



University of
Kentucky[®]
Procurement Services

Request for Proposal

RE-0214-25

Proposal Due Date – 11/22/24

Acquire Operating Equine Analytical Chemistry
Laboratory, Facilities Lease, Equipment, and Staff



OFFICIAL RFP TO SALE FORM

ATTENTION: This is not an order. Read all instructions, terms and conditions carefully.

PROPOSAL NO.: RE-0214-25	<u>RETURN ORIGINAL COPY OF PROPOSAL</u>
Issue Date: 11/4/24	<u>TO:</u> UNIVERSITY OF KENTUCKY PROCUREMENT SERVICES
Title: Acquire Operating Equine Analytical Chemistry Laboratory, Facilities Lease, Equipment, and Staff	
Purchasing Officer: Rebecca Purcell	411 S LIMESTONE
Phone: 859-257-5479	ROOM 322 PETERSON SERVICE BLDG.
Email: rpurcell@uky.edu	LEXINGTON, KY 40506-0005

IMPORTANT: PROPOSALS MUST BE RECEIVED BY: 11/22/24 3 P.M. LEXINGTON, KY TIME.

NOTICE OF REQUIREMENTS

1. The University's General Terms and Conditions and Instructions to Bidders, viewable at <https://purchasing.uky.edu/bid-and-proposal-opportunities>, apply to this RFP. When the RFP includes construction services, the University's General Conditions and Special Conditions for Construction and Instructions to Bidders, viewable at <https://purchasing.uky.edu/bid-and-proposal-opportunities>, apply to the RFP.
2. Contracts resulting from this RFP must be governed by and in accordance with the laws of the Commonwealth of Kentucky.
3. Any agreement or collusion among offerors or prospective offerors, which restrains, tends to restrain, or is reasonably calculated to restrain competition by agreement to bid at a fixed price or to refrain from offering, or otherwise, is prohibited.
4. Any person who violates any provisions of KRS 45A.325 shall be guilty of a felony and shall be punished by a fine of not less than five thousand dollars nor more than ten thousand dollars or be imprisoned not less than one year nor more than five years, or both such fine and imprisonment. Any firm, corporation, or association who violates any of the provisions of KRS 45A.325 shall, upon conviction, be fined not less than ten thousand dollars or more than twenty thousand dollars.

AUTHENTICATION OF BID AND STATEMENT OF NON-COLLUSION AND NON-CONFLICT OF INTEREST

I hereby swear (or affirm) under the penalty for false swearing as provided by KRS 523.040:

1. That I am the offeror (if the offeror is an individual), a partner, (if the offeror is a partnership), or an officer or employee of the bidding corporation having authority to sign on its behalf (if the offeror is a corporation);
2. That the attached proposal has been arrived at by the offeror independently and has been submitted without collusion with, and without any agreement, understanding or planned common course of action with, any other Contractor of materials, supplies, equipment or services described in the RFP, designed to limit independent bidding or competition;
3. That the contents of the proposal have not been communicated by the offeror or its employees or agents to any person not an employee or agent of the offeror or its surety on any bond furnished with the proposal and will not be communicated to any such person prior to the official closing of the RFP;
4. That the offeror is legally entitled to enter into contracts with the University of Kentucky and is not in violation of any prohibited conflict of interest, including, but not limited to, those prohibited by the provisions of KRS 45A.330 to .340, and 164.390;
5. That the offeror, and its affiliates, are duly registered with the Kentucky Department of Revenue to collect and remit the sale and use tax imposed by Chapter 139 to the extent required by Kentucky law and will remain registered for the duration of any contract award;
6. That I have fully informed myself regarding the accuracy of the statement made above.

SWORN STATEMENT OF COMPLIANCE WITH CAMPAIGN FINANCE LAWS

In accordance with KRS 45A.110 (2), the undersigned hereby swears under penalty of perjury that he/she has not knowingly violated any provision of the campaign finance laws of the Commonwealth of Kentucky and that the award of a contract to a bidder will not violate any provision of the campaign finance laws of the Commonwealth of Kentucky.

