



**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES**

Bureau of Procurement
Forum Place, 6th Floor
555 Walnut Street
Harrisburg, Pennsylvania 17101

November 16, 2009

TO: ALL INTERESTED SUPPLIERS

All Interested Suppliers are invited by the Commonwealth of Pennsylvania, Department of General Services (Department), to submit a proposal in response to the attached Invitation to Qualify (ITQ) for the procurement of **IMS (Industrial, Medical, Specialty) Gas Products and Accessories (CN00031475)**. Those Suppliers who respond to this ITQ, if found qualified by the Department and receive an awarded Contract, are eligible to provide quotes for the procurement of **IMS Gas Products and Accessories**, to all using Agencies within the Commonwealth of Pennsylvania, by submitting prices in response to Requests for Quotes (RFQs).

The Department will qualify Suppliers for the provision of **IMS Gas Products and Accessories** as identified in this document. Those Suppliers who qualify through this ITQ process will receive a copy of the signed (**CN00031475**).

It is recommended interested Suppliers begin immediately the process of qualifying for this Contract to avoid losing business opportunities with the Commonwealth during the transition from the existing Contract to the new **IMS Gas Products and Accessories Contract**.

Sincerely,

Rick M. Bahl
Commodity Specialist
Bureau of Procurement

INVITATION TO QUALIFY (ITQ)

Commonwealth of Pennsylvania

Department of General Services

CN00031475

PROCUREMENT OF INDUSTRIAL MEDICAL SPECIALTY (IMS) GAS PRODUCTS

Contract Enrollment Period:

The initial enrollment period shall begin November 16, 2009 and shall close December 9, 2009. Enrollment for the remainder of the Contract will continue to be accepted at the address below through September 1, 2014.

Contact Person:

Rick M. Bahl, Commodity Specialist, 717. 787.5427

Response Mailing Address:

Pennsylvania Department of General Services
Bureau of Procurement
Attn: Rick M. Bahl
555 Walnut Street, 6th Floor
Harrisburg, PA 17101
E-mail Address: rbahl@state.pa.us

WHEN MAILING (YOUR) RESPONSE,
ALLOW FOR TIME TO PROCESS (YOUR) APPLICATION.

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PART I

INSTRUCTIONS FOR COMPLETION OF PROPOSAL SUBMISSION

1. **Application Submission:** Supplier submitted response shall be completed on the documents provided and shall include the completed Contract Signature Page. All ITQ Contract documentation must be returned to the issuing office.

2. **Completion of the Signature Page:** If any information is handwritten or changed in any manner, it must be referenced as shown on the Contract Signature Page and the Supplier's authorized signatory shall initial and date immediately following the statement (Attachment A).

Except for signatures, please print legibly or (type) all required information.

Supplier shall initial and date any error made while completing information. Do not alter the form. Adding anything other than information specifically required by the Department may be interpreted as a Supplier "conditioning" the ITQ (which may cause the ITQ to be rejected by the Department).

All suppliers shall be registered with the Commonwealth's Central Vendor Management Unit prior to proposal submittal. Suppliers may register at the following website:

www.vendorregistration.state.pa.us

Complete the SAP Vendor Number, Supplier's Name and Address, Contact Person, Supplier's Telephone Number, Supplier's Fax Number, Supplier's E-Mail Address, and Supplier's signature blocks.

- a. **For Corporations:** Signature of a Senior Officer is required. Senior Officers include Chairman, President, Vice-President, Senior Vice-President, Executive Vice-President, Assistant Vice-President, Chief Executive Officer and Chief Operating Officer.
- b. **For Limited Liability Company (LLC):** Signature of the Manager or Member is required. No other titles will be accepted unless the Supplier provides proof that the signatory has been delegated signature authority.
- c. **For Sole Proprietorships:** Signature of the Owner is required. A sole proprietorship doing business as (d/b/a) or trading as (t/a) another name-should indicate such. For example:
John Brown d/b/a or t/a
Brown's Janitorial Service
- d. **For Partnerships:** Signature of a General Partner is required.

