under the Contract. All insurance policies shall be through insurers authorized or eligible to write policies in Florida.
- ii. All compressed specialty laboratory gases, cryogenic liquids, storage containers, and services provided by the Contractor must comply with all applicable federal, state, and local rules, laws, statutes, or other governing authority.

4.4 Department's Responsibilities

Inspection and acceptance or rejection of deliverables and payment of invoices.

**Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk)****4.5 Enforcement**

No payment will be made for deliverables deemed unsatisfactory by the Department. If a good is rejected as nonconforming, Contractor shall provide a replacement good that meets the requirements of the Scope of Work to the Department at no cost. In the event that a service deliverable is deemed unsatisfactory by the Department, the Contractor shall re-perform the services needed for submittal of a satisfactory deliverable, at no additional cost to the Department, within a week of being notified of the unsatisfactory deliverable.

If a satisfactory deliverable is not submitted within the specified time frame as outlined in Section 4.3, deliverable 2 parts a and b, and section B.i.e, the Contractor shall re-perform the services needed for submittal of a satisfactory deliverable, at no additional cost to the Department, within a week of being notified of the unsatisfactory deliverable.

If a satisfactory deliverable is not submitted within the specified time frame as outlined in Section 4.3, deliverable 2 parts a and b, and section B.i.e, the Department may, in its sole discretion: 1) suspend all Work until satisfactory performance is achieved, 2) terminate the Contract for failure to perform, or 3) purchase the good from another source, and Contractor shall reimburse the Department for any difference between the price paid to the other source and the Contract price.



Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk)

5 Award

5.1 Basis of Award

A Contract may be awarded to the responsible and responsive Respondent(s) who submits the lowest responsive bid, considering the Adjusted LTP (see Section 5.2 below), if applicable.

The Department reserves the right to accept or reject any or all offers, or separable portions, and to waive any minor irregularity, technicality, or omission if the Department determines that doing so will serve the best interest of the State.

Responses 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. The Department may request additional information pertaining to the Respondent's ability and qualifications to accomplish all services described or provide commodities as in this ITB as deemed necessary during the ITB or after contract award.

5.2 Florida-Based Business Preference

As required by section 287.084, F.S., if this is a Contract for personal property (i.e., commodities) **and** the lowest bid price, as determined in accordance section 2.3.3 above, is from "a vendor whose principal place of business is in a state or political subdivision thereof which grants a preference" (hereafter, "Foreign State Preference") "for the purchase of such personal property to a person whose principal place of business is in such state," then the Department shall award the Foreign State Preference to the lowest responsible and responsive vendor having a principal place of business within Florida.

If there is no Foreign State Preference, then the Department shall award a preference of 5%. This shall be calculated by the following formula to each Foreign State Vendor whose LTP is lower than the lowest Florida-based vendor:

$$LTP_{\text{Foreign State Vendor}} \times 1.05 = \text{Adjusted LTP}$$

5.3 Award Preferences for Equal Scores (Ties)

In the event that the Department's evaluation results in a Tie, the Department will request Form E, Award Preference Form, from the Respondents with Responses that resulted in the Tie. Based on Form E, the Department will give the award to a Respondent if it is a minority-owned or veteran-owned business. If more than one Respondent is entitled to this preference, the preference will be given to the Respondent with the qualifying business with the smallest net worth, consistent with section 295.187(4)(b), F.S. In the event all preferences are equal or that none of the Respondents are entitled to a preference, the Tie will be broken using a coin toss.

5.4 Recommendation of Award

The Department will forward the Recommendation of Award to the Secretary or their designee. The Secretary or their designee will make the final decision as to which Respondent(s) should be awarded the Contract(s) based on the Recommendation of Award.



Re-Advertisement for Specialty Gases (Cylinder, Micro-Bulk, and Bulk)

5.5 Posting of Decision

The Department will post a Notice of Intent to Award, stating its intent to enter into one (1) or more Contracts with the Respondent(s) identified therein, on the VIP. If the Department decides to reject all Responses, it will post its notice on the VIP website.

