



THE CITY OF KEY WEST
Post Office Box 6434
Key West, FL 33041-6434

September 2, 2007

To: All Prospective Bidders

Pursuant to the City of Key West's Code of Ordinances Section 2-769: Request for Proposals (RFP), the City of Key West is soliciting competitive sealed bids for the FUEL SUPPLY: RFP NO: 13-007 This package contains the following documents.

- a. Cover letter
- b. Bidding Requirements
- c. Contract Forms
- d. Conditions of Contract
- e. Scope of Work

Please review your package to ensure it contains all of these documents. If not, contact Sue Snider, City of Key West Purchasing Agent at (305) 809-3815, immediately, to obtain copies of any missing document(s). Please contact Doug Bradshaw, City of Key West Port Project Manager at (305) 809-3792 with questions concerning the project.

Firms/corporations submitting a bid should ensure that the following documents are completed, certified, and returned as instructed: Bid Form, Anti-Kickback Affidavit, Public Entity Crimes Certification and, past project history.

CONTRACT DOCUMENTS

FOR

FUEL SUPPLY

CONSISTING OF:

BIDDING REQUIREMENTS
CONTRACT FORMS
CONDITIONS OF THE CONTRACT

RFP PROJECT #:13-007

PREPARED BY:

THE CITY OF KEY WEST
PORT OPERATIONS
KEY WEST, FLORIDA

September 2, 2007

TABLE OF CONTENTS

PART 1: BIDDING REQUIREMENTS

Information to Bidders
Invitation to Bid
Instructions to Bidders
City of Key West Licenses, Permits, and Fees
Public Entities Crime Form
Anti – Kickback Affidavit

PART 2 CONTRACT FORMS

Notice of Award
Contract
Notice to Proceed

PART 3 CONDITIONS OF THE CONTRACT

General Conditions

PART 4 SCOPE OF WORK

PART 1

BIDDING REQUIREMENTS

INFORMATION TO BIDDERS

SUBJECT: REQUEST FOR PROPOSALS NO. 13-007: FUEL SUPPLY
ISSUE DATE: SEPTEMBER 2, 2007
PRE BID CONFERENCE: NA
MAIL BIDS TO: CITY CLERK
CITY OF KEY WEST
525 ANGELA STREET
KEY WEST, FL 33040
DELIVER BIDS TO: SAME AS ABOVE
BIDS MUST BE
RECEIVED: SEPTEMBER 19, 2007
NOT LATER THAN: 3:00 P.M. LOCAL TIME



SUE SNIDER
PURCHASING AGENT
CITY OF KEY WEST

ses

Enclosures

REQUEST FOR PROPOSALS

Sealed Bids addressed to the City of Key West, for the RFP # 13-007: FUEL SUPPLY will be received at the office of the City Clerk, City of Key West, Florida, until 3:00 p.m., local time, on September 19, 2007 and then will be publicly opened and read. Any bids received after the time and date specified will not be considered.

The project Contemplated consists of supplying and delivering the following fuels to the City of Key West:

- 93% Octane Supreme Unleaded Fuel
- 87% Octane Unleaded Fuel
- No.2 Ultra Low Sulphur Diesel
- Dyed Ultra Low Sulphur 15ppm Diesel
- Dyed Low Sulphur 500ppm Diesel
- B20 Bio-Diesel

Specifications may be obtained from DemandStar by Onvia. Please contact DemandStar at www.demandstar.com or call 1-800-711-1712.

Each bid must be submitted on the proscribed forms.

One (1) original and eight (8) copies of the proposal are to be submitted in two sealed envelopes, one within the other, clearly marked on the outside "RFP 13-007: FUEL SUPPLY", and addressed to the City Clerk.

Within ten (10) calendar days after the Notice of Award, the successful Bidder will also be required to furnish documentation showing that he/she is in compliance with the licensing requirements of the state and that the provisions of Chapter 66 of the Code of Ordinances of the City of Key West. Compliance with these provisions is required before he/she can enter into the agreement contained in the Contract Documents. Specifically, with ten (10) calendar days after the Notice of Award, the successful Bidder must demonstrate that he/she holds, as a minimum, the following licenses and certifications:

- A. City of Key West License as defined in the Code of Ordinances, Chapter 66, enabling the Contractor to perform the work stated herein.
- B. A valid Occupational License by the City of Key West

All, insurance contracts, and certificates of insurance shall be either executed by or countersigned by a licensed resident agent of the insurance company having his/her place of business in the State of Florida, and in all ways complying with the insurance laws of the State of Florida. Further, the said company shall be duly licensed and qualified to do business in the State of Florida.

