



Colorado Department of Public Safety
CDPS Procurement Office
700 Kipling Street
Denver, CO 80215

SIGNATURE PAGE

INVITATION FOR BID: FPCIFB1406MMA

TITLE: Multi Mission Aircraft & Services

DUE DATE: JUNE 24, 2014 2:00 p.m. Mountain Daylight Time

RETURN COMPLETED BID (INCLUDING THIS SIGNATURE PAGE) TO:

State of Colorado, Department of Public Safety

ATTN: CINDY FREDRIKSEN

CDPS Procurement Office, 700 Kipling Street, Denver, Colorado 80215

IFB DESCRIPTION: This Invitation for Bids ("IFB") contemplates the purchase of two multi-mission fixed wing aircraft by the State of Colorado (the "State"), Department of Public Safety ("CDPS"), Division of Fire Prevention and Control (the "DFPC"). Upon the acquisition of the aircraft by the DFPC, the awarded contractor will be required to operate and provide maintenance services, facilities, supplies and personnel for the aircraft, all under the direction of DFPC officers. The DFPC requires delivery of at least one mission-ready aircraft by August 1, 2014. The second mission-ready aircraft must be delivered not later than October 15, 2014. Both aircraft must meet the specifications of this IFB at the time of delivery. Vendors responding to this IFB ("Bidders") may propose a temporary solution that meets all the requirements of the IFB for the period beginning August 1, 2014 and continuing through the delivery of the two mission-ready aircraft by October 15, 2014. The dates of August 1, 2014 and October 15, 2014 are firm dates and may not exceed such dates. If the Bidder proposes a temporary solution, the Bidder's response ("Bid") must include the details of the proposed temporary solution. DFPC, in its sole discretion, will determine if the temporary solution is acceptable.

IMPORTANT: Those responding to this IFB ("Bidders") are urged to read the entire IFB document thoroughly before submitting a Bid. Only Bids meeting the conditions of and the specifications set forth in this IFB will be deemed to be responsive. IFBs properly marked as to IFB#, DATE and HOUR of opening, will be accepted at the address listed above, prior to the date and time listed above. Submit this completed and signed cover sheet, supporting documentation and other enclosures requested relevant to this IFB. By submitting this cover sheet, Bidder acknowledges and verifies receipt of the original Colorado BIDS notice and file attachments. If modifications to this IFB are issued, Bidders are required to additionally acknowledge receipt of the number of modifications where indicated below. All notifications and modifications will be published on Colorado BIDS at www.bidscolorado.com.

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Colorado Firefighting Air Corps

BIDDER/COMPANY LEGAL NAME: _____

BIDDER "dba", if applicable: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Name of Contact: _____ Phone: () _____

Fax: () _____ Email Address: _____

Authorized Signature: _____ Title: _____

Federal Employer Identification Number: _____ Modifications Received: _____

Background:

Senate Bill 13-245 created the "Colorado Firefighting Air Corps" ("C-FAC") under the DFPC to acquire firefighting aircraft for the C-FAC. On May 12, 2014, Governor Hickenlooper signed SB 14-164, which authorizes the DFPC to purchase, lease or contract for the use and operation of aircraft.

Contractual Obligations:

This IFB, the attached Exhibits to this IFB, and the successful Bid, will become part of the terms and conditions to the agreement and will constitute the contractual obligations between the parties.

Section 1: Instructions to Bidders:

- 1.1. **Exhibits and Attachments:** The following are attached hereto and incorporated by reference herein to this Invitation for Bid:
 - a. **Exhibit A – Invitation for Bid – Fire Aviation Services,**
 - b. **Exhibit B – Invitation for Bid – Multi-Mission Aircraft,**
 - c. **Exhibit C – Schedule of Costs,**
 - d. **Exhibit D – Aircraft Purchase Contract,**
 - e. **Exhibit E – Aircraft Operations and Maintenance Contract,**
 - f. **Attachment 1 - Notice of Participation and Contractor Affirmation,**
 - g. **Attachment 2 - Contractor Affirmation,**
 - h. **Attachment 3 - Disclosure Statement.**

- 1.2. **Contact Information:** The sole point of contact concerning this IFB is CDPS. All communication regarding this IFB must be forwarded to: CDPS Procurement Office, Attention: Cindy Fredriksen at Cindy.Fredriksen@state.co.us or 303.239.5888.