5.6 Execution of Contract

The awarded Respondent(s) shall sign the Contract within ten (10) calendar days of receipt of the Contract for execution, unless there is an automatic stay triggered by the filing of a formal protest. If a formal protest is timely filed, the time to sign the Contract shall be tolled. The Department reserves the right to withdraw its Notice of Intent to Award if the Contract is not timely signed, if it determines in its sole discretion that it is in the best interest of the State to do so. The Department also reserves the right to award to the Respondent ranked second if the Department does not receive a timely signed Contract from the awarded Respondent.

5.7 Failure to Perform the Contract

If the Contractor is unable or unwilling to meet the requirements of the Contract within 60 days of execution, the Department may terminate its Contract with Contractor and may award to the next lowest price responsible/responsive Bidder(s) or may not award to anyone at all.

State of Florida
Department of Environmental Protection
Business Response Form

Form A

Respondents shall complete and submit the following information with their Response. Joint venture Respondents must submit one Business Response Form per venturer.

| Vendor Information |
|---|
| Vendor Legal Name: _____ |
| Principal Place of Business ¹ : _____ |
| FEIN: _____ |
| Phone Number: _____ |
| Mailing Address: _____ |
| Type of Business Entity: _____ |
| <i>For joint ventures only:</i> <input type="checkbox"/> Check this box if you are the principal venturer in a joint venture agreement. |

| Primary Contact |
|----------------------|
| Name: _____ |
| Title: _____ |
| Address: _____ |
| Phone Number: _____ |
| Email Address: _____ |

| Authorized Signatory ² |
|-----------------------------------|
| Name: _____ |
| Title: _____ |
| Address: _____ |
| Phone Number: _____ |
| Email Address: _____ |

I, _____ am the _____ of _____
(Authorized Representative's Name) (Title)
_____, (the "Respondent") and am authorized to represent the
(Respondent Legal Name)
Respondent. I do hereby certify, to the best of my knowledge and belief, the information submitted to the Department on this form and with my Response is true and correct.

| | |
|--|------|
| Signature of Authorized Representative | Date |
|--|------|

¹ "Principal place of business" means the address at which the Respondent's high-level officers direct, control, and coordinate the Respondent's activities

² Person shall have authority to contractually bind the Respondent, should a Contract be awarded.

Minimum Mandatory Criteria

To be eligible for award, Respondents must respond “Yes” to each statement below.

- | | | |
|--|------------------------------|-----------------------------|
| 1. Respondent is not on the Department of Management Services’ (DMS) Discriminatory Vendor list as defined in Section 7 of the PUR 1001. | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Respondent is not on the DMS’ Convicted Vendor list as defined in Section 8 of the PUR 1001. | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Respondent certifies 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, 3) participating in a boycott of Israel and does not have business operations in Cuba or Syria? (If over \$1M) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Respondent certifies that it is not participating in a boycott of Israel. | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 5. Respondent has not been removed from the DMS’ Vendor List, pursuant to Rule 60A-1.006, F.A.C. | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 6. Respondent has an active W-9 on file with the Department of Financial Services or provide one prior to execution of the Contract. | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 7. Respondent has not colluded with any entity to reduce competition. This includes the disclosure or discussion of technical or price portions of the Response, or any other attempt to fix pricings. | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 8. Respondent does not have an unfair competitive advantage from either: a) having access to information that is not available to the public that would assist the Respondent in obtaining Contract Award, and/or b) obtaining source selection information that is relative to the contract but is not available to all the competitors and that would assist the Respondent in obtaining Contract Award. | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 9. Respondent has not participated in the drafting of any portion of this solicitation or developed this program for future implementation, as prohibited by section 287.057(17), F.S. | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 10. Respondent has read and agrees to all Solicitation Terms and Conditions and agrees to perform under the Contract, if awarded. | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Responsibility

Respondents shall complete and submit answers to the questions below. For each “yes” Respondents shall provide a detailed explanation (1 page) relevant to the issue and attach copies of documents relevant to the written explanation(s) provided (unlimited pages). For Bankruptcy documentation, please provide the court, case number, status, date filed, and date closed, if applicable. The Department reserves the right to request additional information, as needed, to determine a Respondent’s Responsibility pursuant to section 287.012(25), F.S.

