

Invitation for Bid Vendor Instructions and Requirements

Illinois Environmental Protection Agency

Argon, Helium and Nitrogen gases

26-532EPA-LAB53-B-52729

You are invited to review and respond to this Invitation for Bid (IFB). In submitting your bid, you must comply with these instructions.

Note that all agreements, resulting from this procurement, with the State of Illinois will include Standard Terms and Conditions and Standard Illinois Certifications. A link to the Standard Terms and Conditions may be found at the end of Section A and Standard Illinois Certifications are found in the Vendor Disclosures or located in the Illinois Procurement Gateway (IPG) when using IPG Active Registered Vendor Disclosures.

In the opinion of the Illinois Environmental Protection Agency, this Invitation for Bid is complete and without need of explanation. However, if you have questions, or should you need any clarifying information, the information contact person for this IFB can be found in the public posting on BidBuy.

Section A. BID REQUIREMENTS

Only Electronic Submissions of Bids through BidBuy will be Accepted

A.1. REQUIRED DOCUMENTS TO COMPLETE AND SUBMIT

The Bidder shall submit the listed documents in BidBuy under the Attachments tab in the appropriate "Required Attachments" spaces.

- Vendor Disclosure or IPG Active Registered Vendor Disclosure
- Offer to the State of Illinois
- Contract

Blank documents may be found on the Chief Procurement Officer for General Service's website at <https://cpo-general.illinois.gov/solicitation-and-contract-templates.html> and on the BidBuy posting under "File Attachments:". Business Enterprise Program/Veterans Small Business Program Utilization Plan may be downloaded from the Commission on Equity and Inclusion's website at <https://cei.illinois.gov/purchasing-entity-resources/compliance.html>.

Failure to submit Vendor Disclosure or IPG Active Registered Vendor Disclosure, as applicable, and the Utilization Plan(s), as applicable, with the Bid submitted in BidBuy shall render the Bid non-responsive.

Bidders are required to submit their response to the State’s solicitation through BidBuy. Any information sent to the State outside of BidBuy, for example by US Mail, FedEx, UPS, e-mail, or hand delivery, will neither be accepted nor considered. Bidder submissions will only be considered if they are received through BidBuy and on or before the time and date indicated as the “Bid Opening Date” on the BidBuy posting. Any required attachments must be submitted via BidBuy.

Documents shall be submitted in an electronic format that is accessible and readable using Microsoft Office suite software or Adobe Reader. Corrupted files shall not be considered. It is the Bidder’s responsibility to check that files are accessible and legible after uploading.

The Bidder is solely responsible for ensuring timely submission of their electronic solicitation response. Failure to allow adequate time prior to the Bid Opening Date to complete and submit a response to a solicitation, particularly in the event technical support assistance from the State is required, places the Bidder and their Bid or response at risk of not being accepted.

The State encourages the Bidder to ensure that their BidBuy account is up-to-date. It is recommended that you access your BidBuy account prior to the solicitation due date and time to make sure that your company’s information is up-to-date and your password is current. Files may be uploaded at any time prior to submission. The Bidder is responsible for ensuring their company name and FEIN number in BidBuy match their IPG registration or Vendor Disclosure documents if the Bidder does not have an active IPG vendor registration.

BidBuy Vendor Help Desk

Email: il.bidbuy@illinois.gov

Phone: 866-455-2897

File size may impact the uploading and downloading speed and may lead to browser time-outs, resulting in failed upload/download attempts. Please consider this dependency when attaching very large documents.

BIDDER INSTRUCTIONS TO SUBMIT IN BIDBUY

Create Quote:

| | |
|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| General Tab | : Save and Continue |
| Items Tab | Enter Pricing for each line item as described in each line. |
| Terms and Conditions Tab | : Select “Yes”, “No”, or “Yes with Exceptions” Note: If taking any exceptions to Standard Terms and Conditions a Bidder must submit a redlined version of the Standard Terms and Conditions with their Bid. |
| Attachments Tab | For each required quote attachment listed: : “Upload” (next to each required attachment) : “Choose File” |

| | |
|-------------|------------------|
| Summary Tab | : "Submit Quote" |
|-------------|------------------|

Bidders may also view the "Invitation for Bid (IFB) Vendor Submission Instructions Video" found at <https://cpo-general.illinois.gov/vendor-resources.html>

A.2. DUE DATE AND TIME FOR SUBMISSION OF BIDS

Each solicitation contains the Bid due date and time, appearing as the "Bid Opening Date:" on the BidBuy posting. Bidder shall submit Bids in BidBuy, and the State shall open Bids electronically in BidBuy on the Bid Opening Date. The Bid must remain firm for 90 days from opening.

