

SECTION 2
SPECIAL TERMS AND CONDITIONS

2.1 PURPOSE

This Request to Qualify (RTQ) will establish a List of Prequalified Vendors (List) that will be used to solicit for purchase and installation of glasses (non-automotive) for Miami-Dade County (County). Placement on the List is **not** a contract between the County and the Vendor, but an acknowledgement that the Vendor meets the qualifications as outlined throughout this RTQ. Vendor Submittals will continue to be accepted throughout the term of the RTQ for placement on such List.

2.2 DEFINITIONS

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

List of Prequalified Vendors (List) – Shall refer to business entities/individuals determined by the County's Internal Services Department, Procurement Management Division, as meeting the minimum standards of business competence, financial ability, and/or product quality for placement on the List of Prequalified Vendors, and who may submit quotes/proposals, at the time of need.

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

Submittal - Shall refer to the forms submitted in response to this RTQ.

Work Order Proposal Request (WOPR) – Shall refer to the solicitation of offers from the List of Prequalified Vendors for specific goods and/or services; and evaluated and awarded based on best value.

2.3 TERM

This List 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 Blanket Purchase Order issued by the Internal Services Department, Procurement Management Division. The List shall expire on the last day of the five (5) year term.

2.4 QUALIFICATION CRITERIA

Vendors shall meet the following criteria to be considered for placement on the List; and for participation in future competitions for the following groups:

Group A: Purchase of Glass

Group B: Turn Key Project

Group C: FEMA Group

Qualifications for all Groups:

1. Vendor(s) shall assign a competent company representative who can be contacted Monday through Friday from 8:00 a.m. to 5:00 p.m. (local time) for quotations. Vendor(s) are required to provide their representative(s) name, phone number, and e-mail address.
2. Vendor(s) shall demonstrate experience pertaining to the relevant sale of goods listed in this RTQ. As evidence, Vendor(s) are required to provide two (2) signed letters on company letterhead from their clients. The references shall ascertain to the County's satisfaction that the Vendor has sufficient expertise in selling and/or installing various types of glass.

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Additional Qualifications for Groups B and C:

3. Vendor shall provide a copy of their current General Contractor License or Glass/Glazing Contractor License.

Vendors 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 Vendors 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 Vendors who will be included in the List. During the term of the RTQ, the County reserves the right to add or delete Vendors as it deems necessary and in its best interest.

2.5 INSURANCE

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

2.6 SPOT MARKET QUOTES

Vendors on the List will be invited to participate in spot market competitions, as needed. The spot market competitions 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:

- Small Business Measures
- Warranty Requirements
- Liquidated Damages
- Living Wage

For federally funded 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.

- Local Preferences
- User Access Program (UAP) Fee
- Small Business Enterprises (SBE) Measure
- Local Certified Service-Disabled Veteran's Business Enterprise Preference
- First Source Hiring Referral Program
- Prompt Payment Terms
- Office of Inspector General Fee

2.7 ADDITIONAL CONDITIONS FOR GROUPS B AND C

I. COMPLIANCE / REGULATIONS / SAFETY

a. Legal Requirement for Pollution Control

It is the intent of these specifications to comply with the Miami-Dade County Pollution Control Ordinance as stated in Chapter 24 of the Miami-Dade Code. This ordinance is made a part of these specifications by reference and may be obtained, if necessary, by the Bidder through Regulatory and Economic Resources, 33 SW 2nd Avenue, Miami, Florida 33130, Telephone (305) 372-6789.

b. Accident Prevention, Barricades and Safety

Precautions shall be exercised at all times for the protection of persons and property. All Bidders performing services under this contract shall conform to all relevant OSHA, EPA,

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State and County regulations during the course of such effort. Any fines levied by the above mentioned authorities for failure to comply with these requirements shall be borne solely by the responsible Bidder. Barricades shall be provided by the Bidder when work is performed in areas traversed by persons, or when deemed necessary by the County.