Upon request, the Bidder shall submit such information as deemed necessary by the Owner to evaluate the Bidder's qualification.

For information of the proposed work, contact Doug Bradshaw, Port Project Manager, telephone (305)-809-3792, cell phone (305)-797-8361, or email dbradsha@keywestcity.com.

The City may reject bids: (1) for budgetary reasons, (2) if the bidder misstates or conceals a material fact in its proposal, (3) if the bidder does not strictly conform to the low or is non-responsive to proposal requirements, (4) if the bid is conditional, or (5) if a change of circumstances occurs making the purpose of the bid unnecessary to the City. The City may waive any minor informalities or irregularities in any bid.

The City may, however, reject all bids whenever it is deemed in the best interest of the City to do so, and may reject any part of a bid unless bid has been qualified as provided for in (3).

Dated this 2 day of Sept, 2007

CITY OF KEY WEST, FLORIDA

BY: J. K. Scholl
Jim Scholl, City Manager
Or Authorized Representative

INSTRUCTIONS TO BIDDERS

1. CONTRACT DOCUMENTS FORMAT

The Contract Documents are divided into parts, divisions, and sections for convenient organization and reference.

DOCUMENT INTERPRETATION

The separate sections contained within these Contract Documents are intended to be mutually cooperative and to provide all details reasonably required for the execution of the proposed work.

Should there be any doubt as to the meaning or intent of said Contract Documents, the Bidder should request of the Project Manager, in writing, at least ten (10) calendar days prior to the bid opening, an interpretation thereof. Any interpretation or change in said Contract Documents will be made only in writing, in the form of addenda to the Documents which will be furnished through DemandStar to all registered holders of the Contract Documents. Bidders shall submit with their proposals, or indicate receipt of, all Addenda. The Owner will not be responsible for any other explanation or interpretations of said Documents.

2. GENERAL DESCRIPTION OF THE PROJECT

A general description of the work is described in the section: Scope of Work.

3. QUALIFICATION OF CONTRACTORS

The prospective Bidders must meet the statutorily prescribed requirements before award of the Contract by the Owner.

Bidders must hold or obtain all licenses, certifications, registrations or competency cards required by Florida Statute and local ordinances in order to bid and perform the work specified herein.

4. BIDDER'S UNDERSTANDING

Each Bidder must inform him/herself of the conditions relating to the execution of the work, and it is required that he/she will inspect the site(s) and make himself/herself thoroughly familiar with the Contract Documents. Failure to do so will not relieve the successful Bidder of his/her obligation to enter into a Contract and complete the contemplated work in strict accordance with the Contract Documents. It shall be the Bidder's obligation to verify for himself and to his complete satisfaction all information concerning the Scope of Work.

The Owner will make available to prospective Bidders upon request and at the office of the Project Manager, prior to bid opening, any information that he/she may have they may be help in preparing the bid.

Each Bidder shall inform him/herself of, and the Bidder awarded a Contract shall comply with, federal, state, and local laws, statutes, and ordinances relative to the execution of the work. This requirement includes, but is not limited to, applicable regulations concerning minimum wage rates, nondiscrimination in the employment of labor, protection of public and employee safety and health, environmental protection, the protection of natural resources, fire protection, burning and non-burning requirements, permits, fees, and similar subjects.

5. **TYPE OF PROPOSAL**

A. UNIT PRICE

The Proposal for the work is to be submitted on a UNIT PRICE basis.

B. PREPARATION OF PROPOSALS

GENERAL

All blank spaces in the Proposal form must be filled in, as required, in BLACK INK or TYPED. No changes shall be made in the phraseology of the forms.

Any Proposal shall be deemed informal, which contains omissions, erasures, alterations, or additions of any kind, or prices uncalled for, or in which any of the prices are obviously unbalanced, or which in any manner shall fail to conform to the conditions of the published RFP.

Only one (1) Proposal from any individual, firm, partnership, or corporation under the same or different names, will be considered. Should it appear to the Owner that any Bidder is interested in more than one (1) Proposal for work contemplated, all Proposals in which such Bidder is interested will be rejected.

SIGNATURE

The Bidder shall sign his/her proposal in the blank space provided therefore. If Bidder is a corporation, the legal name of the corporation shall be set forth above, together with the signature of the officer or officers authorized to sign Contracts on behalf of the corporation. If the Bidder is a partnership, the true name of the firm shall be set forth above, together with the signature of the partner or partners authorized to sign Contracts on behalf of the partnership. If signature is by an agent, other than an officer of a corporation or a member of a partnership, a notarized power of attorney must be on file with the Owner prior to opening of Proposals or submitted with the Proposal, otherwise the Proposal will be regarded as not properly authorized.