A.3. CONFLICT BETWEEN INFORMATION IN ELECTRONIC DOCUMENTS AND ON BIDBUY

If the State provides information in electronic documents (i.e., the IFB and other attachments) that is different or in conflict with the information the State provides on BidBuy, then the information in electronic documents is presumed to represent the State's intent. If the Bidder provides information in electronic documents that is different or in conflict with the information the Bidder provides in BidBuy through their Seller Account, then the information in electronic documents shall represent the Bidder's intended submission.

A.4. PUBLISHED PROCUREMENT INFORMATION

The State publishes procurement information, including solicitations, awards, and amendments, on the Chief Procurement Officer for General Services' Illinois Procurement Bulletin, known as the Bulletin or BidBuy (<https://www.bidbuy.illinois.gov/bsa/>). Procurement information may not be available in any other form or location. Bidder is responsible for monitoring BidBuy. The State will not be held responsible if Bidder fails to receive the optional e-mail notice of future amendments to the solicitation.

A.5. INFORMATION CONTACT

The individual listed in the "Info Contact:" field on the BidBuy posting shall be the single point of contact for this solicitation. Unless otherwise directed, Bidder should only communicate with the Information Contact. The State/Agency shall not be held responsible for information provided by or to any other person.

Suspected errors should be immediately reported to the Information Contact. Do not discuss, directly or indirectly, the solicitation or any Bid with any State officer or employee other than the Information Contact.

A.6. BIDDER QUESTIONS AND AGENCY RESPONSE

All questions, other than questions raised a Pre-Submission Conference, pertaining to this solicitation must be submitted in writing to the Information Contact no later than *5 DAYS FROM BID OPENING*. Questions received and Agency responses may be posted as a Bid Amendment to the original solicitation on BidBuy; only these posted answers to questions shall be binding on the State. Bidder is responsible for monitoring BidBuy and BidBuy email notifications.

A.7. SMALL BUSINESS SET-ASIDE

In the Bulletin posting, if "Yes" is shown to the question "Is this a Small Business Set-Aside Procurement?", then Bidder must be registered by the Illinois Small Business Set-Aside Program at the time Bids are due for the Bid to be evaluated. For requirements on qualifying Bidder's business in the Small Business Set-Aside Program, please go to the Chief Procurement Office for General Service's website at <https://cpo-general.illinois.gov/sell-2-illinois.html>.

A small business awarded a contract procured as a small business set-aside may subcontract a portion of that contract to another small business meeting the criteria in subsection (e). 44 ILL. ADM. CODE 1.4545 (g) 1)

A small business awarded a contract procured as a small business set-aside may subcontract no more than 49% of the value of the contract to a business that does not meet the criteria in subsection (e). 44 ILL. ADM. CODE 1.4545 (g) 2)

A.8. TERMS AND CONDITIONS

Standard Terms and Conditions will become a part of any resulting contract. To view the Standard Terms and Conditions, please go to

<https://cpo-general.illinois.gov/solicitation-and-contract-templates.html>.

Section B. EVALUATION PROCEDURES

B.1. EVALUATION PROCESS

The State assesses each Bid for Responsibility and Responsiveness and price. The State considers the information provided and the quality of that information when assessing Bids. If the State finds a failure or deficiency, the State may reject the Bid or reflect the failure or deficiency in the assessment.

The State may award to the lowest priced responsive and responsible Bidder whose Bid meets the specified criteria. The State will award by lowest overall total price).

Bidder shall submit pricing in the Quote Items Tab on BidBuy, based on the terms and conditions set forth in this Invitation for Bid Contract Document. Vendor's price offer shall serve as the basis for the compensation terms of the resulting contract. Failure to submit pricing in the Items Tab on BidBuy may render Bidder's entire Bid non-responsive and ineligible for award.