CONTRACTOR REPORT OF PRIOR VIOLATIONS OF KRS CHAPTERS 136, 139, 141, 337, 338, 341 & 342

The contractor by signing and submitting a proposal agrees as required by 45A.485 to submit final determinations of any violations of the provisions of KRS Chapters 136, 139, 141, 337, 338, 341 and 342 that have occurred in the previous five (5) years prior to the award of a contract and agrees to remain in continuous compliance with the provisions of the statutes during the duration of any contract that may be established. Final determinations of violations of these statutes must be provided to the University by the successful contractor prior to the award of a contract.

CERTIFICATION OF NON-SEGREGATED FACILITIES

The contractor, by submitting a proposal, certifies that he/she is in compliance with the Code of Federal Regulations, No. 41 CFR 60-1.8(b) that prohibits the maintaining of segregated facilities.

SIGNATURE REQUIRED: This proposal cannot be considered valid unless signed and dated by an authorized agent of the offeror. Type or print the signatory's name, title, address, phone number and fax number in the spaces provided. Offers signed by an agent are to be accompanied by evidence of his/her authority unless such evidence has been previously furnished to the issuing office

PLEASE TYPE OR PRINT IN INK (EXCEPT SIGNATURE)

Name:	Email:	Telephone no:
Address (if bid is made by co., give co. name & address):		
Sales tax exempt no: <small>(if claiming exemption additional documentation will be required if you are the winning bidder)</small>	Date:	Signature:

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1.0 DEFINITIONS

The term "addenda" means written or graphic instructions issued by the University of Kentucky prior to the receipt of proposals that modify or interpret the RFP documents by additions, deletions, clarifications and/or corrections.

The term "competitive negotiations" means the method authorized in the Kentucky Revised Statutes, Chapter 45A.085.

The terms "offer" or "proposal" mean the offeror's/offers' response to this RFP.

The term "offeror" means the entity or contractor group submitting the proposal.

The term "contractor" means the entity receiving a contract award.

The term "purchasing agency" means the University of Kentucky, Procurement Services, Room 322 Peterson Service Building, Lexington, KY 40506-0005.

The term "purchasing official" means the University of Kentucky's appointed contracting representative.

The term "responsible offeror" means a person, company or corporation that has the capability in all respects to perform fully the contract requirements and the integrity and reliability that will assure good faith performance. In determining whether an offeror is responsible, the University may evaluate various factors including (but not limited to): financial resources; experience; organization; technical qualifications; available resources; record of performance; integrity; judgment; ability to perform successfully under the terms and conditions of the contract; adversarial relationship between the offeror and the University that is so serious and compelling that it may negatively impact the work performed under this RFP; or any other cause determined to be so serious and compelling as to affect the responsibility of the offeror.

The term "solicitation" means RFP.

The term "University" means University of Kentucky.

2.0 GENERAL OVERVIEW

NOTICE TO OFFERORS

To be accepted your response should be:

1. On this Official RFP Form
2. Signed and completed on the second page
3. Return two (2) original copy and one (1) USB Drive of the Proposal

2.1 Intent and Scope

.In accordance with Kentucky law, the University of Kentucky is soliciting proposals for the purchase of the laboratory equipment, computers, software, office equipment, consumables and all other tangible assets (the "Assets") of the University of Kentucky Equine Analytical Chemistry Laboratory (the "EACL") and to assume the lease for the EACL facility located in the CoRE building, 824 Bull Lea Run, Ste. 105, Lexington, KY 40511.

The EACL is located in Lexington, Kentucky on UK's Coldstream Research Campus. It serves a diverse equine clientele from the performance horse and racehorse industries, offering analytical chemistry and drug testing services that meet the highest industry standards, promote the integrity of the equine industry and safeguard the health and welfare of the equine athletes. The EACL operates out of a two-year-old, 8,000 square foot facility located in the CoRE building, 824 Bull Lea Run, Ste. 105, Lexington, KY 40511. The facility is outfitted with state-of-the-art equipment and software, and staffed by a highly-trained group of scientists, analysts and administrators.