SPECIAL BIDDING REQUIREMENTS

The Bidder's attention is brought to the hiring practices and licenses and permits of the City of Key West. These are defined in the addition to Article 39. CODES, ORDINANCES, PERMITS, and LICENSES, as set forth in the General Conditions.

ATTACHMENTS

Bidder shall complete and submit the following forms with his Bid:

- i. Proposal with Bid Responses A-F
- ii. Anti-Kickback Affidavit
- iii. Public Entity Crime Form
- iv. A description of any previous or existing legal action against the Bidder within the past five (5) years (bidder supplied)

7. STATE AND LOCAL SALES AND USE TAX

Unless the Supplementary Conditions contains a statement that the Owner is exempt from state sales tax on materials incorporated into the work due to the qualification of the work under this Contract, the Contractor, as required by the laws and statutes of the state and its political subdivisions, shall pay all state and local sales and use taxes. Prices quoted in the Proposal shall include all nonexempt sales and use taxes, unless provision is made in the Proposal form to separately itemize the tax.

8. SUBMISSION OF PROPOSALS

All Proposals must be submitted not later than the time prescribed, at the place, and in the manner set forth in the RFP. Proposals must be made on the Proposal forms provided herewith.

Each Proposal must be submitted in two sealed envelopes, one within the other, so marked as to indicate the Bidder's name and its contents without being opened, and addressed in conformance with the instructions in the RFP. One original and eight copies are required.

9. MODIFICATIONS OR WITHDRAWAL OF PROPOSALS

Prior to the time and date designated for receipt of Proposals, any Proposal submitted may be modified or withdrawn by notice to the party receiving Proposals at the place designated for the receipt of Proposals. Such notice shall be in writing over the signature of the Bidder or by telephone, fax, or email. If by telephone, fax, or email, written confirmation over the signature of the Bidder shall be mailed and postmarked on or before the date and time set for receipt of Proposals, and it shall be so worded as not to

reveal the amount of the original Proposal. No Proposal may be withdrawn after the time scheduled for the opening of Proposals, unless the time specified in paragraph 12, AWARD OF CONTRACT, in these Instructions to Bidders shall have elapsed.

10. AWARD OF CONTRACT

Within sixty (60) calendar days after the opening of the Proposals, the Owner will accept one of the Proposals or will act in accordance with the following paragraphs. The acceptance of the Proposal will be by written notice of award, mailed to the office designated in the Proposal, or delivered to the Bidder's representative. In the event of failure of the lowest, responsive, qualified Bidder to sign the Contract and provide acceptable insurance certificate(s), the Owner may award the Contract to the next lowest, responsive, qualified Bidder. Such award, if made, will be made within sixty (60) days after the opening of the Proposals.

At the time of the award, the successful Bidder must show satisfactory documentation of such State, County and City licenses as would be required. Any permit and/or license requirement and subsequent costs are located within the documents. The successful Proposer must also be able to satisfy the City Attorney as to such insurance coverage and legal requirements as may be demanded by the proposal in question. The Owner reserves the right to reject any and/or all proposals because of irregularities or due to budgetary considerations, to waive irregularities or informalities in any or all proposals, and to accept any proposal that the City deems to be in the best interest of the Owner.

11. BASIS OF AWARD

The Owner on the basis of that Proposal will make the award from the lowest, responsive, qualified Bidder that in the Owner's sole and absolute judgment will serve the best interests of the Owner.

If at the time this Contract is to be awarded, the total of the lowest acceptable Proposal exceeds the funds then estimated by the Owner as available, the Owner may reject all Proposals or take such other action as best serves the Owner's interest.

12. EXECUTION OF CONTRACT

The successful Bidder shall, within ten (10) working days after receiving notice of award, sign and deliver to the Owner a Contract in the form hereto attached together with the acceptable insurance certificates as required in these Documents. Within ten (10) working days after receiving the signed Contract, with acceptable insurance from the successful Bidder, the Owner's authorized agent will sign the Contract. Signature by both parties constitutes execution of the Contract.

CITY OF KEY WEST LICENSES, PERMITS, AND FEES

Pursuant to the Public Bid Disclosure Act, each license, permit, or fee a Contractor will have to pay the City of Key West before or during the project or the percentage method or unit method of all licenses, permits, and fees REQUIRED BY THE CITY OF KEY WEST and payable to the City by virtue of this project as part of the Contract is as follows:

- Key West, Occupational License – Fees dependant on square footage leased and range from \$115.00 to \$800.00 per year.