- | | | |
|--|------------------------------|-----------------------------|
| 1. Within the past 5 years, has the Respondent been subject to criminal judgments or administrative actions? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Within the past 5 years, has the Respondent been suspended or barred from participation in any competitive process or contract award? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Within the past 5 years, has the Respondent had any licenses or certifications required for this Scope suspended, revoked, or canceled? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Within the past 5 years, has the Respondent had any contracts or agreements terminated for cause? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 5. Within the past 5 years, has the Respondent been the subject of bankruptcy proceedings? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Conflict of Interest Disclosure

PUR 1001, section 6, Conflict of Interest, states:

This solicitation is subject to chapter 112 of the Florida Statutes. Respondents shall disclose with their response the name of any officer, director, employee, or other agent who is also an employee of the State. Respondents shall also disclose the name of any State employee who owns, directly or indirectly, an interest of five percent (5%) or more in the Respondent or its affiliates.

Select the appropriate box and fill out the appropriate table(s), if applicable.

☐ Pursuant to PUR 1001, section 6, Conflict of Interest, I have the following names to disclose:

| Respondent's Officers, Directors, Employees or Other Agents Who Are Also Employees of The State | |
|--|----------------------------------|
| Full Legal Name | Position Title and Agency |
| | |
| | |
| | |
| | |

| State Employees Who Own an Interest of 5% or More in The Respondent or Its Affiliates | |
|--|--|
| Full Legal Name | % of Direct or Indirect Ownership |
| | |
| | |
| | |
| | |

OR

☐ Pursuant to PUR 1001, section 6, Conflict of Interest, I have nothing to disclose.

State of Florida
Department of Environmental Protection
Foreign State Preference Opinion

Form B

Consistent with section 287.084(2), F.S., if the Respondent's indicated that its principle place of business is outside of the State of Florida (Foreign State), Respondent must have an attorney who is license to practice law in the state of their principle place of business complete the section below. Joint venture Respondents shall complete this Form for their principal venturer only.

Legal Opinion about Foreign State Preferences in Contracting *(Please select one)*

- ☐ The Respondent's principle place of business is in the state of _____ and it is my legal opinion that neither the laws of the Foreign State nor the political subdivision in which the principle place of business is located grant a preference in the letting of any or all public contracts to business entities whose principle place of business are in the Foreign State and/or political subdivision.
- ☐ The Respondent's principle place of business is in the state of _____, and it is my legal opinion that the laws of the:
- (Please select all that apply)*
- ☐ state
- ☐ political subdivision

Grant the following preference(s) in the letting of any or all public contracts to business entities whose principle place of business are in that state and/or political subdivision.

[Describe applicable preference(s) and identify applicable state law(s) in the space provided]

| Respondent's Attorney | |
|-----------------------|-------|
| Signature: | _____ |
| Name: | _____ |
| State of License: | _____ |
| Bar Number: | _____ |
| Date of Admission: | _____ |
| Address: | _____ |
| Phone Number: | _____ |

State of Florida
Department of Environmental Protection
Award Preferences Form

Form E

This form must be completed by the Respondent in the event of a tie if requested by the Department. If the Department discovers that any information on this form is false after the award to the Respondent is made, the Department reserves the right to terminate the Contract and hold the Respondent liable for costs associated with re-procuring the services.

Respondents shall certify one or more of the following by checking the box(es):

- ☐ A. The Response is from a certified minority-owned firm or company and the net worth of the company is _____;
- ☐ B. The Response is from a veteran-owned business certified according to section 295.187, F.S., and the net worth of the company is _____;
- ☐ C. The Response is from a Florida-based business having at least one of the following characteristics:
 - 1) Fifty-one (51) percent of the company is owned by Floridians; or
 - 2) Employs a workforce for this project or contract that is at least 51% Floridians; or
 - 3) More than 51% of business assets of the company, excluding bank accounts, are located in Florida.
- ☐ D. The Response is from a Respondent whose place of business in Florida;
- ☐ E. The commodities proposed for this contract are manufactured, grown, or produced within this State;
- ☐ F. The Response is from a foreign manufacturer with a factory in the State employing over 200 employees working in the State;
- ☐ G. The Response is from a business that certifies that it has implemented a drug-free workplace program in accordance with section 287.087, F.S.;
- ☐ H. The Response is from a company that is not eligible for any of the above preferences.

I do hereby certify, to the best of my knowledge and belief, the information submitted to the Department on this form is true and correct.

Signature of Authorized Representative

Date