

**STATEMENT OF WORK
FACILITY MAINTENANCE MATERIALS
INVITATION TO QUALIFY (ITQ) CONTRACT**

OVERVIEW: The purpose of the Facility Maintenance Materials ITQ is to qualify responsible and responsive Contractors to provide facility maintenance materials. All Commonwealth of Pennsylvania agencies are eligible to utilize this ITQ. In addition, Local Public Procurement Units, as defined by the Commonwealth Procurement Code, may use this contract in accordance with the COSTARS Provision contained in this document.

ISSUING OFFICE: This ITQ is managed and administered by the Commonwealth of Pennsylvania, Department of General Services (DGS), Bureau of Procurement. All inquiries should be referred to:

Dave Kline, Associate Commodity Manager
Department of General Services
Bureau of Procurement, 2nd Floor, Arsenal Building
1800 Herr Steet
Harrisburg, PA 17103
Telephone: (717) 787-7526
Email: drkline@pa.gov

TERM OF CONTRACT: Any contract issued to qualified Contractors, as a result of this ITQ, shall commence on the Contract Effective Date and shall end on **01/31/2028**. There are no renewals available.

QUALIFICATIONS: Contractors interested in becoming an ITQ Contractor must meet the following requirements. Failure to meet the below requirements will result in the application being rejected. Each Contractor that meets the minimum qualifications will be awarded a contract. Award of a contract to a Contractor is not a guarantee of business.

- A. Contractors must provide documentation showing a minimum of two (2) years of experience in the appropriate commodity code selected under Material Categories.
- B. Suppliers must complete/submit a Supplier Contact Information Form, which is attached to and made part of this ITQ. On the form, Suppliers must provide general information including Supplier name, address, telephone number, e-mail address, and SAP Vendor ID Number.

Suppliers must provide the name, title, telephone number, fax number, and e-mail address for the individual who will be responsible for receiving the Request for Quotes (RFQ) and for preparing and submitting the Supplier's quotes for the RFQ.

Suppliers have the sole responsibility to maintain and update, when necessary, all contact information - especially a valid e-mail address - for the contact person on file with DGS.

C. Pursuant to Executive Order 2021-06, Worker Protection and Investment (October 21, 2021), the Commonwealth is responsible for ensuring that every Pennsylvania worker has a safe and healthy work environment and the protections afforded them through labor laws. To that end, contractors and grantees of the Commonwealth must certify that they are in compliance with all applicable Pennsylvania state labor and workforce safety laws. Such certification shall be made through the Worker Protection and Investment Certification Form (BOP-2201), included as part of this ITQ.

MATERIAL CATEGORIES: Contractors will need to choose the appropriate commodity code(s) to qualify for this contract. Contractors will select the appropriate code(s) under the Business Details section of the qualification process. The Commonwealth may add additional commodity codes as the need arises. The table below lists the appropriate commodity code and description of each category. **Note that all categories are limited to materials only. Installation of any kind is prohibited.**

COMMODITY CODE	DESCRIPTION OF CATEGORY
30103600-ITQ-434 Lumber & Interior Finishing Materials	Includes lumber materials and accessories, along with interior finishing materials such as drywall, wallboard, panels, etc.
30151500-ITQ-435 Roofing Materials	Limited to shingles, roofing tile, nails, tar, tar paper, etc. Does NOT include trusses.
30151700-ITQ-436 Rain Gutters & Siding	Includes rain gutters, downspouts, siding, shutters, exterior trim material, etc.
30152000-ITQ-437 Fencing & Gates	Limited to posts, rails, gates, etc. Does NOT include electric security fencing or gates.
30161700-ITQ-438 Flooring Materials	Limited to flooring materials NOT including carpet or resilient flooring.
30171500-ITQ-439 Doors, Windows & Accessories	Includes windows, interior or exterior doors of any material, i.e., wood, steel, fiber glass, etc. and associated hardware/accessories.
31211500-ITQ-440 Paint Materials	Includes paints, primers and finishes. Does NOT include highway traffic line paint.
39110000-ITQ-441 Lighting & Accessories	The intent of this category is to offer Agency users with a contract vehicle to competitively solicit quotes on larger scale lighting projects. Includes lighting fixtures, lamp ballasts, lighting accessories, etc. Please refer to the Material Specific Requirements section, item D for more information.
40101800-ITQ-442 Boiler/Furnace Parts & Equipment	Limited to boiler & furnace parts and equipment. Does NOT include other heating equipment such as heat pumps, space heaters, process air heaters, etc.

