

**NOTICE OF DEFAULT  
(PUR 9999)**

**FROM:**

Agency: Department of Environmental Protection  
Agency Contact Name & Title: Janice Pursley, Commodities Administrator  
Address: 3800 Commonwealth Blvd. MS 93, Tallahassee FL 32399  
Telephone: 850-245-2356  
Email: Janice.pursley@dep.state.fl.us

**TO:**

Vendor Name: I Color Printing & Mailing, Inc.  
Vendor Contact Name & Title: Sameer Khan, Account Manager/Adil Khan, Owner  
Address: 22873 Lockness Avenue, Torrance, CA 90501  
Telephone: 310-997-1452  
Email: Sameer@icolorprinting.net and/or adil@icolorprinting.net

**ADDITIONAL INFORMATION**

DEP Solicitation Number 2012009C

This Notice of Default is based on written emails advising the vendor that they could not withdraw their bid from the agency identified above. A copy of the emails are attached.

**AGENCY DECISION**

Your firm has been found in default on February 20, 2012. The agency will reprocore or has reprocored the commodities or services. Your firm will not be eligible for award of a contract by the agency until such time as the agency is reimbursed by your firm for all reprocorement costs and the agency is satisfied that further instances of default will not occur. Reprocorement costs (the amount of the reprocorement) total \$3,285.00. To satisfy the agency that further instances will not occur, provide a written corrective action plan addressing the original grounds for default.

**ADMINISTRATIVE REMEDIES**

You have the right to an administrative hearing regarding this matter, pursuant to Section 120.569 and 120.57, Florida Statutes. If you desire an administrative hearing, you must file a written "Petition for Administrative Hearing" within 21 days of receipt of this notice. A petition is filed when it is received by the Department's Agency Clerk at the following address:

Lea Crandall, Agency Clerk  
Department of Environmental Protection  
3900 Commonwealth Blvd., MS 35  
Tallahassee, FL 32399

Failure to timely request a hearing will be deemed a waiver of your right to a hearing.  
This letter will become final agency action 21 calendar days after you receive it.  
Mediation pursuant to Section 120.573, Florida Statutes, is not available as an alternative  
remedy.

The Notice of Default has been submitted to the defaulting vendor. A copy of this notice  
has been sent to the Division of State Purchasing at [notices@dms.myflorida.com](mailto:notices@dms.myflorida.com).

RECEIVED  
DEP PROCUREMENT

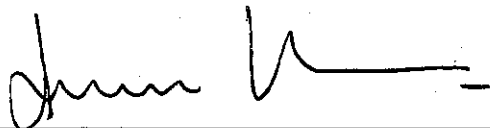
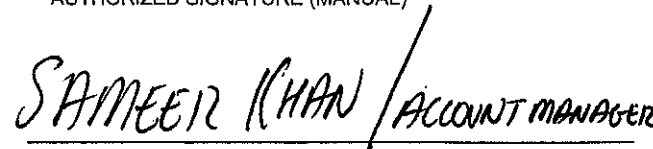
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**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
INVITATION TO BID  
COMMODITIES**

Page 1 of <u>30</u> pages	SUBMIT BID TO:  <b>Florida Department of Environmental Protection Procurement Section, Carr Building, Room 235 3800 Commonwealth Boulevard, MS#93 Tallahassee, Florida 32399-3000 Telephone Number: 850-245-2361</b>
AGENCY RELEASE DATE: <u>December 27, 2011</u>	
SOLICITATION TITLE: <b>PRINTING OF FLORIDA STATE PARK GUIDES</b>	SOLICITATION NO: <b>2012009C</b>

BIDS WILL BE OPENED: **WEDNESDAY, JANUARY 18, 2012 @ 3:00 PM**  
and may not be withdrawn within 90 days after such date and time.

VENDOR NAME: I COLOR PRINTING & MAILING, INC.		 *AUTHORIZED SIGNATURE (MANUAL)   *AUTHORIZED SIGNATURE (TYPED), TITLE  *This individual must have the authority to bind the respondent.
VENDOR MAILING ADDRESS: 22873 LOCKNESS AVENUE		
CITY - STATE - ZIP: TORRANCE, CA 90501		
PHONE NUMBER:	310.997.1452	
FREE NUMBER:		
FAX NUMBER:	310.997.1457	
EMAIL ADDRESS:	sameer@icolorprinting.net	
FEID NO.:	39-2068928	

TYPE OF BUSINESS ENTITY (Corporation, LLC, partnership, etc.): CORPORATION - CA

I certify that this bid is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a bid for the same materials, supplies, or equipment, and is in all respects fair and without collusion or fraud. I agree to abide by all conditions of this bid and certify that I am authorized to sign this bid for the bidder and that the bidder is in compliance with all requirements of the Invitation To Bid, including but not limited to, certification requirements. In submitting a bid to an agency for the State of Florida, the bidder offers and agrees that if the bid is accepted, the bidder will convey, sell, assign or transfer to the State of Florida all rights, title and interest in and to all causes of action it may now or hereafter acquire under the Anti-trust laws of the United States and the State of Florida for price fixing relating to the particular commodities or services purchased or acquired by the State of Florida. At the State's discretion, such assignment shall be made and become effective at the time the purchasing agency tenders final payment to the bidder.