If signature authority has been delegated by any required principal (as cited above) to another official, (i.e., the Office Manager, the Comptroller, the Sales Manager, etc.), a copy of the resolution (for corporations) or power of attorney (for Partnerships and Sole Proprietorships) signed by the required principal delegating that signature authority to that specific individual must be provided prior to execution of the Contract. For a municipality or an authority, the delegation document shall be either a resolution of the governing body or delegation provided by the organization's by-laws.

The ITQ may be rejected if not signed by an individual authorized to contractually bind the organization.

3. Areas to be covered by the Contract: This Contract is for use by all using Agencies in the Commonwealth of Pennsylvania to obtain **IMS** Gas Products and Accessories for any requirements.

PART II

INFORMATION REQUIRED FROM SUPPLIERS

1. **Statement of Qualifications:**

- a. **Supplier shall provide a current Product List (No Pricing).**
- b. **Supplier shall submit (properly) executed ITQ Signature Page (Attachment A)**
- c. **Supplier shall submit Service Area (Attachment B)**

2. **Mandatory Requirements:** By executing this Contract, the Supplier acknowledges the following.

- a. Supplier has submitted a complete response to this ITQ.
- b. Supplier proposal contains the Contract Signature Page with an ORIGINAL SIGNATURE of an Official of your company authorized to bind your company to its provisions and the provisions of this ITQ (Attachment A).
- c. Supplier agrees the contents of the submitted Proposal will become part of any **IMS** Gas Products and Accessories Contract that may be entered into as a result of this ITQ and any subsequent RFQs.
- d. Supplier agrees the submitted Proposal shall remain valid during the entire Contract period.
- e. Supplier agrees that, unless bid response is received by 1:30 PM (1330) on the date specified in the ITQ Cover Letter, (it) may not be considered for the full Contract period beginning January 1, 2010.
- f. If (submitting) Supplier is selected for receipt of the RFQ(s), Supplier agrees to comply with the Contract Terms and Conditions of this ITQ and to furnish the required product(s) as specified in the RFQ.
- g. Supplier agrees to maintain current status as an approved Supplier in order to remain eligible to receive an RFQ.
- h. Supplier shall indicate counties within the Commonwealth (Attachment B.) where RFQ(s) shall apply.

PART III
CRITERIA FOR QUALIFICATION

1. **Mandatory Requirements:** The Department will review proposals to determine if each Supplier complies with the Mandatory Requirements found in Part II, Paragraph 2. A Supplier's non-acceptance of, or noncompliance with any of these mandatory requirements shall result in the disqualification of the Proposal.

2. **Responsible and Responsive:** The Department will then evaluate proposals to determine Supplier responsibility.

3. **Award of Contracts:** All responsible and responsive Suppliers having met the Mandatory Requirements found in Part II, Paragraph 2, and meet the above qualifications, will receive a signed Contract and are eligible to receive RFQs.

PART IV

STATEMENT OF WORK/SPECIFICATIONS

SPECIAL TERMS AND CONDITIONS

1. **Purpose:** The purpose of this Invitation to Qualify (ITQ) is to qualify responsible and responsive Suppliers for the procurement of **IMS** Gas Products and Accessories by all using Agencies throughout the Commonwealth of Pennsylvania.

This ITQ will result in a five (5) year Contract that is the first step in a two-step procurement process. Only those Suppliers responding to this ITQ and the Department of General Services (“Department”) determines to be qualified (“Qualified Suppliers”) will be eligible to participate in the second step.

The second step involves the issuance of Requests for Quotes (“RFQ”) to the Qualified Suppliers. Through this two-step process, all using Agencies will offer Qualified Suppliers the opportunity to submit prices for specific needs for **IMS** Gas Products and Accessories to be supplied to all using Agencies. The Qualified Suppliers selected through the RFQ process (“Selected Suppliers”) will receive a fully executed Purchase Order and will supply (**IMS**) product(s) to meet specific requirements of all using Agencies as indicated in the RFQ.

