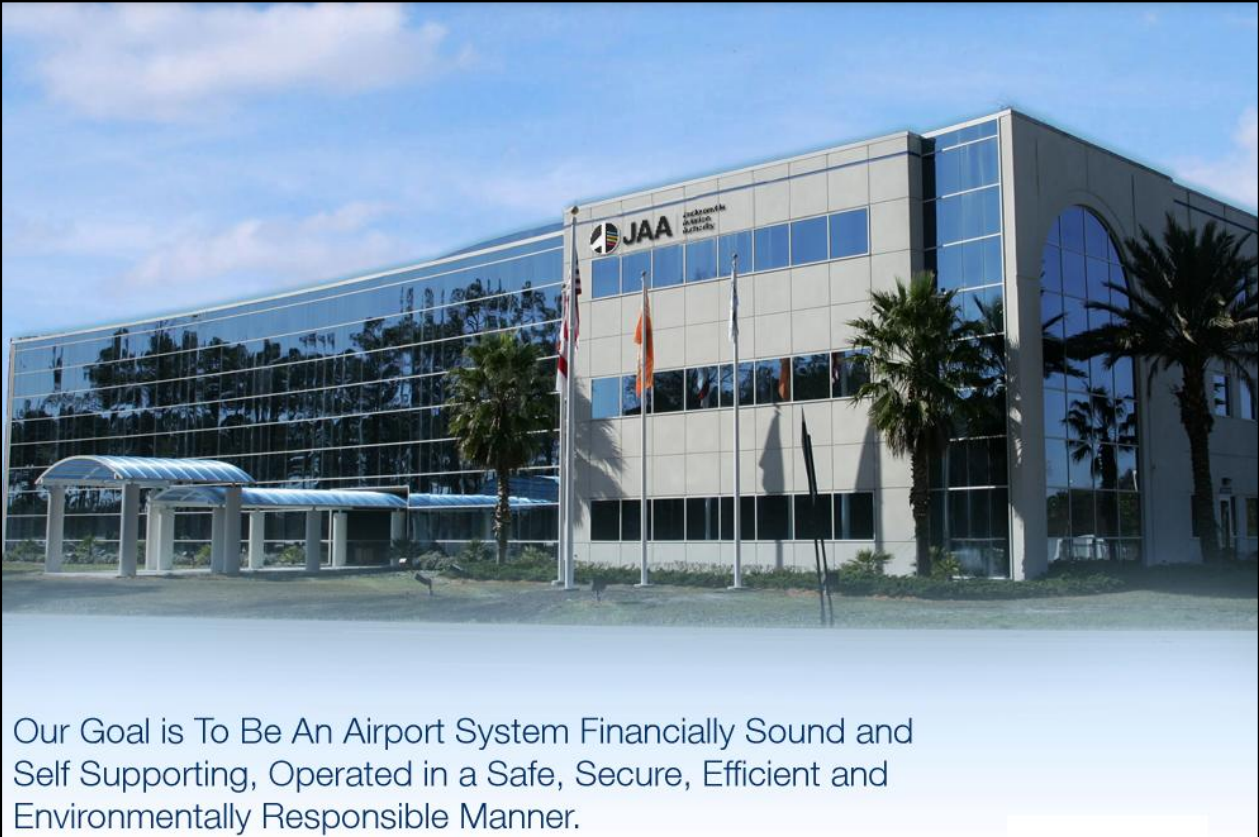




PROCUREMENT CODE

Second Edition; Effective Date: January 1, 2015



Our Goal is To Be An Airport System Financially Sound and Self Supporting, Operated in a Safe, Secure, Efficient and Environmentally Responsible Manner.



The Jacksonville Aviation Authority ("JAA") has adopted the following procurement rules, processes and procedures for the general purpose of: (i) ensuring that its purchases are fair, ethical, open and transparent; (ii) preventing abuses and favoritism; and (iii) promoting the most economical and effective use of its resources by procuring the highest quality of goods and services at the greatest economic value. By its implementation and compliance with this Procurement Code, JAA desires and will endeavor to inspire internal and public confidence that the commodities and contractual services needed to conduct its business are solicited and awarded in an equitable, efficient and economical manner.

Nothing contained herein shall prevent JAA from complying with applicable federal, state and local laws, ordinances, rules and regulations. Questions regarding the construction and/or applicability of this Procurement Code should be addressed to JAA's Chief Legal Officer or its Director of Procurement.