**RESPONDENT CONTACTS:** Please provide the name, title, address, telephone number, and e-mail address of the official contact and an alternate, if available. These individuals shall be available to be contacted by telephone or attend meetings, as may be appropriate regarding the solicitation schedule.

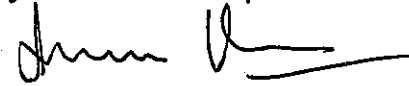
PRIMARY CONTACT: SAMEER KHAN		SECONDARY CONTACT:	
NAME, TITLE:	SAMEER KHAN / ACCOUNT MANAGER	NAME, TITLE:	
ADDRESS:	22873 LOCKNESS AVE, TORRANCE CA 90501	ADDRESS:	
PHONE NUMBER:	310.997.1452	PHONE NUMBER:	
FAX NUMBER:	310.997.1457	FAX NUMBER:	
EMAIL ADDRESS:	sameer@icolorprinting.net	EMAIL ADDRESS:	

**SECTION 6.00 BID SHEET**

Each section must be completed on the "Bid Sheet" or the bid shall be deemed non-responsive and therefore rejected. Award will be made to the responsive, responsible bidder offering the **lowest unit price per thousand** for the printing of Florida State Park Guides. The initial order is to be 225,000.

**NOTE: IF BIDDING EQUIVALENT, SAMPLES OF PAPER MUST ACCOMPANY BID OR BID MAY BE REJECTED.**

	(PRICE PER THOUSAND)
"FLORIDA STATE PARKS" GUIDE	\$366.00
	(4 PAGE LOTS)
AUTHOR CHANGES	\$60.00 HOUR
Specify Recycled Content of Paper	30% _____

Signature:  \_\_\_\_\_

Name of Vendor/Company: I COLOR PRINTING & MAILING, INC. \_\_\_\_\_

Printed/Typed Name of Authorized Signatory and Title: SAMEER KHAN / ACCOUNT MANAGER \_\_\_\_\_

**Footnotes, notations, and exceptions made on this form shall not be considered.**

**SOLICITATION 2012009C – PRINTING OF STATE PARK GUIDES**

**QUESTIONS AND ANSWER**

The following questions have been submitted:

1. "When was this bid last?"

Answer: October 7, 2010.

2. "Who is the current vendor?"

Answer: Solo Printing

3. "What is the current contract price and for how many?"

Answer: \$367.00 per thousand for a quantity of 250,000.

4. "Did the Department order any additional quantities over and above the bid amount?"

Answer: We ordered 20,000 additional park guides.

5. "Do all of these delivery addresses have raised docks to receive truck deliveries? We will need to know if a lift gate is required for any of these deliveries."

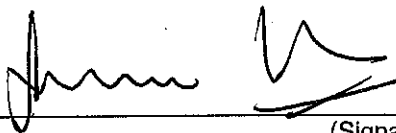
Answer: All of the deliveries will require a lift gate.

**SECTION 7.00 CERTIFICATION OF DRUG-FREE WORKPLACE**

Preference shall be given to businesses with drug-free workplace programs. Whenever two or more bids, which are equal with respect to price, quality, and service, are received by the State or by any political subdivision for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie bids will be followed if none of the tied vendors have a drug-free workplace program. In order to have a drug-free workplace program, a business shall:

- (1) Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against the employees for violations of such prohibition.
- (2) Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
- (3) Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
- (4) In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
- (5) Impose a sanction on, or require the satisfactory participation, in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
- (6) Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this vendor complies fully with the above requirements.



(Signature)

SAMEER KHAN

(Type Name)

I COLOR PRINTING & MAILING, INC.

(Company Name)

22873 LOCKNESS AVE.

(Address)

TORRANCE, CA 90501

(City, State Zip)

## Pursley, Janice

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**From:** Pursley, Janice  
**Sent:** Monday, February 20, 2012 4:57 PM  
**To:** 'Adil Khan'  
**Cc:** Wiseheart, Marshall; Godfrey, Gwenn; Heggen, Ruth; Hale, Rebecca  
**Subject:** RE: PRINTING OF FLORIDA STATE PARK GUIDES  
**Attachments:** I Color Printing, Inc - PUR9999[1].pdf

Mr. Khan,

This changes nothing. You are still required to comply with the bid and upon submittal you agreed to all the terms and conditions of the solicitation as outlined in Section 3.01, General Information. In Section 2.14, Firm Response, it states responses shall remain firm and shall not be withdrawn.