B.2. RESPONSIVENESS:

A responsive bidder is one who submits a bid that conforms in all material respects to the Invitation for Bid, and includes **all required** forms. Required forms may include, but may not be limited to:

- B.2.1. Subcontractor Disclosure: If the Bid includes any subcontractors, then Bidder shall provide the names and addresses of subcontractors in the CONTRACT, Part 1.6.
- B.2.2. If completing IPG Active Registered Vendor Disclosure (formerly Forms B), then responsiveness may include and may not be limited to:
 - Active Illinois Procurement Gateway registration # with expiration date
 - Disclosure of lobbyists for Bidder and parent entity(ies)
 - Disclosure of pending and current contracts
 - Certifications timely to this solicitation
- B.2.3. If completing Vendor Disclosure (formerly named Forms A), required forms may include and may not be limited to:
 - Business and Directory Information: Bidder should complete and return the Business and Directory Information form in Vendor Disclosure, Part 1.
 - Illinois Department of Human Rights Public Contracts Number: Bidder shall complete and return the IDHR Public Contracts Number form in Vendor Disclosure, Part 2.

- Authorized to Transact Business or Conduct Affairs in Illinois: A person (other than an individual acting as a sole proprietor) must be a duly constituted legal entity prior to submitting a bid and authorized to transact business or conduct affairs in Illinois prior to execution of the contract. For more information, see Authorized to Transact Business or Conduct Affairs in Illinois in Vendor Disclosure, Part 3.
- Illinois Standard Certifications: Offeror shall complete and return the Illinois Standard Certifications form in Vendor Disclosure, Part 4.
- State Board of Elections Registration: Vendor or Bidder may be prohibited from making political contributions and be required to register with the State Board of Elections. For more information, see State Board of Elections in Vendor Disclosure, Part 5.
- Disclosure of Business Operations with Iran: Offeror should complete and return the Disclosure of Business Operations with Iran form in Vendor Disclosure, Part 6.
- Financial Disclosures and Conflicts of Interest: Bidder shall complete and return the Financial Disclosures and Conflicts of Interest form in Vendor Disclosure, Part 7, or in the Illinois Procurement Gateway.
- Taxpayer Identification Number: Bidder shall complete and return the Taxpayer Identification form in Vendor Disclosure, Part 8.

B.2.4. The State will determine whether the Bid meets the stated requirements. Minor differences or deviations that have negligible impact on the price or suitability of the supply or service to meet the State's needs may be accepted or corrections allowed. If no bidder meets a particular requirement, the State may waive that requirement.

B.2.5. When the specification calls for "Brand Name or Equal," the brand name product is acceptable. Other products will be considered with proof the other product meets stated specifications and is equivalent to the brand product in terms of quality, performance and desired characteristics.

B.2.6. The State will determine whether Bids complied with the instructions for submitting bids. Except for late submissions, and other requirements that by law must be part of the submission, the State may require that a bidder correct deficiencies as a condition of further evaluation.

- B.3.** PRICE: The State identifies the lowest priced bidder that meets responsibility and responsiveness requirements. The State ranks bids in order of price when appropriate.

Section C. ADMINISTRATIVE REQUIREMENTS

C.1. GOVERNING LAW AND FORUM

Illinois law and rules govern this solicitation and any resulting contract. Bidder must bring any action relating to this solicitation or any resulting contract in the appropriate court in Illinois. This document contains statutory references designated with "ILCS". To view the full text, go to <https://ilga.gov/Legislation/ILCS/Chapters>. The Illinois Procurement Code (30 ILCS 500) and the Standard Procurement Rules (44 ILL. ADM. CODE PART 1) are applicable to this solicitation. To view them respectively, go to [Illinois General Assembly - 30 ILCS 500/ Illinois Procurement Code](#) and [Illinois General Assembly - ADMINISTRATIVE CODE](#).

C.2. PROCUREMENT OF DOMESTIC PRODUCTS

It is the policy of the State of Illinois to use State procurements to maximize the use of goods, products, and materials produced in Illinois. 30 ILCS 517. If this procurement is for a product alone and does not include a service, then preference shall be given to a product manufactured in the United States.