To ensure competitive market-based pricing, all end-using Agencies shall secure three (3) informal (e-mailed) competitive bids among the awarded Suppliers for all orders greater than \$5,000.00. A maximum 3-day turnaround for informal bids shall be enforced to ensure timeliness for using Agencies. Projects under \$5,000.00 (using) Agencies are not required to secure competitive bids and may use supplier(s) of choice on (CN00031475).

Procurements shall comply with current Commonwealth of Pennsylvania Procurement Handbook.

2. **Specifications:** **IMS** Gas Products and Accessories shall conform to all applicable standards and regulations of the following:

CGA	Compressed Gas Association
NIST	National Institute of Standards and Technology
EPA	EPA Protocol Standards
ANSI	American National Standards Institute
API	American Petroleum Institute
ASME	American Society of Manufacturing Engineers
ASTM	American Society of Testing and Materials
ISO	International Organization for Standardization
MIL	Military and Federal Specifications and Standards
OSHA	Occupational Safety and Health Administration
DOT	U.S. Department of Transportation

3. **Order of Precedence:** Any Contract entered into with a Supplier as a result of this procurement shall be comprised of the following documents, which are listed in order of precedence in the event of a conflict between those documents: (this) Invitation to Qualify; Standard Contract Terms and Conditions for Department of General Services Statewide Contracts for Supplies (SAP), GSPUR-

12E (12-17-07); any Request for Quote issued by a using Agency; and any quote received by a using Agency in response to a Request for Quote.

4. **Issuing Office:** This ITQ is issued for all using Agencies by the Department's Bureau of Procurement. The Issuing Office is the sole point of contact in the Department for this ITQ. Please refer all inquiries to:

Rick M. Bahl
Commodity Specialist
Bureau of Procurement
555 Walnut Street, 6th Floor
Harrisburg, Pennsylvania 17101
Telephone: 717.787.5427
E-Mail: rbahl@state.pa.us

5. **Scope:** This ITQ contains instructions for preparing and submitting a proposal, mandatory requirements to be eligible for consideration, contract terms and conditions, and the Contract Signature Page (Attachment A).

6. **Proposals:** To be considered, a Proposal shall consist of a complete response using the format provided in Part II of this ITQ. The Contract Signature Page (Attachment A) shall be included with the Proposal and have an original signature of an official authorized to bind the bidder to the provisions of the Proposal and ITQ. The contents of the Proposal of a Qualified Supplier and this ITQ will become contractual obligations when the Contract is executed. For this ITQ, the Proposal, as submitted, must remain valid during the entire execution process.

7. **Bid Security:** Suppliers are not required to submit bid security with their Proposals. However, performance security may be required from the Selected Supplier. When performance security is required, the requirements will be set forth in the RFQ.

8. **Addenda to the ITQ:** If it becomes necessary to revise any part of this ITQ, addenda will be posted to the Department's website (<http://www.dgsweb.state.pa.us/comod/main.asp>) for viewing by all Suppliers who downloaded the original ITQ.

9. **Alternate Proposals:** The Department will not accept alternate Proposals. Alternate Proposals are those provided in a form other than that specified by the Department. The Department will not accept Proposals wherein a Supplier alters any of the forms provided in the application.

10. **Rejection of Proposals:** The Department reserves the right to reject any and all Proposals received as a result of this ITQ.

11. **Incurring Costs:** The Department is not liable for any costs or expenses incurred in the preparation and submission of the Proposals.

12. **Submission Due Date:** The initial submission deadline for this ITQ is 1:30 PM (1330) on December 9, 2009. It is in the best interest of all Suppliers to submit the required information by the initial submission date in order to qualify for the full Contract period.