JAA Department of Procurement 14201 Pecan Park Road, Jax. FL 32218 904.741.3589

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Article 1 – Short Title and Purpose

Sec. 1.00 – Short title.

These procedures shall be known and may be cited as the Jacksonville Aviation Authority’s Procurement Code.

Sec. 1.01 – Purpose, interpretation, public access, examination of records.

A.	<i>Purpose</i>	<p>The purpose of the Jacksonville Aviation Authority’s (“JAA”) Procurement Code is to:</p> <ol style="list-style-type: none"> (1) Provide objective and flexible standards, procedures and methods for the procurement of goods and services necessary for the accomplishment of JAA’s duties and responsibilities; (2) Permit the continued development and refinement of procurement policies and practices; (3) Provide for increased efficiencies and confidence in centralized procurement; (4) Ensure that fair, equitable, ethical, open and transparent competition exists amongst those who desire to do business with JAA, including without limitation local, small and minority businesses; (5) Prevent abuses and favoritism, while promoting the most economical, effective and efficient use of JAA resources, in procuring the highest quality of goods and services at the greatest economic value to and in the best interest of JAA; and (6) Safeguard the overall quality and integrity of the procurement process. <p>Nothing contained herein shall prevent JAA from complying with the terms and conditions of any grant, gift or bequest, the solicitation, purchase, or acquisition of which is required to be conducted in accordance with federal or state laws or regulations that are not reflected herein.</p>
B.	<i>Centralized procurement</i>	<p>JAA hereby establishes a centralized procurement system whereby the procurement of goods and services shall be done by the Procurement Department in accordance with this Procurement Code and established operational practices.</p>
C.	<i>Purchasing manual</i>	<p>Consistent with the requirements contained herein and with the approval of JAA’s CEO, operational procedures relating to the execution of this Procurement Code may be set forth in a purchasing manual if deemed necessary.</p>
D.	<i>Interpretation</i>	<p>JAA is responsible for the official interpretation of this Procurement Code and reserves the right to revise these procedures and guidelines at any time with or without notice. Questions regarding the application of these procedures should be directed to the Procurement Department. To the extent any provision herein is in direct conflict with Chapter 255, Chapter 287, or any other applicable Florida Statute, Florida Statutes shall govern and control.</p>
E.	<i>Public access</i>	<p>Public access to solicitation documents, bids, proposals and other information related to JAA’s procurement process is governed by the Public Records Law, F.S. Ch. 119, which generally provides that:</p> <ol style="list-style-type: none"> (1) sealed bids, proposals, or replies received by JAA are exempt from public access until such time as JAA provides notice of an intended decision or until 30 days after opening the bids, proposals, or final replies, whichever is earlier; and (2) to the extent JAA rejects all bids, proposals, or replies and it concurrently provides notice of its intent to reissue the competitive solicitation, the rejected bids, proposals, or replies remain exempt from public access until such time as JAA provides notice of an intended decision concerning the reissued competitive solicitation or until the agency withdraws the reissued competitive solicitation. <p>Specific language that vendors shall comply with all applicable federal, state and local laws, rules and regulations as the same exist or as may be amended from time to time, including, but</p>

		not limited to the Public Records Law, F.S. Ch. 119, shall be included in all JAA contracts.
F.	<i>Access to and examination of records of certain vendors</i>	A person or entity providing capital improvements, contractual services, supplies, professional auditing services, professional design services, or professional services to JAA shall agree, or be deemed to have agreed by virtue of doing business under an agreement with the JAA, to allow reasonable and required access for the examination of business records directly or indirectly applicable to the services provided until the expiration of three years after final payment for said services.