(RETURN THIS PAGE)

- 1.3. **Bid Information and Distribution System (BIDS) and Registration:** This solicitation is published using the Colorado Bid Information and Distribution System (BIDS). Bidders must be registered on BIDS in order to download solicitation documents and information (including any amendments or modifications) and to be considered responsive at the time of submission of the response. BIDS and its registration information may be accessed through the State Purchasing Office link at: <https://www.bidscolorado.com>.
- 1.4. **Anticipated Schedule of Events and Timeline: The DFPC reserves the right to modify this Timeline.** Modifications will be posted on the BIDS website as provided in Section 1.10 of this IFB.

EVENT	TIMELINE (Mountain Daylight Time)
IFB Published	June 10, 2014
Written (E-Mail Preferred) Inquiry Deadline	June 13, 2014 at 3:00 p.m.
Responses to Written Inquiries Published (Estimated)	June 17, 2014
IFB Submission Deadline	June 24, 2014 at 2:00 p.m.
Notice of Intent to Make An Award Published on BIDS (Estimated)	June 30, 2014
Contract Award (Estimated)	July 9, 2014

- 1.5. **Written Inquiries:** All Bidder inquiries must be submitted in writing to Cindy Fredriksen at Cindy.Fredriksen@state.co.us. If e-mail is not available please fax your written inquiries to (303) 239.5860. If submitting inquiries by fax, Bidders are highly encouraged to follow up any fax with a telephone call to Cindy Fredriksen to ensure the fax was received. **Written inquiries must be received not later than 3:00 p.m., Mountain Daylight Time on June 13, 2014. Oral inquiries will not be addressed.** Answers will be published in a modification and posted on BIDS. It is incumbent on the Bidder to monitor BIDS for any and all modifications. No inquiries will be accepted after the inquiry deadline of 3:00pm MDT, 6/13/14.

With regard to this IFB, any communication with State officials, employees, the selection committee, agents or other individuals associated with the DFPC or CDPS is strictly prohibited.

- 1.6. **Confidential/Proprietary Information:** Any restriction on the use or inspection of material contained within the information submitted by Bidder, shall be clearly stated in the Bid submission. Written requests for confidentiality shall be submitted by the Bidder, with its Bid submission, along with a justification for considering the material confidential/proprietary. The Bidder must state specifically which elements of the Bid submission are to be considered confidential/proprietary. Confidential/proprietary information must be readily identified, clearly marked and packaged separately from the rest of the Bid submission. Co-mingling of confidential/proprietary and other information shall NOT be acceptable. Neither a Bid submission, in its entirety, nor cost information contained within Bidder’s submission will be considered confidential or proprietary. Any

information that will be included in a resulting contract cannot be considered confidential.

CDPS' Procurement Director and or delegate will make a written determination as to the apparent validity of any written request for confidentiality. In the event CDPS does not concur with Bidder's request for confidentiality, a written determination will be sent to Bidder. If the request is denied, Bidder will have an opportunity to withdraw its entire Bid submission, or remove the confidential and/or proprietary restrictions. See §24-72-200.1, C.R.S., as amended, Colorado Open Records Act ("CORA").

- 1.7. **Material Ownership of Bid Submission:** All material and information submitted regarding this IFB will become the property of the CDPS. As such, CDPS may retain or dispose of all copies as is lawfully deemed appropriate. Bid submissions may be reviewed by any person after the "Notice of Intent to Make an Award" letter has been issued subject to CORA.
- 1.8. **Bid Submission:** Bidders are required to submit their IFB response as six (6) complete paper sets (one (1) signed original and five (5) copies) and an electronic version on a CD or USB drive in Word and Excel formats. Telegraphic or electronic bids (fax, Western Union, telex, e-mail, etc.) will not be accepted and deemed non-responsive. All IFB responses shall be submitted in a sealed envelope. If the IFB response is too large to be returned in a sealed envelope, affix a Bid envelope to the outside of a sealed Bid package. Sealed Bids will be accepted until the date and time indicated. Sealed Bids received prior to the deadline date shall be kept secure until the IFB Submission Deadline. Please address the envelope or package as requested on the cover page to this IFB and include the following information:

List your **Company name and address** and immediately below, **write in the following information:**

- **Invitation for Bid number**
- **The closing date and the closing time**
- **Company email address**

- 1.9. **Bid Response Format:** All requested information must be complete. Partial or incomplete Bids will not be accepted. Bidders must be capable of providing all specifications and submit a response as to how it will comply with each of the specifications contained within **Exhibits A, B and C**. Bidders must comply with, and submit the following item(s) in order and clearly labeled:
 - a. Signed Signature Page,
 - b. **Exhibit A** - Fire Aviation Services. Bidders must comply with each of the specifications contained within **Exhibit A**,
 - c. **Exhibit B** - Multi-Mission Aircraft. Bidders must comply with each of the specifications contained within **Exhibit B** (including terms and conditions to a temporary aircraft),
 - d. **Exhibit C** - Schedule of Costs. Bidders must completely fill in the form and comply with each of the specifications contained within **Exhibit C**,
 - e. **Exhibit D** - Aircraft Purchase Contract - Any modifications to this **Exhibit D** proposed by the Bidder must be submitted with the Bidder's Bid response (including, if applicable,