13. To be considered for RFQ's during the initial enrollment period, all required documentation shall be received no later than 1:30 PM (1330), December 9, 2009.

The Department may solicit additional Suppliers to be qualified for this ITQ. In no event will a Supplier be permitted to submit quotes until the Supplier has been qualified through the ITQ process and has received a fully executed Contract.

14. **Definitions:** The following definitions apply to the words and phrases used in this Part, unless the text or usage clearly indicates otherwise:

Industrial, Medical, Specialty Gases (IMS): Manufactured gases referred to in this ITQ.

Request for Quotes (RFQs): A Document that describes the required products and provides interested Qualified Suppliers with sufficient information to enable them to prepare and submit quotes. At the using Agencies discretion, RFQs may be issued through mail, facsimile or electronic mail.

Contract: The Contract executed as a result of this ITQ.

Supplier: Qualified Supplier(s) selected as a result of this ITQ to furnish **IMS** Gas Products and Accessories to meet the requirements of all using Agencies.

15. **Orders:** All using Agencies will issue a Purchase Order or Purchase Card (P-card) authorization against the Contract to obtain (**IMS**) product(s). This Purchase Order shall constitute authority to furnish (**IMS**) product(s) and shall be referenced when invoicing using Agencies for (**IMS**) product(s) delivered. Each RFQ and/or Purchase Order shall be deemed to incorporate the terms and conditions set forth in the Contract.

16. **Payments:** The Supplier must have the ability to accept payment via Purchase Card (P-card). Use of a P-card is at Agency discretion.

17. **Supplier Duties:** Each Supplier, subject to the terms and conditions set forth in the Contract, the RFQ, and the Purchase Order, shall furnish **IMS** Gas Products and Accessories.

a) The Supplier shall be paid only for the (**IMS**) product(s) as specified in the RFQ and awarded per the referenced Purchase Order issued by using Agency.

b) It is understood that prices quoted and awarded are FOB Destination. Terms to include all delivery, shipping and handling costs, unless otherwise specified in the RFQ.

c) Product(s) must pass on-site receiving inspection(s) to ensure compliance with minimum specification requirements. If product is rejected at inspection, the Supplier shall receive no reimbursement.

18. **Term:** The Contract shall begin on the date of the Supplier's receipt of the fully executed Contract, and expire on November 30, 2014.

19. **Option to Extend:** The Department of General Services reserves the right, upon notice to the Supplier, to extend the Contract or any part of the Contract for up to three (3) months under the same terms and conditions. This will be utilized to prevent a lapse in Contract coverage and only for the time necessary, up to three (3) months, to enter into a new Contract.

20. **Request For Quote (RFQ):** The using Agencies will issue a RFQ which will include, but not be limited to, product, quantity, delivery location, other special terms, conditions and specifications and bid response requirements. RFQs may be issued on an as-needed basis through mail, facsimile or electronic mail.

Suppliers shall respond to each RFQ even with only a “NO BID.” Suppliers who fail to respond to five (5) successive RFQs shall be removed from the Contract.

RFQs must be signed by an authorized signatory of the company.

21. **Quote/Bid:** Supplier shall submit quotes by the date and time specified in each RFQ to be considered for award. All prices are firm and shall be prepared and submitted in accordance with the special terms and conditions of the RFQ.

22. **Award:** The using Agency shall issue the selected Supplier a fully executed Purchase Order.

23. **Protest Procedures:** The protest procedures are set forth on the Department’s website at <http://www.dgs.state.pa.us/procurement>. Any protest arising from the award or non-award of a Contract by DGS as a result of this ITQ shall be filed with the DGS Deputy Secretary for Procurement. Any protest arising from an RFQ or an award as a result of an RFQ issued by the using Agencies shall be filed with the Department Of General Services, Bureau of Procurement.