Bidder agrees to perform all work in a manner that meets all accepted standards for safe practice, and to safely maintain and operate all the equipment used in the performance of this contract. The County, reserves the right to issue immediate restrain or cease and desist to a Bidder, when unsafe or harmful acts are observed or reported while performing under the contract. Hazardous conditions shall be immediately reported to the County.

c. **Equipment**

The Bidders equipment shall be in proper working conditions, free from leaking fluids. All equipment shall include all safety devices, properly installed and maintained. If the County determines that the equipment is deficient of safety devices, the Bidder will be notified immediately. The Bidder shall remove the deficient equipment from services and replace it with working equipment within one (1) day of notification from the County. All equipment must comply with applicable local, state and federal rules and regulations.

Failure to comply with any of these requirements may result in immediate suspension of work.

II. IDENTIFICATION AND UNIFORM

1. Identification: All personnel performing services under this contract must carry valid government issued photo identification such as a driver's license.
2. Uniform: All personnel shall wear a uniform shirt (or t-shirt) clearly displaying the Bidder's company name. Uniforms shall be maintained so all personnel are neat, clean and professional in appearance. Non-uniform clothing will not be permitted.

III. EMPLOYEE SUPERVISION

The Successful Bidder is responsible for all supervision of employees and for establishing a quality control program that will ensure that all work is completed according to the requested specifications. Any delays, costs, or rejected work that results from the Bidder submitting work that is in any way incomplete or unsatisfactory are the sole responsibility of the Bidder.

ADDITIONAL CONDITIONS FOR GROUPS B AND C

I. USE OF FEDERAL FUNDING

Since the services that will be acquired under this solicitation will be purchased, in part or in whole, with federal funding, it is hereby agreed and understood that 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 resultant contract by reference.

II. FEDERAL STANDARDS

Bidder hereby assures and certifies to the County that it will comply with:

- (1) Contract Work Hours and Safety Standards Act of 1962, 40 U.S.C. 327, et seq., requiring that mechanics and laborer so (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; and
- (2) 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; and

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(3) 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; and

(4) 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; and

(5) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)— In accordance with 31 U.S.C. 1352, the Contractor must provide a certification to the Procuring Agency that the Contractor 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.) (Exhibit FED-LB1) A bid, which does not include this certificate, may be considered non-responsive.

Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any 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. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(6) Any requirements of 2 CFR pt. 200.318.

(7) Procurement of recovered materials See §200.322.

The contractor agrees to comply with all the requirements of 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.

(8) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by a federal department or agency (Complete certification attached)

(9) The Bidder shall not use the DHS seal(s), logos, crests, or reproductions of flags or likenesses of DHS agency officials without specific FEMA pre- approval.

(10) This is an acknowledgement that FEMA financial assistance will be used to fund the contract only. The Bidder will comply will all applicable federal law, regulations, executive orders, FEMA policies, procedures, and directives.

(11) The Federal Government is not a party to this contract and is not subject to any obligations or liabilities to the non-Federal entity, Bidder, or any other party pertaining to any matter resulting from the contract.

III. EXEMPTION TO CERTAIN CLAUSES

As a Federally-funded agency, the following clauses within Section 1.0 do **NOT** apply to this contract.

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- Section 1 Paragraph 1.11; Local Preferences: Section 2-8.5 of the Miami-Dade County Code, which provides that preference shall be given to local businesses shall NOT apply.
- Section 1 Paragraph 1.36; County User Access Program (UAP) - The fee in the amount of two percent (2%) shall NOT apply.
- Section 1 Paragraph 1.44; Small Business Enterprises (SBE) Measure- shall NOT apply.
- Section 1 Paragraph 1.45; Local Certified serviced-Disable Veteran's Business Enterprise Preference - shall NOT apply.
- Section 1 Paragraph 1.47; First Source Hiring Referral Program ("FSHRP") - shall NOT apply.
- Prompt Payment Terms - Payment terms under Sections 2-8.1.1.1.1 or 2-8.1.1.1.2, respectively, that are a SBE contract set-aside, bid preference or contain a subcontractor goal, shall NOT apply.