A vendor must affirmatively declare at the time they submit their bid or offer that the product being proposed to the State is manufactured in the United States. The purchasing agency may request documentation verifying the product's manufacturing origin. The purchasing agency shall purchase the product manufactured in the United States unless the agency determines that any of the following applies: (1) the procured product is not manufactured in the United States in reasonably available quantities, or (2) the price of the procured product manufactured in the United States exceeds the price of available and comparable procured products manufactured outside of the United States by 12% or more, or (3) the quality of the procured product manufactured in the United States is substantially less than the quality of the comparably priced, available, and comparable procured products manufactured outside of the United States, or (4) the purchase of the procured products manufactured outside of the United States better serves the public interest by helping to protect or save life, property, or the environment, or (5) the purchase of the procured product is made in conjunction with contracts or offerings of telecommunications, fire suppression, security systems, communications services, Internet services, or information services, or (6) the purchase is of pharmaceutical products, drugs, biologics, vaccines, medical devices used to provide medical and health care or treat disease or used in medical or research diagnostic tests, and medical

nutritionals regulated by the Food and Drug Administration under the federal Food, Drug and Cosmetic Act

C.3. PUBLIC RECORDS AND REQUESTS FOR CONFIDENTIAL TREATMENT

Bids become the property of the State. All Bids will be open to the public under the Illinois Freedom of Information Act (FOIA) (5 ILCS 140) and other applicable laws and rules, unless Bidder requests in its Bid that the State treat certain information as confidential. A request for confidential treatment will not supersede the State's legal obligations under FOIA. The State will not honor requests to keep entire Bids confidential. Bidders must show the specific grounds in FOIA or other law or rule that support confidential treatment. Regardless, the State will disclose the successful Bidder's name, the substance of the Bid, and the price.

If Bidder requests confidential treatment, Bidder must submit additional copy/copies (see Instructions for Submission of Bids in Section A.1.) of the Bid with proposed confidential information redacted. This redacted copy must tell the general nature of the material removed and shall retain as much of the Bid as possible. In a separate attachment, Bidder shall supply a listing of the provisions identified by section number for which it seeks confidential treatment and identify the statutory basis or bases under Illinois law, including a detailed justification for exempting the information from public disclosure.

Bidder will hold harmless and indemnify the State for all costs or damages associated with the State defending Bidder's request for confidential treatment. Bidder agrees that the State may copy the Bid to facilitate evaluation, or to respond to requests for public records. Bidder warrants that such copying will not violate the rights of any third party.

C.4. MINORITY CONTRACTOR INITIATIVE

The State requires a fee of \$15 to cover expenses related to the administration of the Minority Contractor Opportunity Initiative. Any Bidder awarded a contract of \$1,000 or more under Section 20-10, 20-15, 20-25 or 20-30 of the Illinois Procurement Code (30 ILCS 500) is required to pay a fee of \$15. The Comptroller shall deduct the fee from the first check issued to the Vendor under the contract and deposit the fee in the Comptroller's Administrative Fund. 15 ILCS 405/23.9.

C.5. FEDERAL FUNDS

The resulting contract may be partially or totally funded with Federal funds. Upon notice of award, the percentage of supplies and/or services involved that are Federally funded and the dollar amount of such Federal funds will be disclosed.

C.6. EMPLOYMENT TAX CREDIT

Bidders who hire qualified veterans and certain ex-offenders may be eligible for tax credits. 30 ILCS 500/45-67 and 45-70. Please contact the Illinois Department of Revenue (217-524-4772) for information about tax credits [35 ILCS 5/216, 5/217].

C.7. RESERVATIONS

Bidder must read and understand the solicitation and tailor the Bid and all activities to ensure compliance. The State reserves the right to amend the solicitation, reject any or all Bids, and waive minor defects. The State may request a clarification, inspect Bidder's premises, interview staff, request a presentation, or otherwise verify the contents of the Bid, including information about subcontractors and suppliers. The State will make all decisions on compliance, evaluation, and terms and conditions, and shall make decisions in the best interests of the State and in accordance with the Illinois Procurement Code, rules and other applicable State and Federal statutes and regulations. This competitive process may require that Bidder provide additional information and otherwise cooperate with the State. If a Bidder does not comply with requests for information and cooperate, the State may reject the Bid as non-responsive to the solicitation. Submitting a Bid does not entitle Bidder to an award or a contract. Posting a vendor's name in a Bulletin notice does not entitle the vendor to a contract. The State is not responsible for and will not pay any costs associated with the preparation and submission of any Bid.

C.8. AWARD

The State is not obligated to award a contract pursuant to this solicitation. If the State issues an award, the award will be made to the responsive and responsible Bidder who submits the lowest price. The State will post a notice to the Bulletin identifying the apparent low-cost bidder. The State may accept or reject a bidder's bid as submitted or may require contract negotiations. If negotiations do not result in an acceptable agreement, the State may reject the bidder's bid and begin negotiations with another bidder. Awards are not final until all protests are resolved.