Note: Bidders shall verify each license, permit, or fee before submitting the bid.

Notice to Bidder: Use Black Ink or Type For Completing the Form.

PROPOSAL

To: The City of Key West CITY
Address: 525 Angela Street, Key West, Florida 33040
Project Title: Fuel Supply
Project: RFP #13-007

BIDDER'S INFORMATION

Name: _____
Address: _____

Contact Name: _____
Email: _____
Telephone: _____
Fax: _____

BIDDER'S DECLARATION AND UNDERSTANDING

The undersigned, hereinafter called the Bidder, declares that the only persons or parties interested in this Proposal are those named herein, that this Proposal is, in all respects, fair and without fraud, that it is made without collusion with any official of the Owner, and that the Proposal is made without any connection or collusion with any person submitting another Proposal on this Contract.

The Bidder further declares that he/she has carefully examined the Contract Documents, that he/she has satisfied himself/herself as to the quantities involved, including materials and equipment, and conditions of work involved, including the fact that the description of the quantities of work and materials, as included herein, is brief and is intended only to indicate the general nature of the work and to identify the said quantities with the detailed requirements of

The Bidder shall include with the Proposal and Bid Form the following:

- A description of any previous or existing legal action against the Bidder within the past five (5) years.

BID RESPONSE FORM A
93% OCTANE SUPREME UNLEADED FUEL

To furnish and deliver 93% Octane Supreme Unleaded Fuel to Key West Bight Marina.

Florida Sales Taxes are exempt. FL Sales Tax #54-03-022507-54C

Bidder must specify brand of fuel. _____ Bidder must specify and attach terms and conditions for handling of Brand Affiliates Credit Cards, including costs for credit card readers, POS machine, discount rate, if any and etc. as are necessary to handle company brand credit cards.

Freight and margin to Key West Bight Marina \$ _____ PER GALLON

History trend of rack price attached ___ Yes ___ No

Notarized copy of posting attached? ___ Yes ___ No

BID RESPONSE FORM B
87% OCTANE UNLEADED FUEL

To Furnish and deliver 87% Octane Unleaded Fuel to the City of Key West Central Garage fuel facility.

Florida Sales Taxes are exempt. FL Sales Tax #54-03-022507-54C

Bidder must specify brand of fuel. _____ Bidder must specify and attach terms and conditions for handling of Brand Affiliates Credit Cards, including costs for credit card readers, POS machine, discount rate, if any and etc. as are necessary to handle company brand credit cards.

Bidder must specify brand of fuel.

Freight and margin to Central Garage \$ _____ PER GALLON

History trend of rack price attached ___ Yes ___ No

Notarized copy of posting attached? ___ Yes ___ No

BID RESPONSE FORM C
NO. 2 ULTRA LOW SULFUR DIESEL FUEL

To furnish and deliver No. 2 Ultra Low Sulfur Diesel Fuel to the City of Key West Central Garage fuel facility and Key West Bight Marina.

Florida Sales Taxes are exempt. FL Sales Tax #54-03-022507-54C

Bidder must specify brand of fuel. _____ Bidder must specify and attach terms and conditions for handling of Brand Affiliates Credit Cards, including costs for credit card readers, POS machine, discount rate, if any and etc. as are necessary to handle company brand credit cards.

Freight and margin to Central Garage \$ _____ PER GALLON

History trend of rack price attached ___ Yes ___ No

Notarized copy of posting attached? ___ Yes ___ No

BID RESPONSE FORM D
DYED ULTRA LOW SULPHUR 15PPM DIESEL

To furnish and deliver Dyed Ultra Low Sulphur 15ppm diesel Fuel to the Key West Bight Marina.

Florida Sales Taxes are exempt. FL Sales Tax #54-03-022507-54C

Bidder must specify brand of fuel. _____ Bidder must specify and attach terms and conditions for handling of Brand Affiliates Credit Cards, including costs for credit card readers, POS machine, discount rate, if any and etc. as are necessary to handle company brand credit cards.

Freight and margin to Key West Bight Marina \$ _____ PER GALLON

History trend of rack price attached ___ Yes ___ No

Notarized copy of posting attached? ___ Yes ___ No

BID RESPONSE FORM E
DYED LOW SULPHUR 500PPM DIESEL

To furnish and deliver Dyed Low Sulphur 500ppm diesel fuel to Key West Bight Ferry Terminal.

Florida Sales Taxes are exempt. FL Sales Tax #54-03-022507-54C

Fuel does not have to be branded.

