





## **SECTION 2**

### **ADDITIONAL/SPECIAL TERMS AND CONDITIONS**

#### **2.1 PURPOSE**

This Request to Qualify (RTQ) will establish a Prequalified Pool of Supplier/Vendors (Pool) that will be used to solicit Fertilizers, Pesticides, Weed Killers, and Landscaping/Gardening Materials for Miami-Dade County (County). Placement in the Pool is **not** a contract between the County and the Supplier/Vendor, but an acknowledgement that the Supplier/Vendor meets the qualifications as outlined throughout this RTQ. Supplier/Vendor Submittals are accepted throughout the term of the RTQ for placement in such Pool.

#### **2.2 DEFINITIONS**

**Invitation to Quote (ITQ)** – Shall refer to the solicitation of quotes from the Pool for specific goods and/or services; and awarded based on lowest price, or other quantifiable criteria.

**Prequalified Pool of Supplier/Vendors (Pool)** – Shall refer to business entities/individuals determined by the County's Internal Services Department, Strategic Procurement Division, as meeting the minimum standards of business competence, financial ability, and/or product quality for placement in the Pool, and which may submit quote or proposal, at the time of need.

**Submittal** – Shall refer to all information, attachments and forms submitted in response to this RTQ.

**Supplier/Vendor** – Shall refer to a business entity/individual responding to this RTQ.

**Work Order Proposal Request (WOPR)** – Shall refer to a competitive process involving the solicitation of proposals, by the Internal Services Department Strategic Procurement Division, from the Pool for specific goods and/or services; and evaluated and awarded based on best value.

#### **2.3 TERM**

The Pool shall be established on the first calendar day of the month succeeding approval by the Board of County Commissioners, or designee, unless otherwise stipulated in the Purchase Order issued by the Strategic Procurement Department. The Pool shall expire on the last day of the last month of the **five (5) year term**.

**Commented [MO(1)]:** MJ, can we get more years or OTR?  
Current contract is 10 yrs

#### **2.4 QUALIFICATION CRITERIA**

Supplier(s)/Supplier/Vendor(s) shall meet the following criteria to be considered for placement in the Pool and for participation in future solicitations for the following groups:

- Group 1: Fertilizers.
- Group 2: Pesticides and Weed Killers
- Group 3: Landscaping and Gardening Materials.

Supplier/Vendor(s) shall indicate the applicable group(s) it wishes to be prequalified for in its submission and provide the following information for each applicable group as requested in Section 4, Submittal Form and meet the following criteria to be considered for placement in the Pool and for participation in future solicitations for the following:

##### **2.4.1 Qualification Requirements for All Groups**

- 1) Supplier/Vendor shall be regularly engaged in the business of providing fertilizers, pesticides, weed killers, and landscaping/gardening materials Supplier/Vendor shall demonstrate its experience pertaining to products requested in this RTQ by providing two (2) professional references, related to the applicable group(s), in the Vendor's Submittal Form (see Section 4). In lieu of the references from the Supplier/Vendor or Supplier's/Vendor's Subcontractor, the County will consider the references from



Supplier's/Vendor's key personnel in accordance with Resolution No. 1122-21. The references shall include the customer's company name and address; the name, title, email address, telephone number of the contact person who can verify that the Supplier/Vendor has successfully provided the products and/or services that the Supplier/Vendor is offering under this solicitation and indicate the type of equipment and/or Services provided. These references shall ascertain to the County's satisfaction that the Supplier/Vendor has sufficient experience and expertise in providing products and/or services for each applicable group. The County, at its sole discretion, may request additional information to assess Vendor responsibility.

- 2) Supplier/Vendor shall assign a company representative(s) who is cognizant of industry standards and is authorized to discuss matters pertaining to goods and / or services described in the RTQ and subsequent ITQs/WOPRs in order to provide the County with support and information. Supplier/Vendor shall provide their designated company representative(s) name, phone number, and e-mail address.

**2.4.2 Qualification Requirements for 1 Groups**

Supplier/Vendor(s) shall provide a current copy of its Fertilizer License issued by the State of Florida Department of Agriculture and Consumer Services pursuant to Chapter 576, Florida Statutes.

**2.4.3 Qualification Requirements for 2 Groups**

Supplier/Vendor(s) shall provide a current copy of its Dealer's License issued by the State of Florida Department of Agriculture and Consumer Services pursuant to Chapter 487, Florida Statutes.