COMMODITY CODE	DESCRIPTION OF CATEGORY
40171600-ITQ-443 Industrial Pipe and Plumbing	<p>The intent of this category is to offer Agency users with a contract vehicle to purchase industrial equipment/parts that are not readily available through other statewide MRO contracts.</p> <p>Includes various industrial pipe and piping, plumbing parts, and supplies, as well as piping accessories such as adapters, baffles, bends, flanges, caps, connectors, couplings, etc.</p>
40100000-ITQ-444 Industrial HVAC Equipment & Parts	<p>The intent of this category is to offer Agency users with a contract vehicle to purchase industrial equipment/parts that are not readily available through other statewide MRO contracts.</p> <p>This category is limited to comfort cooling equipment & parts for systems 5 tons or larger; chillers & components; pumps 5HP & larger, including repair parts; motors 10 HP & larger, including repair parts; data room air conditioners of any size.</p>
39120000-ITQ-445 Industrial Electrical Equipment & Parts	<p>The intent of this category is to offer Agency users with a contract vehicle to purchase industrial equipment/parts that are not readily available through other statewide MRO contracts.</p> <p>This includes various electrical parts, and supplies including switchgear gear & protective relays, transfer switches, variable frequency drives & parts, and PLCs & touchscreens.</p>

MATERIAL SPECIFIC REQUIREMENTS:

- A. Based upon need, the Commonwealth will issue Requests for Quotes with reference to the ITQ. It is understood that RFQ's will be for materials to be delivered to various Commonwealth locations throughout the state. All RFQ's for delivered materials are FOB destination. Suppliers may not invoice for separate shipping, handling or freight charges.
- B. Suppliers will be expected to supply the requested materials at the price quoted in their responses to the RFQ and in accordance with all terms and conditions of the awarded contract and or specified requirements of the RFQ. Suppliers shall be paid only for the materials as specified in the RFQ and then awarded on the Purchase Order (PO) issued by the using agency.
- C. Materials must pass on-site receiving inspections to ensure compliance with minimum specification requirements as defined in the RFQ. If material is rejected in an inspection, the supplier shall receive no reimbursement. The supplier will be responsible for removing the rejected material at no additional cost to the Commonwealth.
- D. The category of Lighting & Accessories is only for purchases that have a total value expected to exceed the Small No-Bid Threshold. For purchases made under the Lighting category, agency users are permitted to make a "bundled" purchase that includes their requested lighting materials

along with any necessary electrical materials/supplies that are required as part of the project. Agency users may NOT purchase stand-alone electrical materials under this category.

GENERAL INFORMATION/REQUIREMENTS:

- A. Type of Contract.** Upon determination that the Contractor meets the ITQ requirements, the Commonwealth will issue a contract to the Contractor. Upon receipt of a Purchase Order (PO) issued under this Contract, the Contractor agrees to furnish the requested materials to the Commonwealth agency issuing the PO.
- B. Order of Precedence.** If any conflicts or discrepancies should arise in the terms and conditions of this Contract, or the interpretation thereof, the order of precedence shall be:
- i. This Contract; and
 - ii. The data resident on the ITQ web site and incorporated herein by reference at the date of execution of the Contract or issuance of an RFQ off of this Contract, whichever is later, including but not limited to the promises and certifications the Contractor made in qualifying for the Contract.

If any conflicts or discrepancies should arise in the interpretation of a PO, the order of precedence shall be:

- i. This Contract
- ii. The material category definitions, descriptions, qualification requirements, and contract terms and conditions set forth in the RFQ; and
- iii. The PO and any attachment thereto, including: (1) the Contractor’s Proposal, as accepted by the Commonwealth; (2) the RFQ.

C. Bid Protest Procedure (April 2016) The Bid Protest Procedure is on the DGS website. [Click here](#)

D. COSTARS Purchasers. Section 1902 of the Commonwealth Procurement Code, 62 Pa.C.S. § 1902 (“Section 1902”), authorizes local public procurement units and state-affiliated entities (together, “COSTARS Members”) to participate in Commonwealth procurement contracts that the Department of General Services (“DGS”) may choose to make available to COSTARS Members. DGS has identified this ITQ as one which will be made available for COSTARS Members’ participation.