Article 2 – General

Sec. 2.01 – Appointment, duties and responsibilities of the Director of Procurement

A.	<i>Appointment</i>	There is hereby established the position of Director of Procurement with the duties and responsibilities established herein.
B.	<i>Duties and responsibilities</i>	<p>It shall be the duty of the Director of Procurement to:</p> <ol style="list-style-type: none"> (1) Manage the general procurement, award, transfer, recycle, surplus and sale of supplies and services required by JAA and its departments, in accordance with this Procurement Code; (2) Prepare and enforce standard specifications with respect to JAA’s solicitation documents; (3) Procure the highest quality of supplies, contractual services, professional services and capital improvements at the greatest economic value to and in the best interest of JAA; (4) Ensure compliance with the Procurement Code and applicable laws, statutes, rules, regulations, policies and procedures, declaring persons and/or entities who violate the same or who default on their bid, proposal, award and/or contract obligations to be irresponsible and recommending appropriate disciplinary measures to the applicable awards or evaluation committee and/or to the CEO or his/her designee; (5) Prepare and publish rules and regulations governing bid protests; (6) Prepare and publish processes and procedures for the assignment and utilization of procurement cards; (7) Keep informed of pricing, market conditions, products, innovation, best practices and current developments in the field of procurement; (8) Prepare and maintain a current file of sources, supplies and services, to which suppliers, vendors, contractors and other persons and/or entities may request to be included; and (9) Perform such other duties and responsibilities as may be assigned by the CEO or his/her designee in connection with the procurement of goods and services for JAA.

Sec. 2.02 - Definitions.

As used in this Procurement Code:

A.	<i>Capital improvement or construction project</i>	A public improvement undertaken by a using department that includes, without limitation, the construction or reconstruction, in whole or in part, of a building, road, bridge, street or water, sewer or storm-water facility or a similar physical structure or facility necessary for the performance of the activities, duties, or responsibilities of JAA.
B.	<i>CEO</i>	JAA’s Chief Executive Officer/CEO.
C.	<i>Contractual services</i>	The rental, repair and maintenance of equipment and property required by using departments but not furnished by their own employees, as well as utilities and other services of all types, including types not enumerated herein. This term shall not include supplies, professional

		services, or capital improvements as defined herein.
D.	<i>Department</i>	JAA's Department of Procurement (also referred to as "Procurement").
E.	<i>Design-Bid-Build</i>	A project delivery method or approach involving the sequential award of separate contracts, the first for architectural, engineering, or professional design services to design the project and the second for the construction of the project in accordance with the previously awarded professional design services.
F.	<i>Design-Build</i>	A project delivery method or approach involving a single design-build contract for both the design and construction of a project.
G.	<i>Design-Build firm</i>	A partnership, corporation, or other legal entity which is certified under: (i) FS § 489.119 to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or (ii) FS § 471.023 to practice or to offer to practice engineering; FS § 481.219 to practice or offer to practice architecture; or FS § 481.319 to practice or to offer to practice landscape architecture.
H.	<i>Design criteria package or the design requirements</i>	<p>Concise, performance-oriented drawings or specifications of the public construction project, the purpose of which is to furnish sufficient information so as to permit design-build firms to prepare a bid or a response to a request for proposal, or to permit JAA to enter into a design-build contract. The design criteria package should specify such performance-based criteria as may be applicable for the public construction project, such as:</p> <ol style="list-style-type: none"> (1) the legal description of the site; (2) survey information concerning the site; (3) interior space requirements; (4) material quality standards; (5) schematic layouts and features; (6) functions, characteristics and other conceptual design criteria of the project; (7) cost or budget estimates for design, construction and, if applicable, operation and maintenance; (8) anticipated schedule(s) of design and construction components, including durations and start and completion dates; and (9) site development requirements, provisions of utilities, storm-water retention and disposal, and parking requirements. <p>While similar to a design criteria package, "design requirements" are generally used as part of a design-build qualifications-based selection process, are prepared by a licensed design professional appropriate to the project and are not as extensive as a design criteria package.</p>
I.	<i>Design criteria professional</i>	A employee or firm who holds a current certificate of registration under F.S. Ch. 481, to practice architecture or landscape architecture or a firm who holds a current certificate as a registered engineer under F.S. Ch. 471, to practice engineering and who is employed by or under contract to JAA for the provision of professional architect services, landscape architect services, or engineering services in connection with the preparation of the design criteria package.
J.	<i>Development documents</i>	Design related drawings and other documents provided in response to an RFP generally related to the solicitation of design-build services, which are sufficient for JAA to evaluate compliance with the design requirements or design criteria package, and which establishes the site, size, capacity, features, functions and other characteristics of the project as to utility, infrastructure, landscaping, architectural, structural, mechanical, fire suppression, electrical, telecommunication, data, security and other project systems, materials and components typical to the design-build delivery method or approach.

