IFB APPENDIX A- ADMINISTRATIVE INFORMATION

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1. GENERAL ADMINISTRATIVE INFORMATION

A. Colorado Vendor Self Service

i. This solicitation is being published on BidNet Direct so that Offerors who have an interest may submit a proposal in accordance with the terms of this solicitation.

ii. Vendors can self-register for this system free of charge, on the BidNet Direct website at http://www.bidnetdirect.com and click on Vendor Registration. The State also recommends that interested vendors check BidNet Direct on a regular basis throughout this solicitation process.

B. Offeror inquiries

i. Offerors may submit inquiries online via BidNet Direct concerning this solicitation to obtain clarifications. The State may not accept inquiries after the date and time indicated in the Schedule of Activities. Send all inquiries to the Procurement Contact identified in the Schedule of Activities within the main body of this IFB. Inquiries must be clearly marked with the IFB number and title. Where appropriate, inquiries should include references to any relevant Section/paragraph of the solicitation.

ii. Responses to Offeror's inquiries will be published collectively, as a modification on BidNet Direct. Offerors shall not rely on any verbal statements that alter any specification or other term or condition of the solicitation. Such changes are valid only if provided in writing by the Procurement Contact.

C. Modifications And / Or Supplemental Information to the Solicitation

i. Any modifications, amendments or supplemental information to the solicitation will be published on BidNet Direct. A modification notice will be published on BidNet Direct in the event that it becomes necessary to revise any part of this solicitation.

ii. It is the Offeror's sole responsibility to check BidNet Direct on a regular basis, prior to the bid submission deadline, as this is the primary means for

communicating any clarifications or changes to solicitation content, timeline and/or requirements.

D. Solicitation Cancelation/Rejection of Offeror Bid(S)

i. In accordance with §24-103-301, C.R.S., and the related Procurement Rules, the State may cancel this solicitation, or any and all bids may be rejected in whole or in part, without penalty, at any time before a Contract or purchase order is executed, when it is in the best interest of the State. The reason and documentation supporting the decision to cancel the solicitation or reject bid(s) shall remain confidential for the lesser of six months or until a Contract or purchase order is awarded by the State. Reference Procurement Rule R-24-101-401-05.

ii. If the solicitation is canceled after, bids are received, the bids that have been opened shall be retained in the procurement record, or if unopened, they will be disposed of, or returned to the Offerors upon request at the Offerors' expense.

E. Documents After Award

Prior to Contract execution, the awarded Offeror must provide the State with Proof of Good Standing with the Colorado Secretary of State and an insurance certificate documenting coverage according to **section number 10 from Appendix C – Standard Personal Services Contract Template**. Offerors do not need to submit these documents unless they are awarded this solicitation.

F. Modifications or Withdrawal of Bids

An Offeror may modify or withdraw its bid by written notice to the Procurement Contact prior to the established bid submission deadline. Withdrawal of an Offeror's bid following the bid submission deadline and prior to award, may be allowed, in the State's discretion. Withdrawal of an Offeror's bid after award is not allowed. Reference Procurement Rules R-24-103-201-08 and R-24-103-201-09.

G. Mistakes and Minor Informalities in Offeror Bids

In certain circumstances, an Offeror may correct a mistake(s) in its bid and/or the State may waive minor informalities. Reference Procurement Rule R-24-103-201-08.

H. News Releases and Announcements

Offerors shall not issue any news releases, communications or announcements of any kind pertaining to this solicitation, without prior written approval by the State.

I. Legally Binding Offer

i. An Offeror's bid submitted in response to this solicitation shall constitute a binding offer. The signature of the Offeror shall indicate acknowledgment of this condition. Signature shall be that of a person legally authorized to execute contractual obligations. The bid, including pricing, shall allow for a minimum of 180 calendar days for acceptance by the State, unless otherwise specified in this solicitation. Reference Procurement Rule R- 24-103-201-11(d).

J. Bid Content

i. The contents of the bid of the awarded Offeror will become contractual obligations under the awarded Contract or purchase order. Failure of the awarded Offeror to accept these obligations may result in cancellation of the award to that Offeror.