If you do not comply, you will be found in default and will be responsible for paying reprourement costs of \$3,285.00. This is the difference between what your company bid and the next responsive bidder selected by the Agency. You will remain on the Suspended Vendors' List in accordance with 60A-1.006, Florida Administrative Code until which time the reprourement costs have been paid.

I have attached a "Notice of Default" and have filed the same with the Division of State Purchasing.

Janice Pursley

Janice Pursley, FCPA, FCPM, CPPB  
Commodities Administrator  
Department of Environmental Protection  
850-245-2356  
850-245-2412 (fax)  
[janice.pursley@dep.state.fl.us](mailto:janice.pursley@dep.state.fl.us)

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**From:** Adil Khan [<mailto:adil@icolorprinting.net>]  
**Sent:** Thursday, February 16, 2012 5:46 PM  
**To:** Pursley, Janice  
**Subject:** PRINTING OF FLORIDA STATE PARK GUIDES

Hi Janice -

Per our telephone conversation today at 2:05pm (PST), I was instructed to respond via email to our discussion.

After reviewing the Solicitation No. 2012009C, I have found that there is an error in our bid submission. As discussed, this error is due to the bid not being tabulated correctly, hence the reflection in the incorrect pricing. Furthermore, there is not an overlook on the basis of knowledge of the conditions or requirements that this solicitation had called for. There was a human error when tabulating the components to obtain the final pricing. Upon request in writing, a copy of the original bid sheet can be provided as evidence of the erroneous pricing.

We strive to provide the highest level of service possible to all our clients, unfortunately due to this error we are unable to perform under this proposed contract. Thank you.

Regards,



**ADIL KHAN** | *President*

**iColor Printing & Mailing Inc.**

Main: 866.544.1750 | Fax: 310.997.1457

[www.icolorprinting.net](http://www.icolorprinting.net)

**Pursley, Janice**

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**From:** Sameer Khan [sameer@icolorprinting.net]  
**Sent:** Wednesday, February 08, 2012 5:19 PM  
**To:** Pursley, Janice  
**Subject:** Re: DEP Solicitation Number 2012009C

Hi Janice,

I received your message. Please confirm the time 12:30pm PST? for our phone appointment?

Thank you.

Sameer Khan  
iColor Printing & Mailing, Inc.  
Torrance, CA 90501  
Tel: (310) 997-1452 ext. 28

----- Original Message -----

**From:** Pursley, Janice  
**To:** Sameer Khan  
**Cc:** Hale, Rebecca  
**Sent:** Monday, February 06, 2012 6:11 AM  
**Subject:** DEP Solicitation Number 2012009C

Mr. Khan,

I have reviewed the email correspondence between you and Becky Hale, Purchasing Specialist, regarding the contract award to your company, iColor Printing & Mailing, Inc.

You have been advised that when you submitted your bid you agreed to all the terms and conditions of the solicitation as outlined in Section 3.01, General Information. In Section 2.14, Firm Response, it states responses shall remain firm and shall not be withdrawn. The specifications regarding paper is covered in Section 3.03, Paper, stating the text paper shall be 50# #4 Gloss White. In Section 6.0 in bold print it is noted that if bidding an equivalent, samples of paper must accompany bid.

Please be advised that you cannot withdraw your bid and must comply with the terms and conditions of the solicitation and print the park guides per specifications. This is to notify you that you have ten (10) days to respond in writing or to commence performance. If not received, you will be found in default and removed from the agency's approved vendor list in accordance with 60A-1.006, F.A.C.

If you fail to respond within ten (10) days, you will be found in default and you will be responsible for reprourement costs. This means you will be responsible to pay the difference in your bid award amount and the amount of the next bidder selected by the Agency.

Kindly govern yourself accordingly,

Janice Pursley

Janice Pursley, FCPA, FCPM, CPPB  
Commodities Administrator  
Department of Environmental Protection  
850-245-2356

## Hale, Rebecca

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**From:** Hale, Rebecca  
**Sent:** Tuesday, January 31, 2012 4:04 PM  
**To:** 'Sameer Khan'  
**Subject:** RE: Solicitation Number: 2012009C

Sameer,

I understand that you would like to withdraw your submittal for Solicitation 2012009C due to the reasons you listed below. However, when you submitted your bid you agreed to all of the terms and conditions of this solicitation. In Section 2.14, Firm Response, it states responses shall remain firm and shall not be withdrawn.

In response to your additional question regarding Section 3.03, Paper, the text paper shall be 50# #4 Gloss White. If you had wished to offer a equivalent for approval it was to be submitted with your bid. The bid states clearly what weight of paper that must be used for the printing of these guides.

You cannot withdraw your bid and must comply with the terms and conditions of the solicitation.