- a. Only those entities registered with DGS are authorized to participate as COSTARS Members in this Contract. A COSTARS Member may be either a local public procurement unit or a state-affiliated entity.
 1. A “local public procurement unit” is:
 - Any political subdivision (local government unit), such as a municipality, school district, or commission;
 - Any public authority (including authorities formed under the Municipality

Authorities Act of 1955 or other authorizing legislation, such as the Public Transportation Law or the Aviation Code);

- Any tax-exempt, nonprofit educational institution or organization;
- Any tax-exempt, nonprofit public health institution or organization;
- Any nonprofit fire, rescue, or ambulance company; and
- Any other entity that spends public funds for the procurement of supplies, services, and construction (such as a council of governments, an area government, or an organization that receives public grant funds).

The Department reserves the right to review and determine eligible applicants as Local Public Procurement Units on a case-by-case basis.

2. A state-affiliated entity is a Commonwealth authority or other Commonwealth entity that is not a Commonwealth agency. The term includes:

- The Pennsylvania Turnpike Commission;
- The Pennsylvania Housing Finance Agency;
- The Pennsylvania Municipal Retirement System;
- The Pennsylvania Infrastructure Investment Authority;
- The State Public School Building Authority;
- The Pennsylvania Higher Education Facilities Authority, and
- The State System of Higher Education.

The COSTARS Program is not available for use by Executive Agencies and Independent Agencies as defined by the Commonwealth Procurement Code, or any agency or entity using funds appropriated to the Department of General Services through Capital Budget Project Itemization legislation for the procurement of furniture, fixtures, and equipment.

3. A complete list of local public procurement units and state-affiliated entities that have registered with DGS and that are authorized to procure items from the Contract can be found at <http://www.costars.state.pa.us/SearchCOMember.aspx>.

b. COSTARS Members have the option to purchase from this Contract, from any DGS contract established exclusively for COSTARS Members in accordance with the requirements of Section 1902, from any other cooperative procurement contracts, or from their own procurement contracts established in accordance with the applicable laws governing such

procurements. The Contractor understands and acknowledges that there is no guarantee that a COSTARS Member will place an order under this Contract, and that the decision to procure from this Contract is within the sole discretion of each COSTARS Member.

- c. DGS is acting as a facilitator for COSTARS Members who may wish to purchase under this Contract. COSTARS Members that participate in this Contract and issue purchase orders (“POs”) to Contractors are third party beneficiaries who have the right to sue and be sued for breach of this Contract without joining the Commonwealth or DGS as a party. The Commonwealth will not intervene in any action between a Contractor and a COSTARS Member unless substantial interests of the Commonwealth are involved.
- d. COSTARS Members electing to participate in this Contract will order items directly from the Contractor and be responsible for payment directly to the Contractor.
- e. Those Contractors electing to permit COSTARS Members to procure from this Contract shall pay the Required Administrative Fee applicable to the Contractor’s classification:

Contractor Classification	Required Administrative Fee
DGS-verified Small Diverse Business Contractor	\$166
DGS Self-Certified Small Business Contractor	\$500
All Other Contractor	\$1,500

- 1. Each Contractor electing to permit COSTARS Members to participate in the Contract must submit the COSTARS Program Election to Participate form with its bid submittal and pay the applicable Administrative Fee upon Contract award in order to sell the awarded items/services to COSTARS Members. If the Contractor is a Department of General Services Self-Certified Small Business or Department of General Services-verified Small Diverse Business, a copy of its active Small Business Contracting Program certificate must be included with the bid submittal.
 - 2. At the beginning of each Contract year and upon any Contract renewal, the Contractor shall submit a check for the required amount, payable to “Commonwealth of PA”. The Contractor must pay the Administrative Fee at each contract renewal date to continue to sell the awarded items/services to COSTARS Members.
- f. DGS has registered the COSTARS name and logo (together, the “COSTARS Brand”) as a trademark with the Pennsylvania Department of State. Therefore, the Contractor may use the COSTARS Brand only as permitted under in this Subsection.
- 1. The Contractor shall pay the Administrative Fee covering its participation in the program, including without limitation any use of the COSTARS Brand, for each year of the Contract period. The fee is payable upon Contract award and prior to the renewal date for each succeeding Contract period.