Proposals shall include:

- The purchase of all tangible assets of the EACL, including its laboratory equipment, its office equipment and its computing resources; see attached Exhibit A and
- The assumption of the lease for the space currently occupied by the lab in the CoRE building at 824 Bull Lea Run, Ste. 105, Lexington, KY 40511; see attached Exhibit B.

A strong preference will be given to proposals that include:

- A commitment to continue to operate as an analytical chemistry laboratory serving the equine industry;
- A track record of running an analytical chemistry lab of similar size and scope in a highly-regulated environment;
- A commitment to hire the existing EACL staff, allowing them to remain in their current positions (please see employee list attached as Exhibit C);
- A commitment to collaborate with the Martin-Gatton College of Agriculture, Food and Environment (M-G CAFE) on scientific research that supports the equine industry and the testing done by the lab; and
- The creation of operational and scientific advisory boards with membership that includes M-G CAFE and other industry stakeholders.

3.0 TERMS AND CONDITIONS

1. Proposal Submittal

Proposals must be received by the University of Kentucky Purchasing Division no later than 3 p.m. Lexington, KY time on 11/22/2024

The face of the envelope containing the proposal must be addressed to:
University of Kentucky Bid Clerk
Purchasing Division
Room 322 Peterson Service Building
RFP Number – RE-0214-25
Lexington, KY 40506-0005

2. Proposal Form

- a) All proposals should be submitted on the Bid Proposal Form contained in this Request for Proposal. The proposal should include Page 1 of this RFP, executed on behalf of the offeror, and the signed Bid Proposal Form.
- b) A single non-conditional lump sum offeror must be submitted for the Assets. No bid contingencies shall be permitted (e.g. financing, inspections). The terms of purchase are strictly cash only upon closing.

3. Bid Deposit and Performance Guarantee

- a) A certified check made payable to the University of Kentucky in the amount of 1% of the offeror price must accompany each offeror as a good faith deposit. To guarantee performance, the successful offeror must provide, within fourteen (14) days after the RFP opening date, an Irrevocable Letter of Credit in the amount of twenty (20%) percent of the offered price, in favor of the University of Kentucky. The Irrevocable Letter of Credit must be from a generally recognized lending institution (member FDIC) acceptable in form and content to the University's Office of Legal Counsel. Upon receipt and approval of the Letter of Credit, the one (1 %) percent good faith deposit made payable to the University of Kentucky will be immediately refunded. Failure to close in accordance with the sales contract will authorize the University to exercise its rights under the Irrevocable Letter of Credit and draw against the account of the offeror in an amount equal to twenty (20%) percent of the offered price.
- b) Checks from unsuccessful offerors will be returned the following business day after the RFP opening. Checks may be picked up in the Office of the Purchasing Director, Room 322 Peterson Service Building, between the hours of 8 a.m. and 5 p.m. Checks not picked up will be returned by mail. Proper identification must be made when picking up checks and a receipt must be signed.

4. Requirements of the Sale

- a) Sale of the Assets is contingent upon approval by the University of Kentucky Board of Trustees, which approval will be sought at the December 2-3, 2024, Board meeting.

- b) The Assets are offered for sale and will be sold “as is and where is” without representation, warranty, or guarantee or that the Assets are in condition or fit to be used for the purpose intended. By submitted a proposal, Offeror agrees that it will release the University of Kentucky from all responsibility and liability regarding the condition of the Assets, including but not limited to the presence of any substances that have been or may in the future be determined to be toxic, hazardous, subject to regulation, or may be required to be removed under federal, state, or local laws or regulations. Offerors are responsible to verify that any information contained in this RFP is to be relied upon and essentially correct.
- c) By submitting a proposal, the offeror represents and warrants the offeror is prepared to carry out the terms of the proposal if accepted by the University, the offeror has made its own investigation of the Assets as to location, value, zoning and other conditions, and the offeror is making such proposal based upon its own findings and not on any representations made by the University.