K. Certification of Independent Price Determination

By its signature on the cover page, the Offeror certifies that the prices and other terms in the bid have been arrived at independently without any consultation, communication, agreement with, or knowledge of the contents of the bid by any other competing Offerors. For purposes of this paragraph, "consultation, communication, agreement with, or knowledge" does not include knowledge of prices or terms gained through availability of established price lists or catalogues made available to the public by the competing Offerors. No attempt has been made or will be made by the Offeror to induce any other person or firm to submit

or not to submit a bid for restricting competition. Reference §6-4-101, C.R.S., et seq., (Colorado Antitrust Act of 1992) as amended.

L. Bid Response Material Ownership

All material submitted in response to this solicitation becomes the property of the State.

M. Submission of Confidential or Proprietary Information

i. The State of Colorado is subject to the requirements of §24-72-200.1, C.R.S., et seq., Colorado Open Records Act.

ii. An Offeror may submit, as a part of its bid, a written request for classification of certain portions of the bid as a trade secret or other confidential or proprietary information. Material for which the Offeror is requesting confidentiality shall be readily identifiable and separated from other portions of the bid to facilitate public inspection of the non-confidential portion of the bid. Commingling of confidential and non-confidential information is not acceptable. Neither price information nor any information that will be included in a resulting Contract or purchase order will be considered confidential.

iii. The Offeror must include the rationale for any request to classify portions as a trade secret or confidential or proprietary, including references to the authority that allows for such treatment.

iv. In no event shall an entire bid be classified as confidential. The Procurement Official or his or her designee shall determine if the information identified in the Offeror's request is exempt from disclosure in accordance with §24-72-204, C.R.S., and shall inform the Offeror in writing of his or her determination. If the Offeror does not agree with the determination, the Offeror may protest the determination in accordance with article 109 of the Colorado Procurement Code and the terms of this solicitation. Reference Procurement Rule R-24-101-401-03.

v. Any additional Offeror information, which may be part of the evaluation/negotiation process and for which an Offeror claims confidentiality, is subject to the same requirements and processes identified above.

N. Modifications to State Contract

i. A draft Contract is included in Appendix C to this solicitation.

ii. Offerors are instructed to review the attached draft Contract and submit any proposed modifications or redlines with their bid. The decision to reject, accept, or further negotiate any requested changes will be at State's discretion. If an Offeror normally seeks counsel on Contract terms, they are advised to do so before submitting a bid in response to this solicitation.

iii. In the event an Offerors requested modifications violate State law, regulation, or policy, or would otherwise not be justifiable as being in the best interest of the State, the State may make a determination that an Offeror's bid is no longer responsive and therefore ineligible for award. The section of the Contract identified as the Colorado Special Provisions are considered non-negotiable.

O. Conflicts of Interest/Ethics

i. The Offeror must disclose in its bid any potential or actual conflict of interest in connection with a response to this solicitation. A conflict of interest may include, but is not limited to, access to any non-public information by the Offeror regarding the solicitation or its subject matter.

ii. The Offeror acknowledges that even the appearance of a conflict of interest may be harmful to the State's interests. The Offeror shall disclose in its bid whether there currently is, or potentially could be, the appearance of a conflict of interest regarding this solicitation, its staff, any proposed subcontractors or partners, or any related business with the State.

iii. Requirements set forth in this Section are continuing requirements throughout the solicitation process and, for the awarded Offeror, the

Contract or purchase order term, including any extensions. Reference §24-18-201, C.R.S., et seq. (Proscribed Acts Related to Contracts and Claims); §24-50-507, C.R.S.(Conflict of Interest); §18-8-301, C.R.S., et seq. (Bribery and Corrupt Influence); §18-8-401, C.R.S., et seq. (Abuse of Public Office); §6-4-101, C.R.S., et seq., (Colorado Antitrust Act of 1992); §24-109-105, C.R.S .(Debarment and Suspension); and Procurement Rule R-24-101-107-01 (Ethics).