K.	Director	JAA's Director of Procurement.
L.	Electronic posting	The posting of solicitations, addenda, decisions or intended decisions, awards, or other matters related to procurement on a website or media outlet designated by JAA for this purpose.
M.	Emergency	An immediate danger to the public health, safety, or welfare, an immediate danger of loss of public or private property, a reasonably unforeseen breakdown in machinery, a reasonably unforeseen threatened curtailment, diminution, or termination of an essential JAA service, the reasonably unforeseen development of a dangerous condition or the development of a reasonably unforeseen circumstance that threatens the curtailment or diminution of an essential governmental service or of deposits and investments of JAA capital or other threatened losses to JAA that, in the opinion of the CEO or his/her designee or the Director, require emergency action.
N.	Formal purchases	<p>A solicitation or contract award with estimated costs or fees in excess of the following threshold amounts:</p> <ol style="list-style-type: none"> (1) Capital improvement or construction projects with estimated costs in excess of \$50,000, in accordance with § 10(1), JAA Charter; (2) Supplies, professional auditing services, professional services, or contractual services, as defined herein, with estimated costs or fees in excess of \$25,000, in accordance with § 10(2), JAA Charter; and (3) Professional design services, as defined herein, with estimated construction project costs in excess of F.S. § 287.017, for Category Five (currently \$325,000) or with estimated fees for a planning or study activity in excess of F.S. § 287.017, for Category Two (currently \$35,000). <p><i>Formal purchases shall be publicly noticed or advertised and competitively procured as provided herein. No formal project, award, purchase order, contract, or agreement shall be subdivided to avoid this requirement.</i></p>
O.	Informal purchases by category	<p>A small purchase or award, the price, costs, or dollar amount of which is beneath the formal threshold amounts outlined in § 2.02(N), hereof. Informal purchases are divided into the following categories:</p> <ol style="list-style-type: none"> (1) CATEGORY "A" – Less than \$1,000; (2) CATEGORY "B" – Greater than or equal to \$1,000 and less than \$2,500; (3) CATEGORY "C" – Greater than or equal to \$2,500 and less than \$10,000; (4) CATEGORY "D" – Greater than or equal to \$10,000 and less than \$25,000; and (5) CATEGORY "E" – Greater than or equal to \$25,000 and less than \$50,000.
P.	JAA	Jacksonville Aviation Authority.
Q.	Local Business or Local Bidder	A person, firm, corporation or other business entity duly licensed and authorized to engage in the particular business at issue, which has been in business and maintained its permanent place of business in JAA's Normal Market Area or the NMA for a minimum of one (1) year prior to the solicitation release date and has at least three (3) full-time employees living in the NMA. The Local Business shall perform or operate on a day-to-day basis and provide a substantial component of the goods or services which are being procured by JAA.
R.	Lowest responsible bidder or proposer	Does not require JAA to make an award to the "lowest dollars and cents" bidder or proposer, but permits JAA to consider whether a particular bidder is "responsible" or "competent" based on factors, including but not limited to evidence of the bidder or proposer's honesty and integrity regarding faithful contract performance, skill and business judgment, experience, facilities and the quality of work performed on past projects or contracts.