24. **Claims:** Any claims against the Commonwealth shall be filed in accordance with Paragraph 21 (Contract Controversies) of the *Standard Contract Terms and Conditions for Department of General Services Statewide Contracts for Supplies – SAP*, GSPUR-12E (SAP), Rev. 05/07/04. If a claim results from a Purchase Order based upon an RFQ issued by using Agencies, the claim shall be filed with Department of General Services, Bureau of Procurement.

PART V

**STANDARD CONTRACT TERMS AND CONDITIONS
FOR DEPARTMENT OF GENERAL SERVICES
STATEWIDE CONTRACTS FOR SUPPLIES – SAP
GSPUR-12E (12-17-07)**

Please click on the following link:

http://www.dgsweb.state.pa.us/comod/CurrentForms/GSPUR12E_SAP.doc

ALL PENNSYLVANIA USING AGENCIES

Invitation to Qualify:

Industrial, Medical, Specialty (IMS) Gases

(Complete in INK or TYPE only – DO NOT use pencil)

READ ALL Directions/Instructions in Part I Before Completing This Page.

CONTRACTOR MUST COMPLETE ALL APPLICABLE AREAS

SAP VENDOR NUMBER (All vendors must register with the Commonwealth at www.vendorregistration.state.pa.us):	
CONTRACTOR NAME & ADDRESS: If SOLE PROPRIETOR is doing business as (d/b/a) another name, see instructions in Part II, attached:	
CONTRACTOR CONTACT PERSON:	
PHONE NUMBER:	()
FAX NUMBER:	()
E-MAIL ADDRESS:	

<p align="center">CONTRACTOR’S SIGNATURE(S), DATE AND TITLE REQUIRED (IN INK)</p>		
<p>CORPORATION: One Signature of a Senior Officer and Title Designation is Required. - Chairman, President, Vice-President, Senior Vice-President, Executive Vice-President, Assistant Vice-President, Chief Executive Officer, Chief Operating Officer. Any other signature must be accompanied by a resolution authorizing the individual to contractually bid the organization.</p>		
_____ SIGNATURE	_____ DATE	_____ TITLE
<p>LIMITED LIABILITY COMPANY – Manager or Member</p>		
_____ SIGNATURE	_____ DATE	_____ TITLE
<p>SOLE PROPRIETORSHIP – Owner Only</p>		
_____ SIGNATURE	_____ DATE	_____ OWNER TITLE
<p>PARTNERSHIP – One General Partner Only</p>		
_____ SIGNATURE	_____ DATE	_____ GENERAL PARTNER TITLE

ATTACHMENT 'B'

INDUSTRIAL MEDICAL SPECIALTY (IMS) GAS PRODUCTS (CN NO. 00031475)

BIDDERS/SUPPLIER'S LEGAL NAME: _____

SERVICE AREA

Statewide

OR

1 Adams

24 Elk

47 Montour

2 Allegheny

25 Erie

48 Northampton

3 Armstrong

26 Fayette

49 Northumberland

4 Beaver

27 Forest

50 Perry

5 Bedford

28 Franklin

51 Philadelphia

6 Berks

29 Fulton

52 Pike

7 Blair

30 Greene

53 Potter

8 Bradford

31 Huntingdon

54 Schuylkill

9 Bucks

32 Indiana

55 Snyder

10 Butler

33 Jefferson

56 Somerset

11 Cambria

34 Juniata

57 Sullivan

12 Cameron

35 Lackawanna

58 Susquehanna

13 Carbon

36 Lancaster

59 Tioga

14 Centre

37 Lawrence

60 Union

15 Chester

38 Lebanon

61 Venango

16 Clarion

39 Lehigh

62 Warren

17 Clearfield

40 Luzerne

63 Washington

18 Clinton

41 Lycoming

64 Wayne

19 Columbia

42 McKean

65 Westmoreland

20 Crawford

43 Mercer

66 Wyoming

21 Cumberland

44 Mifflin

67 York

22 Dauphin

45 Monroe

23 Delaware

46 Montgomery