P. Protested Solicitations and Awards

An aggrieved party may file a protest concerning a material issue(s), at any phase of solicitation, including but not limited to, specifications, award or a disclosure of information marked confidential in the bid. The protest shall be submitted to the **Colorado Department of Transportation** Procurement Official within ten (10) business days after such aggrieved person knows, or should have known, of the facts giving rise thereto. Reference §24-109-102, C.R.S., as amended, and Procurement Rule R-24-109-102-01, et seq. Protests should be submitted in writing via email to **ryan.yarrow@state.co.us**.

Q. Performance Outside of Colorado

Awarded Offeror, per Section 24-102-206, C.R.S., prior to contracting shall disclose in a written statement whether it anticipates performing or subcontracting any services under the contract, where such subcontracted services will be performed under the contract, including any subcontracts, and whether any subcontracted services under the contract or any subcontracts are anticipated to be performed outside the United States or the state. If the prospective vendor anticipates services under the contract or any subcontracts will be performed outside the United States or the state, the vendor shall provide in its written statement a provision setting forth why it is necessary or advantageous to go outside the United States or the state to perform the contract or any subcontracts.

R. Vendor Assistance

Any vendors needing support responding to solicitations may contact the Colorado Supplier Diversity Navigator at the Statewide Equity Office of Supplier Diversity.

Services provided include assistance with responding to solicitations, interpretation of solicitation documents, technical assistance referrals, availability of resources, construction bond assistance through the Construction Statewide Bond Assistance Program, and free business directory listings and verifications through the Colorado Supplier Diversity Directory. The office can be reached during normal business hours by calling 303-866-5765 or emailing DPA_SupplierDiversityHelp@state.co.us.

2. **PREFERENCES**

A. Low Tie Bids (See §24-103-902, C.R.S., Et Seq.)

i. If two or more responsible, responsive bids are tied as the lowest bids, the State shall follow the procedures as described in §24-103-902, C.R.S., et seq., which provide a preference to resident bidders.

B. Environmentally Preferable Purchasing (See §24-103-904, C.R.S., Et Seq.)

ii. Offerors responding to this solicitation may seek to qualify for the preference and governmental bodies conducting this solicitation shall award a contract to a bidder who offers environmentally preferable products subject to the conditions in the Code and Procurement Rules.

C. Service Disabled Veteran Owned Small Businesses (SDVOSB) (See §24-103-905, C.R.S., Et Seq.)

i. SDVOSB Offerors must submit documentation of certification issued through the U.S. Small Business Administration in their bid. §24-103-905 C.R.S. sets a SDVOSB goal of at least 3% of all contracts by dollar value be awarded to SDVOSBs who must be incorporated or organized in Colorado or they must maintain a place of business or have an office in Colorado and must be officially registered and verified as a SDVOSB by the United States Small Business Administration.

ii. Verified SDVOSB Offerors shall receive a preference of **3%** on their bid. This preference applies only to the bid price, and the SDVOSB Offeror must still meet all other requirements of this solicitation.

D. Resident Bidder Preference (See §24-103-906 C.R.S., Et Seq.)

i. Except as otherwise provided, a Colorado resident bidder shall be allowed a preference against a nonresident bidder equal to the preference given or required by the state in which the nonresident bidder is a resident.

ii. If it is determined by the State that compliance with this section may cause denial of federal moneys which would otherwise be available or would otherwise be inconsistent with requirements of federal law, this section shall be suspended, but only to the extent necessary to prevent denial of the moneys or to eliminate the inconsistency with federal requirements.

E. Preference for State Agricultural Products (See §24-103-907 C.R.S., Et Seq.)

In a solicitation for agricultural products, the State shall provide a preference to a resident bidder as described in §24-103-907 C.R.S., et seq.

F. Recycled Plastics Preference (See §24-103-909 C.R.S., Et Seq.)

i. A bidder who has used recycled plastics in the manufacture of the commodity or supplies described in this bid shall be allowed a preference of up to five percent for finished products that contain no less than ten percent recycled plastics.

ii. If it is determined by the State that compliance with this section may cause denial of federal moneys which would otherwise be available or would otherwise be inconsistent with requirements of federal law, this section shall be suspended, but only to the extent necessary to prevent denial of the moneys or to eliminate the inconsistency with federal requirements.