C.9. INVOICING ADDRESS

The awarded Vendor shall invoice at the completion of the contract unless invoicing is tied in the contract to milestones, deliverables, or other invoicing requirements agreed to in the contract. The Bulletin posting contains the "Bill-to Address:" where invoices should be sent.

Vendor shall not bill for any taxes unless accompanied by proof that the State is subject to the tax. If necessary, Vendor may request the applicable Agency's Illinois tax exemption number and Federal tax exemption information.

C.10. PROTEST REVIEW OFFICE

Bidder may submit a written protest to the Protest Review Office following the requirements of the Standard Procurement Rules. 44 ILL. ADM. CODE 1.5550. For protests related to specifications, the Protest Review Office must receive the protest no later than fourteen (14) days after the solicitation or related addendum was posted to the Bulletin. For protests related to rejection of individual proposals or awards, the protest must be received by close of business no later than fourteen (14) days after the protesting party knows or should have known of the facts giving rise to the protest. The Protest Review Office's information is as follows:

Chief Procurement Office
Attn: Protest Review Office
Email: cpogs.pro@illinois.gov

C.11. RESPONSIBILITY

A responsible Bidder is one who has the capability in all respects to perform fully the contract requirements and who has the integrity and reliability that will assure good faith performance. The State determines whether the Bidder is a "responsible" Bidder; a Bidder with whom the State can or should do business. For example, the State may consider the following:

- C.11.1. A "prohibited bidder" includes any person assisting an employee of the State of Illinois by reviewing, drafting, directing, or preparing any invitation for bids, a request for proposal, or request of information, or providing similar assistance unless such assistance was part of a publicly issued opportunity to review drafts of all or part of these documents. For purposes of this section, an employee of the State of Illinois means one who, by the nature of his or her duties, has the authority to participate personally and substantially in the decision to award a State contract. No person or business shall submit specifications to a State agency unless requested to do so by an employee of the State. No person or business that contracts with a State agency to write specifications for a particular procurement need shall submit a bid or proposal or receive a contract for that procurement need.

Nothing herein is intended to prohibit a vendor from bidding or bidding to supply developing technology, supplies or services after providing the

State with a demonstration of the developing technology, supplies, or services; provided the subject of the demonstration to the State represents industry trends and innovation and is not specifically designed to meet the State's needs. Nothing herein is intended to prohibit a person or business from submitting a Bid or entering into a contract if the person or business: (i) initiates a communication with an employee to provide general information about products, services, or industry best practices and, if applicable, that communication is documented in accordance with Section 50-39 of the Illinois Procurement Code or (ii) responds to a communication initiated by an employee of the State for the purposes of providing information to evaluate new products, trends, services, or technologies.

C.11.2. Other factors that the State may use to evaluate to determine responsibility include, but are not limited to: political contributions, certifications, conflict of interest, financial disclosures, taxpayer identification number, past performance in business or industry, references (including those found outside the Bid), compliance with applicable laws, financial responsibility, insurability, effective equal opportunity compliance, payment of prevailing wages if required by law, capacity to produce or sources of supply, and the ability to provide required maintenance service or other matters relating to the Bidder's ability to deliver in the quality and quantity within the time and price as specified in this solicitation.

C.11.3. Awarded Bidders must always have financial resources sufficient, in the opinion of the State, to ensure performance of the contract and must provide proof upon request. The State may require a performance bond if, in the opinion of the State, it ensures performance of the contract. The State may terminate the contract, consistent with the termination for cause provision of the contract, if the vendor lacks the financial resources to perform under the contract.

C.11.4. The State may require that a Bidder correct any deficiencies as a condition of further evaluation.

C.12. BidBuy Terminology and Guidance: BidBuy is an online e-procurement system. There may be some difference between the procurement terminology used in this solicitation and the terms used in BidBuy. Please learn more about BidBuy by accessing the online resources found here: <https://pathway2procurement.illinois.gov/bidbuy.html>

In compliance with the State and Federal Constitutions, the Illinois Human Rights Act, the U.S. Civil Rights Act, and Section 504 of the Federal Rehabilitation Act, the State of Illinois does not discriminate in employment, contracts, or any other activity.

The State of Illinois encourages prospective vendors to consider hiring qualified veterans and Illinois residents discharged from any Illinois adult correctional center, in appropriate circumstances.