- 2. DGS grants the Contractor a nonexclusive license to use the COSTARS Brand, subject

to the following conditions:

- The Contractor agrees not to transfer to any third party, including without limitation any of its subcontractors or Contractors, any privileges it may have to use the COSTARS Brand under this Contract.
 - The Contractor agrees not to use the COSTARS Brand to represent or imply any Commonwealth endorsement or approval of its products or services.
 - The Contractor is permitted to use the COSTARS Brand in broadcast, or Internet media solely in connection with this Contract and any other Contract with the Commonwealth under which it has agreed to make sales to COSTARS Purchasers. The Contractor may use the COSTARS Brand on business cards, brochures, and other print publications so long as the purpose is to identify the Contractor as a COSTARS vendor, and only so long as the required Contract fee is kept current.
 - Should this Contract terminate for any reason, the Contractor agrees promptly to remove the COSTARS Brand from any and all print and electronic media and to refrain from using the COSTARS Brand for any purpose whatsoever from the date of Contract termination forward.
 - The Contractor agrees to defend, indemnify, and hold harmless the Commonwealth of Pennsylvania and DGS from and against all claims, demands, liabilities, obligations, costs, and expenses of any nature whatsoever arising out of or based upon the Contractor's use of the COSTARS Brand; and
 - The Contractor agrees it has no property rights in the use of the COSTARS Brand by virtue of this nonexclusive license. The Contractor expressly waives any claims, including without limitation due process claims that may otherwise be available under the law in the event of any dispute involving these terms of use.
- g. The Contractor shall furnish to the DGS COSTARS Program Office a quarterly electronic Contract sales report detailing the previous quarter's Contract purchasing activity, using the form and in the format prescribed by DGS. The Contractor shall submit its completed quarterly report no later than the fifteenth calendar day of the succeeding Contract quarter.
1. The Contractor shall submit the reports through the web-based COSTARS Contractors' Gateway of the PA Contractor Portal at <https://paContractorportal.state.pa.us/irj/portal/anonymous> , Enterprise Applications. If a Contractor does not have access to the Internet, the Contractor shall send the reports, using the form and in the format prescribed by DGS, on compact disc via US Postal Service to the DGS COSTARS Program Office, Bureau of Procurement, 6th Floor Forum Place, 555 Walnut Street, Harrisburg, PA 17101-1914.

2. For each PO received, the Contractor shall include on the report the name and address of each COSTARS-Registered Purchaser that has used the Contract along with the sales date, and dollar volume of sales to the specific Purchaser for the reporting period.
 3. DGS may suspend the Contractor's participation in the COSTARS Program for failure to provide the Quarterly Sales Report within the specified time.
- h. Additional information regarding the COSTARS Program is available on the DGS COSTARS Website at www.costars.state.pa.us.
1. If the Contractor is aware of any qualified entity not currently registered and wishing to participate in the COSTARS Program, please refer the potential purchaser to the DGS COSTARS Website at www.costars.state.pa.us, where it may register by completing the online registration form and receiving DGS confirmation of its registration. To view a list of currently-registered COSTARS member entities, please visit the COSTARS website.
 2. Direct all questions concerning the COSTARS Program to:

Department of General Services
COSTARS Program
Bureau of Procurement
2nd Floor, Arsenal Building
1800 Herr Steet
Harrisburg, PA 17103
Telephone: 1-866-768-7827
E-mail GS-PACostars@pa.gov

- i. **COSTARS Program Election to Participate.** If the Contractor is willing to sell the awarded items/services at the same prices and/or discounts, and in accordance with the contractual terms and conditions, to COSTARS members, the Contractor should complete and return the COSTARS Program Election to Participate form which is an attachment to this ITQ. If the Contractor is asserting that it is a Department of General Services Certified Small Business, the Contractor must submit its active certification.

E. COSTARS Reporting Requirements. If you checked "Yes" in Step 6 when developing your qualification bid for the ITQ contract, you agreed to participate in the Commonwealth's COSTARS program, and you are bound by the COSTARS Purchasers Provision contained within this Statement of Work. The requirement to report COSTARS sales to DGS' COSTARS Program Office is contained in Section E of the COSTARS Purchasers Provision. By agreeing to participate in the COSTARS program, you are required to report COSTARS sales to DGS on a quarterly basis. Even if you had no COSTARS sales, you must file a report.

COSTARS sales for the ITQ contract can now be reported through the automated COSTARS sales reporting system located on the COSTARS website. Information required will be your vendor number, contract number, date of sale, customer name and the amount of the sale. It is also recommended that

you record the COSTARS Member ID number. Detailed instructions appear below. The deadline for submitting sales information is the 15th day of the month following the end of the quarter. Failure to report COSTARS sales is in breach of contract, and may result in DGS suspending your participation in the COSTARS program. Note: This system is to be used to record sales to COSTARS members ONLY! ZERO sales for a particular quarter must also be reported.