Freight and margin to Key West Bight Ferry Terminal \$_____PER GALLON

History trend of rack price attached ___ Yes ___ No

Notarized copy of posting attached? ___ Yes ___ No

**BID RESPONSE FORM F
B20 BIO-DIESEL FUEL**

To Furnish and deliver B20 BIO-DIESEL Fuel to the City of Key West Central Garage fuel facility.

Florida Sales Taxes are exempt. FL Sales Tax #54-03-022507-54C

Bidder must specify brand of fuel. _____ Bidder must specify and attach terms and conditions for handling of Brand Affiliates Credit Cards, including costs for credit card readers, POS machine, discount rate, if any and etc. as are necessary to handle company brand credit cards.

Freight and margin to Central Garage \$ _____ PER GALLON

History trend of rack price attached ___ Yes ___ No

Notarized copy of posting attached? ___ Yes ___ No

SUBCONTRACTORS

The Bidder further proposes that the following subcontracting firms or businesses will be awarded subcontracts for the following portions of the work in the event that the Bidder is awarded the Contract:

Portion of Work: _____

Name: _____

Address: _____

Portion of Work: _____

Name: _____

Address: _____

Portion of Work: _____

Name: _____

Address: _____

BIDDER

The name of the Bidder submitting this Proposal is: _____

Doing business at _____

City _____ State _____ Zip _____

Telephone No. _____

This address is where all communications concerning this Proposal shall be sent.

The names of the principal officers of the Corporation submitting this Proposal, or of the Partnership, or of all persons interested in this Proposal as Principals are as follows:

Name

Title

If Corporation

IN WITNESS WHEREOF the undersigned corporation has caused this instrument to be executed and its seal affixed by its duly authorized officers this _____ day of _____, 2007.

(SEAL)

Name of Corporation

By: _____

Title: _____

Attest: _____

Secretary

If Sole Proprietor or Partnership

IN WITNESS hereto the undersigned has set his/her/its hand this _____ day of _____, 2007.

Signature of Bidder _____

Title _____

**SWORN STATEMENT UNDER SECTION 287.133(3)(a)
FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES**

PROJECT RFP #13-007: FUEL SUPPLY

**THIS FORM MUST BE SIGNED IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICE
AUTHORIZED TO ADMINISTER OATHS.**

1. This sworn statement is submitted with Bid, Proposal or Contract No. _____
for _____

2. This sworn statement is submitted by _____
(Name of entity submitting sworn statement)

whose business address is _____
_____ and (if applicable) its Federal
Employer Identification Number (FEIN) is _____ (If the entity has no FEIN,
include the Social Security Number of the individual signing this sworn statement.)

3. My name is _____ and my relationship to
(Please print name of individual signing)

the entity named above is _____.

4. I understand that a "public entity crime" as defined in Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or with the United States, including but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, material misrepresentation.

5. I understand that "convicted" or "conviction" as defined in Paragraph 287.133(1)(b), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment information after July 1, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

6. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a), Florida Statutes, means
 1. A predecessor or successor of a person convicted of a public entity crime: or

 2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

7. I understand that a "person" as defined in Paragraph 287.133(1)(8), Florida Statutes, means any natural

person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.

8. Based on information and belief, the statement, which I have marked below, is true in relation to the entity submitting this sworn statement. (Please indicate which statement applies.)

Neither the entity submitting this sworn statement, nor any officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, nor any affiliate of the entity have been charged with and convicted of a public entity crime subsequent to July 1, 1989.

The entity submitting this sworn statement, or one or more of the officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, or an affiliate of the entity has been charged with no convicted of a public entity crime subsequent to July 1, 1989, AND (Please indicate which additional statement applies.)

There has been a proceeding concerning the conviction before a hearing of the State of Florida, Division of Administrative Hearings. The final order entered by the hearing officer did not place the person or affiliate on the convicted vendor list. (Please attach a copy of the final order.)

The person or affiliate was placed on the convicted vendor list. There has been a subsequent proceeding before a hearing officer of the State of Florida, Division of Administrative Hearings. The final order entered by the hearing officer determined that it was in the public interest to remove the person or affiliate from the convicted vendor list. (Please attach a copy of the final order.)

The person or affiliate has not been put on the convicted vendor list. (Please describe any action taken by or pending with the Department of General Services.)

(Signature)

(Date)

STATE OF _____

COUNTY OF _____

PERSONALLY APPEARED BEFORE ME, the undersigned authority,

_____ who, after first being sworn by me, affixed his/her signature in the
(Name of individual signing)

space provided above on this _____ day of _____, 2007.

My commission expires:

NOTARY PUBLIC