- Exhibit D-9 – Temporary Aircraft) in order to be considered.
- f. **Exhibit E** - Aircraft Operations and Maintenance Contract - Any modifications to this **Exhibit E** proposed by the Bidder must be submitted with Bidder's Bid response (including if applicable, **Exhibit E-5** – Temporary Aircraft) in order to be considered.
- 1.10. **Bid Modifications:** Any modifications to this IFB will be posted on the Colorado BIDS website (www.bidscolorado.com) It is the responsibility of each Bidder to check the BIDS website periodically to see if any modifications have been posted. Failure of a Bidder to retrieve and include such modification in its **IFB** response may result in the Bid being disqualified. Any Bid submitted as a modification to a previously submitted Bid response must be identified as such, or it may be disqualified as an alternate bid. Unless otherwise noted, pricing shall include all Bidder costs and shall be quoted "F.O.B. Destination."
- 1.11. **Cost of Preparing Invitation for Bid:** The cost of developing and submitting the Bid is entirely the responsibility of the Bidder. This includes, but is not limited to, costs to determine the nature of the engagement, preparation of the Bid, submitting the Bid, and other costs associated with this IFB.

Section 2: Supplemental Terms and Conditions for IFBs

State Legislature's Directive: In

awarding any contract, the DFPC is directed by the State Legislature to consider certain specified factors, including whether Bidders will perform the aircraft services in Colorado and employ veterans.

2.2 **General Evaluation and Award:** The **IFB** evaluation will be determined by strict compliance to the IFB specifications and price bid. The IFB will be awarded to **one (1) Bidder**. Bidders must be capable of providing all specifications requested; partial or incomplete bids will not be accepted. The CDPS will be the sole judge in determining the acceptability of a bid offer and in determining the most beneficial bid offer to the CDPS and DFPC. The award will be made with reasonable promptness to the Bidder who is determined to be the most responsive and lowest responsible Bidder whose bid meets the specifications, requirements and criteria set forth in this IFB. Award will be subject to specification verification. **The CDPS anticipates making the award by July 9, 2014.**

2.3. **Low Tie Bids:** Low tie bids shall be decided in accordance with section 24-103-202.5, Colorado Revised Statutes ("C.R.S.") as amended, which gives a preference to resident Bidders. Any Bidder who wishes to be considered a "Resident Bidder" for purposes of the tie shall include with their IFB response, proof of meeting the definition of Resident Bidder as set forth in sections 24-103-101(6)(a) or (b), C.R.S.

2.4. **Failure to Render Service/Cancellation:** In the event the awarded Bidder fails to render service as stated, the CDPS reserves the right to cancel this IFB and any award thereof, by written notification. In the case of cancellation, the CDPS reserves the right in its sole discretion to award to another Bidder, to re-bid the items, or to implement other solutions to assure a continued delivery of goods and/or services.

2.5. **Acceptance of IFB Terms:** A Bid submitted as a result of this IFB shall constitute a binding

offer. Acknowledgement of this condition shall be indicated by the signature of an authorized officer of the Bidder, legally authorized to execute contractual obligations. It is presumed by Bidder's information submitted that Bidder acknowledges all terms and conditions of this Invitation for Bid. The Bidder shall identify clearly and thoroughly any variations between its Bid and this IFB. Failure to do so shall be deemed a waiver of any rights to subsequently modify the terms of performance, except as outlined or specified in this IFB.

2.6. **Contract Documents:** The attached contract documents (**Exhibits D and E**) represent sample language used in State contracts. All State contracts will comply with the State Constitution, State statutes and State rules, including statutory and regulatory compliance required by the State Controller's Office. Any additional terms and conditions proposed by the Bidder must be submitted with their Bid submission response in order to be considered. Failure of a Bidder to accept State contract terms and conditions may serve as cause for disqualification of an offer.

2.7. **Types of Contracts:** The successful Bidder will be issued two State contracts with DFPC; one State contract for the DFPC's purchase of the Aircraft; and one State contract for the operations and maintenance services to be provided to DFPC after DFPC has taken delivery of the aircraft. The contracts will incorporate parts of this Bid, any published addenda, and the response of the successful Bidder.