S.	<i>May</i>	Denotes the permissive.
T.	<i>Must</i>	Denotes the imperative.
U.	<i>NMA</i>	JAA's Normal Market Area, which consists of Baker, Clay, Flagler, Duval, Nassau, Putnam and St. Johns counties.
V.	<i>Professional audit services</i>	Services related to conducting an annual financial audit, which services are required to be solicited in accordance with § 218.391, Florida Statutes, as it may be amended from time to time.
W.	<i>Professional design services</i>	Services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of the State of Florida, or those services performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice.
X.	<i>Professional services</i>	Services other than those defined herein as "professional audit services" and "professional design services," the value of which is substantially measured by the professional competence of the person or entity performing them and which are not susceptible to realistic competition by cost of services alone. Professional services will generally include, without limitation, services customarily rendered by medical practitioners or professionals; certified public accountants; attorneys; financial, political, personnel, software and system applications; planning, electronic, technology, technical and management consultants, and insurance brokers who consult, structure coverage and assist in the procurement of insurance.
Y.	<i>Public Notice or Advertisement for formal purchases</i>	<p>The distribution or dissemination of information using methods that are reasonably available and accessible, including, without limitation, publication in newspapers of general circulation, electronic or paper mailing lists, or posting on a designated website or in a conspicuous place that is readily accessible by the public. Unless otherwise required by law or provided herein, the Department shall publish JAA's solicitation of formal purchases, at a minimum, in a local newspaper of general circulation within Duval County, in accordance with the following:</p> <ol style="list-style-type: none"> (1) Less than \$200,000 – at least once a week for two consecutive weeks or 14 calendar days prior to the public opening date set forth in the solicitation; (2) \$200,000 - \$500,000 – at least 21 calendar days prior to the public opening date set forth in the solicitation and at least five calendar days prior to any scheduled pre-bid or pre-proposal conference; or (3) Greater than \$500,000 – at least 30 calendar days prior to the public opening date set forth in the solicitation and at least five calendar days prior to any scheduled pre-bid or pre-proposal conference.
Z.	<i>Renewal or extension</i>	JAA's decision to continue an existing contractual relationship with the same vendor for an additional contract period after the initial or previous contract period.
AA.	<i>Responsible bidder or proposer</i>	A person who possesses the capability in all respects to fully perform contract requirements and possesses the integrity and reliability which will assure good faith performance.
BB.	<i>Responsive bidder or proposer</i>	A bidder or proposer who has submitted a bid or proposal that conforms, in all material respects, to an invitation to bid or request for proposals.
CC.	<i>Shall</i>	Denotes the imperative.
DD.	<i>Supplies</i>	Commodities, materials, equipment and other tangible articles or items which shall be furnished to or used by a using department, including commercial printing, binding or

		publication of stationery, forms, journals and reports.
EE.	<i>Using department or end user</i>	The department, office, or other unit of JAA required by law or voluntarily requesting to utilize the services of the Department.

Sec. 2.03 – Execution, preservation and integrity in JAA’s procurement and contracting process.

A.	<i>Contract execution</i>	Contracts to which JAA is a party and which are not the subject of another provision of law, shall be in writing and shall be executed or signed by JAA’s CEO or his/her designee, as designated in the Delegation of Authority. JAA’s copy of executed contracts shall be preserved and maintained consistent with Florida law by the Department.
B.	<i>Delegation of authority</i>	JAA’s CEO or his/her designee shall have the discretion to delegate procurement and contract execution authority in writing and, in the exercise of this discretion, must proscribe monetary and/or subject matter limits.
C.	<i>Integrity in procurement and contracting</i>	<p>In recognition that the integrity of its public procurement and contracting processes are a matter of great public interest, JAA determines and declares that:</p> <ol style="list-style-type: none"> (1) The opportunity to compete for JAA contracts or to otherwise transact business with JAA is a privilege, not a right, which privilege may be denied to persons and/or entities that have engaged in certain public entity and similar crimes. (2) Unless the application of this Section shall be waived by the CEO upon the recommendation of the Awards Committee, JAA shall not enter into a contract with: <ol style="list-style-type: none"> a) an individual who has entered a plea of guilty, no contest or nolo contendere or has been convicted of a public entity crime, as defined in § 287.133, Florida Statutes, within the past three years by a local, state or federal court; b) a corporation, partnership or other business entity whose affairs and policies are legally or factually controlled by an individual (either directly or through intermediaries) who has entered a plea of guilty, no contest or nolo contendere or has been convicted of a public entity crime within the past three years in a local, state or federal court; c) a corporation, partnership or other business entity which is owned by a corporation, partnership or other business entity (either directly or indirectly through intermediaries) convicted of a public entity crime within the past three years; or d) an individual, company, partnership or other business entity who employs individuals who are not legally authorized to be in the United States of America. Any company, individual or entity entering into a contract with JAA shall verify all workers are properly authorized and legally permitted to perform work in the United States by E-Verify. e) Other restrictions as may be ascribed by federal, state, or local laws, statutes, ordinance, rules or regulations. <p>Any contract entered into in violation of this subsection is voidable at the option of the CEO upon the recommendation of the Awards Committee. For purposes of this section, to “own” means a 20 percent or more ownership interest.</p>

Sec. 2.04 – Conflict of interest.