Thank you,  
Becky

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**From:** Sameer Khan [<mailto:sameer@icolorprinting.net>]  
**Sent:** Friday, January 27, 2012 3:37 PM  
**To:** Hale, Rebecca  
**Subject:** Re: Solicitation Number: 2012009C

Hi Becky,

We have reviewed the subject bid again and would like to withdraw from it. The reason is due to our busy schedule on our web press, hence cannot accommodate the delivery within time frame requested. We apologize for any inconvenience caused. Thank you and look forward participating future bids.

Sameer Khan  
iColor Printing & Mailing, Inc.  
Torrance, CA 90501  
Tel: (310) 997-1452 ext. 28

----- Original Message -----

**From:** Hale, Rebecca  
**To:** Sameer Khan  
**Sent:** Thursday, January 26, 2012 7:15 AM  
**Subject:** RE: Solicitation Number: 2012009C

Sameer,

I apologize for not responding to your email earlier but once the bid results are posted we cannot have contact with the vendors during 72 hours posting period. You were the low bidder and the contract was awarded to you. However, before we can issue your company a purchase order for the printing of park guides your company must complete a couple of things.

1. As stated in Section 1.16 of the solicitation document a vendor must submit a state project plan before a purchase order can be issued. It can be a simple one page document that says "State Project Plan" with a simple statement for each of the five items. If an item does not apply to your organization state N/A. Once, completed email to me.

2. In order for a vendor to receive payments or purchase orders from the State of Florida a vendor must have a valid W-9 on file with the State of Florida-Department of Financial Services. Below is the link and information on the process. At your earliest convenience please complete this process.

"To continue receiving payments from the State of Florida, the Florida Department of Financial Services (DFS) is requiring all vendors to submit a new electronic Substitute Form W-9. Purchase orders or payments from the State of Florida will not be issued to vendors who have failed to submit a new electronic Substitute Form W-9. Previously submitted paper W-9 forms do not fulfill this new requirement, online submittal of the electronic form is required. Go to <https://flvendor.myfloridacfo.com> to register and submit a new Substitute Form W-9. For assistance, contact the DFS customer service desk at (850) 413-5519 or [FLW9@myfloridacfo.com](mailto:FLW9@myfloridacfo.com)"

Once, I have a state project plan and see that you have a valid W-9 on file we will issue a purchase order. The contact person for the printing of the guides is Patti Cross, Rec & Parks she will be in touch with you regarding the artwork files, etc. If you have any questions please do not hesitate to give me a call.

Thank you,  
Becky

Becky Hale, C.P.M., CPPB  
Department of Environmental Protection  
Purchasing  
3900 Commonwealth Blvd  
MS93  
Tallahassee, Florida 32399  
Phone: 850-245-2367  
Fax: 850-245-2412

From: Sameer Khan [<mailto:sameer@icolorprinting.net>]  
Sent: Tuesday, January 24, 2012 12:56 PM  
To: Hale, Rebecca  
Subject: Re: Solicitation Number: 2012009C

Hi Rebecca,

Could you please update us on the bid results upon available.

Thank you.

Sameer Khan  
iColor Printing & Mailing, Inc.  
Torrance, CA 90501  
Tel: (310) 997-1452 ext. 28

----- Original Message -----

From: Customer Service @ Icolor  
To: Sameer Khan  
Sent: Tuesday, January 17, 2012 12:32 PM  
Subject: Fw: Solicitation Number: 2012009C

Darlene Barral  
Customer Service  
iColor Printing & Mailing  
T.310-997-1452

F.310-997-1457

[customerservice@icolorprinting.net](mailto:customerservice@icolorprinting.net)

----- Original Message -----

From: Hale, Rebecca

To: Customer Service

Sent: Tuesday, January 17, 2012 12:06 PM

Subject: RE: Solicitation Number: 2012009C

[http://www.myflorida.com/apps/vbs/vbs\\_www.ad.view\\_ad?advertisement\\_key\\_num=98204](http://www.myflorida.com/apps/vbs/vbs_www.ad.view_ad?advertisement_key_num=98204)

Click on link. Scroll to bottom. If you have problems let me know.

Please take a few minutes to share your comments on the service you received from the department by clicking on this link. DEP Customer Survey.

From: Customer Service @ Icolor [<mailto:customerservice@icolorprinting.net>]

Sent: Tuesday, January 17, 2012 2:25 PM

To: Hale, Rebecca

Subject: Solicitation Number: 2012009C

Hi Ms. Hale

I am emailing as well as left a message concerning this bid.

We are trying to get on the website, but unable. Check for Amendments.

Also, can you please provide last years bid results?

Thank you,

Darlene Barral

Customer Service

iColor Printing & Mailing

T.310-997-1452

F.310-997-1457

[customerservice@icolorprinting.net](mailto:customerservice@icolorprinting.net)

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