For more information link to: <http://www.miamidade.gov/development/contractors-licensing.asp> and <http://library.municode.com/index.aspx?clientId=10620>.

Supplier/Vendor s shall provide all of the specified information, documents and attachments listed above with their Submittal as proof of compliance with the requirements of this RTQ. However, the County may, at its sole discretion and in its best interest, allow Supplier/Vendor s to complete, supplement or supply the required documents throughout the term of the RTQ. It shall be the sole right of the County to determine the number of Supplier/Vendor s which will be included in the Pool. During the term of the RTQ, the County reserves the right to add or delete Supplier/Vendor s as it deems necessary, and in its best interest.

**2.4 INSURANCE**

Insurance is **not** required in order to be prequalified under this RTQ. Insurance requirements will be detailed in the subsequent ITQ or WOPR.

**2.5 SPOT MARKET QUOTES**

Prequalified Suppliers/Vendors will be placed in the Pool on a "per group" basis, which will be accessed by the various County departments. Suppliers/Vendors in the Pool will be invited to participate in future spot market competition, as needed. User departments will invite Suppliers/Vendors that are prequalified for the group(s) containing products and/or services as needed. The spot market competition will be in the form of an ITQ or WOPR that will include the specific goods and/or services required, and may include provisions, as applicable, such as:

- Insurance Requirements
- Living Wage
- Liquidated Damages
- Small Business Enterprise (SBE) Measures
- Warranty Requirements



For federally funded projects/programs, additional provisions may apply in accordance with the funding source. The following provisions from Section 1, General Terms and Conditions shall be exempted from such solicitations, as indicated in the ITQ or WOPR.

- Article 1.2(H) Prompt Payment Terms
- Article 1.11 Local Preference
- Article 1.29 Office of the Inspector General (*only the cost of the random audits, as specified*)
- Article 1.37 County User Access Program (UAP)
- Article 1.45 Small Business Enterprise (SBE) Measures
- Article 1.46 Local Certified Veteran's Business Enterprise Preference
- Article 1.47 Application of Preferences
- Article 1.49 First Source Hiring Referral Program (FSHRP)

For any FEMA reimbursable projects/programs, the below provisions will apply:

Compliance with Federal Requirements for FEMA Reimbursable Spot Market Competitions

All goods and/or services to be purchased as a result of any award under this solicitation shall be in accordance with all applicable governmental standards, including, but not limited to those issued by the Occupation Safety and Health Administration (OSHA), the National Institute of Safety Hazards (NIOSH), and the National Fire Protection Association (NFPA). It shall be the responsibility of Vendors to be regularly informed to conform to any changes in standards issued by any regulatory agencies that govern the commodities or services applicable to this solicitation, during the term of any contract resulting from this solicitation.

Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR § 401.2 (a) and the County wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the County must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

Pursuant to 2 CFR, Part 200.318(i) (1), ISD-SPD and client departments will maintain records sufficient to detail the history of partially or fully federally funded procurements. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. Further, ISD-SPD and client departments will comply with all applicable requirements in 2 CFR, Part 200, 200.333-200.337 Records Retention and Access.

Pursuant to 2 CFR, Part 200.318(j) (1), the County may use a time and materials type contract for partially or fully federally funded acquisitions only after a determination has been made that no other contract type is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the County is the sum of: the actual cost of materials; and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit. Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the County will assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls

Pursuant to C.F.R. 200.321 (g) Contracting with Small and Minority Business, Women's Business Enterprises, and Labor Surplus Area Firms, the County will take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

Affirmative steps must include:

- (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation



- by small and minority businesses, and women's business enterprises;
- (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
  - (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) above.

When goods and/or services will be purchased, in part or in whole, with federal funding, and/or to meet Federal Emergency Management Agency's (FEMA) reimbursement, the Vendor hereby assures and certifies to the County that it will comply with:

- A. Section 60-250.4, Section 60-250.5 and Section 60-741.4 of Title 41 of the United States Code, which addresses Affirmative Action requirements for disabled workers, is incorporated into this solicitation and any resultant contract by reference.
- B. The Contract Work Hours and Safety Standards Act of 1962, 40 U.S.C. 327, et seq., requiring that mechanics and laborers (including watchmen and guards) employed on federally assisted contracts be paid wages of not less than one and one-half times their basic wage rates for all hours worked in excess of forty hours in a work-week.
- C. The Federal Fair Labor Standards Act, 29 U.S.C. s. 201, et seq., requiring that covered employees be paid at least the minimum prescribed wage, and also that they be paid one and one-half times their basic wage rates for all hours worked in excess of the prescribed work-week.
- D. The Clean Air Act of 1955, as amended, 42 U.S.C. 7401-7671q and the Federal Water Pollution Control Act, 33 U.S.C. 1251-1387.
- E. The mandatory standards and policies relating to energy efficiency which are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act, P.L. 94-163.
- F. Section 6002 of the Resource Conservation and Recovery Act (RCRA), as amended (42 U.S.C. 6962), including but not limited to the regulatory provisions of 40 CFR Part 247, and Executive Order 12873, as they apply to the procurement of the items designated in Subpart B of 40 CFR Part 247.
- G. The Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)— In accordance with 31 U.S.C. 1352, the Vendor must provide a certification to the Procuring Agency that the Vendor has not and will not use Federal appropriated funds to pay any person or organization to influence or attempt to influence an officer or employee of any Federal department or agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352.) A bid, which does not include this certificate, may be considered non-responsive. Vendors that apply or bid for an award exceeding \$100,000 must file the Byrd Anti-Lobbying Amendment Certification Form.
- H. C.F.R. pt. 180 and 2 C.F.R. pt. 3000. The vendor shall verify that none of the vendor, its principals (defined at 2 C.F.R. § 180.995), or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935). By submitting the Suspension and Debarment Certification Form, the vendor certifies its compliance with this requirement.
- I. C.F.R. 200.321. If the Vendor is a prime contractor, and if subcontracts are to be let, the vendor will take the following affirmative steps:
  - (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
  - (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
  - (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
  - (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
  - (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce;
- J. All other applicable requirements in 2 CFR, Part 200, 200.317-200.326 Procurement Standards.
- K. All applicable requirements in 2 CFR, Part 200, 200.333-200.337 Records Retention and Access.

## **2.6 ADDITIONAL GROUPS/ADDITIONAL SERVICES**

It is hereby agreed and understood that although this RTQ identifies specific groups, and services; the County reserves the right to add additional related groups/services, with applicable qualification criteria to this RTQ; or any



**Miami-Dade County**  
**Strategic Procurement Department**  
111 NW 1st Street, Suite 1300, Miami, FL 33128

Event ID: EVN0000891

subsequent ITQs/WOPRs at the option of the County. When required by the pricing structure of the awarded ITQ/WOPR, Suppliers/Vendors may be invited to submit price quotes for the additional services. If these quotes are determined to be fair and reasonable, then the additional service(s) may be awarded to the Supplier/Vendor.



### **SECTION 3**

#### **SCOPE OF WORK/TECHNICAL SPECIFICATIONS**

**3.1 SCOPE OF WORK/TECHNICAL SPECIFICATIONS**

Suppliers/Vendors prequalified under this Pool may be invited through ITQs or WOPRs to provide fertilizers, pesticides, weed killers, and landscaping/gardening materials to multiple County departments, on an as needed basis. Suppliers/Vendors providing services to the County shall comply at all times with all applicable Federal, State, County, and any other authority having jurisdiction or regulations guiding the service method(s) utilized. Additional technical specifications will be provided within the ITQ/WOPR.

**3.2 GOODS AND SERVICES TO BE PROVIDED**

**A. Group 1**

Prequalified Supplier/Vendors under Group 1 will be invited to respond to Spot Market quotations for fertilizers, including but not limited to, granular/liquid fertilizers and nutrient spray additives.

**B. Group 2**

Prequalified Supplier/Vendors under Group 2 will be invited to respond to Spot Market quotations for pesticides and weed killers, including but not limited to, insecticides, nematocides, miticides, herbicides, plant growth suppression, fungicides, adjuvants, adulticides, and larvicides.

**C. Group 3**

Prequalified Supplier/Vendors under Group 3 will be invited to respond to Spot Market quotations for landscaping/gardening materials, including but not limited to, mulch, Chattahoochee gravel, topsoil, and top dressing material.