IV. OFFICE OF INSPECTOR GENERAL

The cost of random audits of one quarter (1/4) of one (1) percent will NOT be incorporated into the contract price of this Group. All else remains the same.

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SECTION 3
SCOPE OF WORK

3.1 SCOPE OF WORK

It is the intent of this solicitation to identify and make available to the County various types of glasses and turn-key projects that include glass and labor when required.

Group Description

The list is neither inclusive nor complete and other glasses may be added as required.

Group A - Glass: Will be used to procure various types of glass in various sizes, colors, opaqueness, and thickness, single and double plate glass, tempered, polished wire and laminated finishes, bullet resistant, etc.

Group B - Turn-Key Projects: Will be used to provide turn-key projects, to include but not be limited to, repair, removal, replacement, installation, etc. of various glass.

Group C - FEMA: Will be used for glass or turn-key projects to meet Federal Emergency Management Agency's (FEMA) reimbursement requirements, as set forth in the Code of Federal Regulations (CFR) §200.317, General Procurement Standards.

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SECTION 4
BID SUBMITTAL FORM

VENDOR: _____

QUALIFICATION CRITERIA TO BE COMPLETED BY ALL VENDORS		
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Refer to the Qualification Criteria Section to ensure that Submittal and attachments comply with solicitation requirements.

VENDOR TO BE PREQUALIFIED FOR:

2.4	Group A	<input type="checkbox"/>
	Group B	<input type="checkbox"/>
	Group C	<input type="checkbox"/>

QUALIFICATION FOR ALL GROUPS

Reference	Vendor Requirements	Copy Attached
2.4 (1)	<p>Vendor(s) shall assign a competent company representative who can be contacted Monday through Friday from 8:00 a.m. to 5:00 p.m. (local time) for quotations. Vendor(s) are required to provide their representative(s) name, phone number, and e-mail address.</p> <p>Name: _____</p> <p>Phone No.: _____</p> <p>E-mail Address: _____</p>	
2.4 (2)	<p>Vendor(s) shall demonstrate experience pertaining to the relevant sale of goods requested in this RTQ. As evidence, Vendor(s) are required to provide two (2) signed letters on company letterhead from their clients. The references shall ascertain to the County's satisfaction that the Vendor has sufficient expertise in selling and/or installing glasses.</p>	<input type="checkbox"/>

ADDITIONAL QUALIFICATION FOR GROUPS B AND C

Reference	Vendor Requirements	Copy Attached
2.4 (3)	<p>Vendor shall provide a copy of their current General Contractor License or Glass/Glazing Contractor License.</p>	<input type="checkbox"/>

GROUP C ONLY

Byrd Anti-Lobbying Amendment Certification Form

Contractors who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any 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. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.”

APPENDIX A, 44 C.F.R. PART 18 – CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

(To be submitted with each bid or offer exceeding \$100,000)

The undersigned [Contractor] certifies, to the best of his or her knowledge, that:

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

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The pre-qualified Bidder certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. § 3801 *et seq.*, apply to this certification and disclosure, if any.

Signature of Contractor’s Authorized Official: _____

Name and Title of Contractor’s Authorized Official: _____

Date: _____

GROUP C ONLY

Suspension and Debarment Certification Form

(1) This contract is a covered transaction for purposes of 2 C.F.R. pt. 180 and 2 C.F.R. pt. 3000. As such the contractor is required to verify that none of the contractor, 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).

(2) The contractor must comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into.

(3) This certification is a material representation of fact relied upon by the County. If it is later determined that the contractor did not comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, in addition to remedies available to the County, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment.

(4) The bidder or proposer agrees to comply with the requirements of 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.”

Signature of Contractor’s Authorized Official

Name and Title of Contractor’s Authorized Official

Date