5. Withdrawal of Proposal

Proposals may be withdrawn prior to the date and time set for opening of the proposals. Proper identification and authorization to withdraw the proposal must be presented and accepted prior to the return of any proposal.

6. Term of Acceptance

The successful Offeror must not limit the time of acceptance of the proposal to less than ninety (90) days. This RFP, the successful offerors Proposal Form, and the University’s written acceptance shall constitute the sale and purchase contract documents.

7. Acceptance of Offeror

- a) The University intends to accept the responsive and responsible offer with the best value cash offer, at the sole discretion of the University, in accordance with applicable state law(s).
- b) The University reserves the right to accept the next best value offer proposed without further bidding procedures if the first selected responsive and responsible offeror fails to close the transaction pursuant to the sales contract.

8. Rejection of Proposals and Waiver of Informalities and Irregularities

The University reserves the right to accept or reject any and all proposals. At its discretion, the University may waive any informality or irregularity and accept any proposal it deems to be in the University’s best interest. The University may request any offeror to supply additional information in order to determine the best offer.

9. Late Bids

Bids received in the office of Procurement Services after 3p.m. Lexington time on 11/22/2024, will not be considered.

10. Bid Opening

Bids will be opened publicly in Room 379 of the Peterson Service Building on 11/22/2024 at 3 p.m. Lexington time. All bids must be turned in to Room 322 Peterson Service Building.

11. Required Submittals

The offeror should include the following information with their proposal:

- a) Names and addresses of the individual owners, partners or officers of the firm or corporation who propose to purchase the Assets.
- b) A certified check for 1% of the offeror, made payable to the University of Kentucky.

12. Broker's Commission

The University will allow the use of duly licensed business brokers in the purchase of the Assets. Payment of commissions or broker's fees is the responsibility of the offeror.

13. Taxes

The successful offeror shall be responsible for any taxes assessed following closing.

The successful offeror shall report Tax Increment Financing information annually as required in the lease; see the attached Exhibit B.

14. Final Closing

Final closing should be within thirty (30 to 45) days from the date the offeror has been notified that all necessary approvals for acceptance of the proposal have been obtained.

15. Questions

All questions or other communication concerning this Request for Proposal should be addressed to:

Rebecca Purcell
Category Specialist
University of Kentucky
Purchasing Division
Room 322 Peterson Service Building
Lexington, KY 40506-0005
Telephone: (859) 257-5479
E-mail: rpurcell@uky.edu

16. Interpretation of Request for Proposal Document

Any person contemplating submitting a proposal, pursuant to this RFP, who is in doubt as to the true meaning of any part of the document may submit a written request for an interpretation thereof. Any interpretation or correction of the document will be made only by written addendum. The University will not be responsible for any other explanations or interpretation of the documents.

17. Site Visit

A site visit will be held at the EACL, located at the CoRE building, 824 Bull Lea Run, Ste. 105, Lexington, KY 40511 on Monday, November 11, 2024 from 10:00 a.m. until 11:00 a.m. Eastern Standard Time to allow prospective offerors an opportunity to see the facility and Assets.

The following items should be noted in reference to the site visit:

- Attendance at the site visit is optional.

4.0 BID PROPOSAL FORM

FOR THE PURCHASE OF THE LABORATORY EQUIPMENT, COMPUTERS, SOFTWARE, OFFICE EQUIPMENT, CONSUMABLES AND ALL OTHER TANGIBLE ASSETS OF THE UNIVERSITY OF KENTUCKY EQUINE ANALYTICAL CHEMISTRY LABORATORY (the "EACL") AND TO ASSUME THE LEASE FOR THE EACL FACILITY LOCATED IN THE CORE BUILDING, 824 BULL LEA RUN, STE. 105, LEXINGTON, KY 40511.

UNIVERSITY OF KENTUCKY
Request for Proposal NO. RE-0214-25

\$ _____

*** This total must be the net amount payable to the University and shall EXCLUDE any and all commissions or fees which shall be paid by bidder.**

SIGNATURE: _____

SIGNER'S NAME: _____

COMPANY: _____

DATE: _____