INSTRUCTIONS FOR COSTARS SALES REPORTING FOR STATEWIDE CONTRACT CONTRACTORS

- Go to www.dgs.state.pa.us/costars. ‘Click’ on the Contractors button;
- ‘Click’ on the COSTARS Contractors’ Gateway link on the right. Click on the State Contract link;
- Enter your Vendor Number to gain access to the system. When your Vendor Number is found, you will be taken to the Sales Reporting Authorization screen;
- Enter your first and last name. ‘Click’ Continue;
- You will be taken to the Sales Reporting Screen. Select from the Contract Number dropdown the Contract Number you want to report sales for and then ‘click’ the Continue button located next to it;
- To enter a new Sale or to report “No Sales this Quarter”, ‘click’ on the Insert button at the top left;
- Enter the Customer Name or part of the Customer Name into the Customer Search field. If you are reporting “NO SALES THIS QUARTER”, type NO SALES into the search field. ‘Click’ the Search button;
- Select the Customer Name from the dropdown list, or select NO SALES THIS QUARTER. To proceed, you will need to ‘click’ on the Continue button to the right of the list. The system will locate the Customer Name in the Members database and will pre-fill the Address and County fields for you;
- You will then enter a Sales Date and Sales Amount; and
- ‘Click’ on the Save button. The data is saved and immediately accessible by COSTARS Program staff. For your convenience, there is also a Sales Reporting Manual – for Statewide Contracts in the Resource Center on this site. For additional assistance or questions, please call 1-866-768-7827.

F. New Equipment. Unless otherwise specified in this ITQ, all products offered by Contractors must be new or remanufactured. A 'new' product is one that will be used first by the Commonwealth after it is manufactured or produced. A 'remanufactured' product is one which: 1) has been rebuilt, using new

or used parts, to a condition which meets the original manufacturer's most recent specifications for the item; 2) does not, in the opinion of the Issuing Office, differ in appearance from a new item; and 3) has the same warranty as a new item. Unless otherwise specified in this invitation for bids, used or reconditioned products are not acceptable. This clause shall not be construed to prohibit Contractors from offering products with recycled content, provided the product is new or remanufactured.

G. Post-Submission Descriptive Literature. The Commonwealth may, during its evaluation of the bids, require any Contractor to submit cuts, illustrations, drawings, prints, test data sheets, specification sheets and brochures which detail construction features, design, components, materials used, applicable dimensions and any other pertinent information which the Issuing Office may require in order to evaluate the product(s) offered. The required information must be submitted within two (2) business days after notification from the Issuing Office. Failure to submit the required information prior to the expiration of the second business day after notification shall result in the rejection of the bid as non-responsive.

H. Tie Bids/Quotes. All tie bids/quotes will be broken by the Issuing Office.

I. Prompt Payment Discounts. Prompt payment discounts will not be considered in making an award. If prompt payment discounts are offered by any Contractor, however, the Issuing Office will take advantage of such offer.

REQUEST FOR QUOTES (RFQ) PROCEDURES: Commonwealth Agencies will issue an RFQ to qualified Contractors, through the Commonwealth's Custom Portal, powered by the JAGGAER system. Contractors will respond to the RFQ in the system. The requesting Agencies may require the qualified Contractors to furnish, upon request, additional documentation in the RFQ. The qualified Contractors selected for the RFQ process will receive a Purchase Order (PO) and will supply the materials to meet the specific requirements as indicated in the RFQ.

In the event of an emergency that threatens public health, welfare, or safety, or for circumstances outside of the control of the agency that creates an urgency of need (ex. the potential closure/evacuation of a building or facility) and does not permit time to solicit competitive bids, using agencies may obtain materials necessary to avert a crisis without soliciting bids. As soon as practical, agencies must complete the formal Emergency Procurement procedure to receive retroactive approval from DGS.

Agencies will exercise a scoring method based upon the criteria set forth in the RFQ. The Scoring Methods are defined as follows:

- Best Value
 - Refers to the process of selecting the quote which provides the greatest value to the agency based on evaluating and comparing all pertinent criteria, including cost, so that the Contractor whose overall proposal best suits the agency's needs is selected for each individual project; and
- Low Cost
 - Refers to the lowest cost quoted from all proposals received that are deemed both responsive and responsible for the project.

Additional Requirements: Agencies are required to incorporate the Reciprocal Limitations Act and Iran Free Procurement Certification and Disclosure into their RFQ(s). Agencies shall require that qualified Contractors complete and submit with their RFQ response the State of Manufacture Chart, which is contained in GSPUR-89 ("Reciprocal Limitations Act Requirements"). Agencies shall also require that qualified Contractor complete and submit with their RFQ response the Iran Free Procurement Certification form.