2.8. **Federal E-Verify and Colorado Department of Labor and Employment Program:** Effective May 13, 2008, contractors who enter into a public contract for services with Colorado State agencies or political subdivisions must participate in either the federal E-Verify program, or the Colorado Department of Labor and Employment Program. A copy of the guide to contractor participation and copies of the Notice of Participation and Contractor Affirmation forms are attached to this IFB as **Attachments 1 and 2**.

2.9. **Federal Employer Identification Number (F.E.I.N.):** Bidders are required to submit their F.E.I.N. prior to payment from the State. A W-9, Taxpayer Identification form provided by the State may be required.

2.10 **Bidder Disclosure Statement:** In compliance with section 24-102-206, C.R.S., "Contractor Performance Outside the United States or Colorado," the awarded Bidder will be required to disclose information regarding where services will be performed under the contract by completing and submitting the Disclosure Statement, as **Attachment 3**.

Section 3: Fire Aviation Services – Aircraft Operations and Maintenance Contract

3.1. **Bidder's Submission:** Bidder's responses to each specification stated in **Exhibit A – Fire Management Services** will become part of the contractual obligations similar to **Exhibit E – Aircraft Operations and Maintenance Contract**.

3.2 **Insurance:** The successful Bidder is expected to comply with the insurance provisions detailed in **Exhibit E – Aircraft Operations and Maintenance Contract** and referenced in **Exhibit A – Fire Management Services**.

3.3. **State's Fiscal Year:** The State's fiscal year begins on July 1 of each calendar year through June 30 of the following calendar year ("Fiscal Year"). Financial obligations of the State payable after the current Fiscal Year are contingent upon funds being budgeted, appropriated and otherwise made available. If funds are not budgeted, appropriated or otherwise made available in any Fiscal Year, the Aircraft Operations and Maintenance Contract may be terminated.

3.4. **Temporary Aircraft:** The DFPC requires delivery of at least one mission-ready aircraft by August 1, 2014. The second mission-ready aircraft must be delivered not later than October 15, 2014. Both aircraft must meet the specifications of this IFB at the time of each delivery. Bidders may propose a temporary solution that meets all the requirements of the IFB for the period beginning August 1, 2014 and continuing through the delivery of the two mission-ready aircraft by October 15, 2014. If the Bidder proposes a temporary solution, the Bidder's Bid response must include the details of the proposed temporary solution. The temporary aircraft solution contained in Bidders' Bid response must comply with and meet all of the requirements and specifications in **Exhibit A – Fire Aviation Services** and **Exhibit B – Multi-Mission Aircraft**. DFPC, in its sole discretion, will determine if the temporary solution is acceptable.

3.5. **Prices Inclusive:** Bids submitted to this IFB must include all related costs. Any costs not included as part of the IFB submission will not be allowed.

Section 4: Specifications for Multi-Mission Fixed Wing Aircraft – Aircraft Purchase Contract

4.1. **Bidder's Submission:** Bidder's responses to each specification stated in **Exhibit B – Multi-Mission Aircraft** will become part of the contractual obligations similar to **Exhibit D – Aircraft Purchase Contract**.

4.2. **Insurance:** The successful Bidder is expected to comply with the insurance provisions detailed in **Exhibit D – Aircraft Purchase Contract**.

4.3. **Delivery of Aircraft:** The successful Bidder is expected to comply with the delivery provisions detailed in **Exhibit B – Multi-Mission Aircraft** and **Exhibit D – Aircraft Purchase Contract**.

4.4. **Temporary Aircraft:** The DFPC requires delivery of at least one mission-ready aircraft by August 1, 2014. The second mission-ready aircraft must be delivered not later than October 15, 2014. Both aircraft must meet the specifications of this IFB at the time of each delivery. Bidders may propose a temporary solution that meets all the requirements of the IFB for the period beginning August 1, 2014 and continuing through the delivery of the two mission-ready aircraft by October 15, 2014. If the Bidder proposes a temporary solution, the Bidder's Bid response must include the details of the proposed temporary solution. The temporary aircraft solution contained in Bidders' Bid response must comply with and meet all of the requirements and specifications in **Exhibit A – Fire Aviation Services**, **Exhibit B – Multi-Mission Aircraft** and any insurance provisions as stated in section 4.2. DFPC, in its sole discretion, will determine if the temporary solution is acceptable.

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4.5. **Prices Inclusive:** Bids submitted to this IFB must include all related costs. Any costs not included as part of the IFB submission will not be allowed.

Section 5: Schedule of Costs5.1
Costs in the form of Exhibit C.

Bidder's response shall contain a completed Schedule of