A.	General	Any bid, proposal, or response to a formal or informal solicitation made pursuant to this Procurement Code shall include a statement under oath executed by the bidder, proposer, or provider of the response disclosing the names of any officers, employees and board members of JAA, who may have a private financial interest, directly or indirectly, in the award and/or subject matter of the bid, proposal, or response.
B.	Purchases	Any purchase order or contract awarded hereunder, in which any officer, board members, or employee of JAA has a financial interest, directly or indirectly, shall be voidable unless such purchases are accompanied with proper conflict of interest notification, if applicable, and are: <ul style="list-style-type: none"> (1) Made from the lowest bidder under sealed bids; (2) Made at current market prices under a rotation system, by which purchases are rotated among different suppliers; (3) Emergency purchases made at current market prices and for an aggregate amount of not more than \$1,000.00; or (4) For utility services, newspaper advertising, or similar services.
C.	Gifts	Notwithstanding Chapter 112, Part III, Florida Statutes, no officer, employee, or board member of JAA, his/her spouse or child shall, at any time, accept any compensation, payment, or thing of value when he/she knows or, with the exercise of reasonable care, should know that it was given to influence an award, vote, or other action in which the officer, employee, or board member was expected to participate in his/her official capacity.

Sec. 2.05 – Exemptions from competitive solicitation.

A.	Exemptions	Unless otherwise required, the following supplies, contractual services, professional design services, professional audit services, professional services, capital improvements and/or sales transactions are exempt from competitive solicitation: <ul style="list-style-type: none"> (1) Works of art for public places and art design. (2) Printed copyright material including published books, maps, periodicals and technical pamphlets. Specifically excluded from this exemption for copyrighted material is software for computer systems. (3) Real property, real estate brokerage and appraisals, opinions of title or abstracts of title for real property, title insurance for real property, and other related costs of acquisition or sale of real property. (4) Utilities including, but not limited to electric and water. (5) Licensed health professionals, e.g., doctors, nurses, veterinarians who provide services directly to patients. (6) Expert witnesses and attorneys at law having a unique, specialized skill or knowledge of an area of legal practice as defined by state law, with the advice and consent of JAA’s Chief Legal Officer and the City of Jacksonville Office of General Counsel. (7) Corporate and media sponsorship agreements in accordance with established JAA policy. (8) Subscriptions, continuing education and other training programs, events, courses, meetings, memberships, publications, meeting rooms and hotels (this exemption shall not be extended to local meeting rooms and hotels for which competition may otherwise be required). (9) Lectures by individuals. (10) Supplies, services, or commodities provided by governmental entity or agencies. (11) Supplies or services to be provided by those specifically prescribed within authorizing legislation that appropriates the same. (12) Supplies or services procured utilizing General Services Administration (“GSA”) contracts, State of Florida contracts and other contracts and agreements that have been competitively procured and awarded by a federal, state, municipal, county, or local
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		<p>governmental entity, body politic, independent authority, using department, or by a cooperative purchasing entity, provided that said procurement is not otherwise prohibited by law.</p> <p>(13) Emergency purchases as defined herein.</p> <p>(14) Advertising placement in newspapers, magazines, journals, radio, television, billboards and related media outlets within JAA’s service and catchment areas.</p> <p>(15) Other services and commodities listed in § 287.057(3)(f), Florida Statutes, as it may be revised from time to time.</p> <p>These exemptions from competitive solicitation do not negate the requirement that JAA endeavor to obtain goods and services at the lowest price from a responsive, responsible vendor. Formal awards hereunder require prior JAA Award Committee approval.</p>
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Sec. 2.06 – Unauthorized purchases and contracts.

A.	<i>Violation and consequences</i>	Except as provided herein, it shall be a violation of this Procurement Code for an officer or employee of JAA to willfully or negligently engage in a purchase or to enter into a contract in a manner contrary to the provisions of this Procurement Code. Unless authorized or permitted to do so in writing by delegation of the CEO, no one other than those described in Section 2.03(A) hereof shall have the authority, whether actual or apparent, to order any purchase, enter into any contract or contract modification, or make any sales transaction on behalf of JAA.
B.	<i>Discipline and personal liability</i>	Officers or employees of JAA who willfully or negligently transact a purchase or enter into a contract in a manner contrary to the provisions of this Procurement Code shall be subject to discipline, including without limitation, termination of employment, and may be personally liable to the full extent of the unauthorized purchase or related conduct.
C.	<i>Unauthorized purchases “voidable”</i>	A purchase order, contract or sales transaction made contrary to the provisions of this Procurement Code shall be voidable unless and until accepted and ratified in writing by the appropriate awarding authority. JAA shall not be bound by any purchase order, contract, or sales transaction made contrary to the provisions herein.
D.	<i>Ratification Notice</i>	<p>The Director will forward a written Ratification Notice to the using department in violation of this section, in response to which notice the using department will forward to the Director a written explanation that contains:</p> <ol style="list-style-type: none"> (1) a brief description of the relevant facts giving rise to the unauthorized purchase; (2) the amount of the unauthorized purchase; (3) a corrective action plan that has been or will be taken to prevent recurrence; (4) a recommendation as to whether the unauthorized purchase should be ratified; and (5) a signature and acknowledgement of the using department’s director. <p>Upon receipt of the written explanation in response to the Ratification Notice, the Director shall determine whether or not the explanation is sufficient to justify the ratification and, if so, shall submit informal requests to the CEO and/or appropriate chief and shall submit formal requests to the Awards Committee, for consideration and action regarding the same.</p>