**SECTION 4**  
**SUBMITTAL FORM**

SUPPLIER/VENDOR: \_\_\_\_\_

**QUALIFICATION CRITERIA**  
**TO BE COMPLETED BY ALL SUPPLIERS/VENDORS**

Refer to Section 2.4, Qualification Criteria, to ensure that Submittal complies with solicitation requirements. Supplier/Vendor shall indicate the applicable group(s) submission and provide the following information, documents, and attachments for each applicable group as requested in this Submittal Form:

- Group 1: Fertilizers**    
 **Group 2: Pesticides and Weed Killers**    
 **Group 3: Landscaping and Gardening Materials**

Reference Section	<u>2.4.1 Qualification Requirements for All Groups</u>	Copy Attached
2.4.1 (1)	<p>Supplier/Vendor shall be regularly engaged in the business of providing fertilizers, pesticides, weed killers, and landscaping/gardening materials. Supplier/Vendor shall demonstrate its experience pertaining to products requested in this RTQ by providing two (2) professional references, related to the applicable group(s), in the Vendor's Submittal Form (see Section 4). In lieu of the references from the Supplier/Vendor or Supplier's/Vendor's Subcontractor, the County will consider the references from Supplier's/Vendor's key personnel in accordance with Resolution No. 1122-21. The references shall include the customer's company name and address; the name, title, email address, telephone number of the contact person who can verify that the Supplier/Vendor has successfully provided the products and/or services that the Supplier/Vendor is offering under this solicitation and indicate the type of equipment and/or Services provided. These references shall ascertain to the County's satisfaction that the Supplier/Vendor has sufficient experience and expertise in providing products and/or services for each applicable group. The County, at its sole discretion, may request additional information to assess Vendor responsibility.</p> <p><b>Reference No. 1:</b>            Reference Company Name: _____            Is reference for the Vendor, a Subcontractor or key personnel?: _____            If <b>Subcontractor</b>, then identify the name of the Subcontractor: _____            If <b>key personnel</b>, then identify the name of the key personnel: _____            and make sure that company key personnel worked for is listed <u>above</u> as "Reference No. 1."            Reference Company Address: _____            Reference Contact Name: _____ Title: _____            Telephone Number: _____ Email: _____            Equipment and/or Type of Services Provided: _____            _____            _____</p> <p><b>Reference No. 2:</b>            Reference Company Name: _____            Is reference for the Vendor, a Subcontractor or key personnel?: _____            If <b>Subcontractor</b>, then identify the name of the Subcontractor: _____            If <b>key personnel</b>, then identify the name of the key personnel: _____</p>	<input type="checkbox"/>



	<p>and make sure that company key personnel worked for is listed <u>above</u> as "Reference No. 2."</p> <p>Reference Company Address: _____</p> <p>Reference Contact Name: _____ Title: _____</p> <p>Telephone Number: _____ Email: _____</p> <p>Equipment and/or Type of Services Provided: _____</p> <p>_____</p> <p>_____</p> <p>_____</p>	
2.4.1 (2)	<p>Supplier/Vendor shall assign a company representative(s) who is cognizant of industry standards and is authorized to discuss matters pertaining to goods and / or services described in the RTQ and subsequent ITQs/WOPRs in order to provide the County with support and information. Supplier/Vendor shall provide the designated representative(s) name, phone number, and e-mail address.</p> <p><b>Primary Company Representative:</b></p> <p>Name: _____ Title: _____</p> <p>Phone Number: _____ Email: _____</p> <p><b>Secondary Company Representative:</b></p> <p>Name: _____ Title: _____</p> <p>Phone Number: _____ Email: _____</p>	<input type="checkbox"/>
2.4.2	<p style="text-align: center;"><b>Qualification Requirements for 1 Groups:</b></p> <p>Supplier/Vendor(s) shall provide a current copy of its Fertilizer License issued by the State of Florida Department of Agriculture and Consumer Services pursuant to Chapter 576, Florida Statutes.</p>	<input type="checkbox"/>
2.4.3	<p style="text-align: center;"><b>Qualification Requirements for 2 Groups:</b></p> <p>Supplier/Vendor(s) shall provide a current copy of its Dealer's License issued by the State of Florida Department of Agriculture and Consumer Services pursuant to Chapter 487, Florida Statutes..</p>	<input type="checkbox"/>

**Note:** Supplier/Vendor shall comply with the qualifications outlined for each participating group. Vendor Supplier/Vendor shall provide all of the specified information, documents and attachments listed above with their Submittal as proof of compliance with the requirements of this RTQ. However, the County may, at its sole discretion and in its best interest, allow Supplier/Vendor to complete, supplement or supply the required documents throughout the term of the RTQ.