Article 3 – Award Committee, General Procedures & Methods of Procurement

Sec. 3.01 – JAA Awards Committee.

A.	<i>Creation</i>	<p>There is hereby created the JAA Awards Committee (the "Awards Committee"), the three primary committee members and the three alternate committee members of which shall be appointed in writing by the CEO. JAA's Chief Legal Officer shall attend meetings of and provide counsel to the Awards Committee, but shall not be a voting member.</p> <p>A using department representative shall attend meetings of the Awards Committee at which a solicitation and/or business affecting that using department is to be considered. The representative shall be entitled to be heard but shall have no vote at the meetings.</p>
B.	<i>Duties</i>	<p>The Awards Committee shall meet as required for the general purpose of:</p> <ol style="list-style-type: none"> (1) reviewing formal award requests above the Formal Awards Threshold and making recommendations to the CEO regarding the same; (2) reviewing, approving, adopting and/or rejecting requests for specification standardization (see § 3.01(C), below); and (3) performing such other duties as may be assigned by the CEO.
C.	<i>Specification standardization</i>	<p>The Awards Committee shall have the authority to review, approve, adopt and/or reject specifications in response to a using department's written request, recommendation and justification for standardization regarding the procurement of goods and services necessary for the prosecution of JAA's duties and responsibilities. In exercising its authority, the Awards Committee shall, at a minimum, require that using departments submit a Request for Standardization memorandum to the Director in a form similar to an award submission with exhibits. The Standardization Memorandum shall include, without limitation:</p> <ol style="list-style-type: none"> (1) the product(s) requested to be standardized, identified by manufacturer/brand name; (2) a detailed justification for standardization, complete with specifications and supporting documentation; (3) a statement regarding the level of competition available amongst the suppliers of the requested product; and (4) the requested time period of five years or less for the standardization to be in effect. <p>Notice of a Request for Standardization must be conspicuously posted on a designated website or in a conspicuous place readily accessible by the public for no less than seven calendar days prior to the Awards Committee's review of the same.</p>
D.	<i>Post-Bid / Pre-Award Negotiations</i>	<p>The Director may authorize Procurement and/or using departments to enter into negotiations with the lowest responsive, responsible bidder for an adjustment of the bid price, including, without limitation, value engineering, changes to the criteria and/or scope of work set forth in the solicitation documents, in an effort to bring the bid price within available and/or allocated funds when the:</p> <ol style="list-style-type: none"> (1) Base bids received from all responsive, responsible bidders exceed internal estimates or available and/or allocated funds; (2) Lowest, responsive, responsible bidder's bid does not exceed said funds by more than 20 percent, or by a higher percentage if so warranted by circumstances that necessitate an immediate award; and (3) Delay caused by re-advertising for bids would be detrimental to JAA's interest. <p>Upon conclusion of the negotiations, the using department shall provide a written award recommendation that summarizes the results of negotiations to the Director, who shall consider and act upon informal requests and who shall submit formal requests to the Awards Committee, for consideration and action.</p>
E.	<i>Public Notice and Minutes of</i>	<p>In accordance with Florida's public meeting laws, the Awards Committee shall cause a written notice of the time, place and purpose of each of its meetings, which notice shall be</p>

	Meetings	conspicuously posted on a designated website or in the first floor lobby of JAA's Administration Building, located at 14201 Pecan Park Road, Jacksonville, Florida 32218, at least 24 hours in advance of said meetings. The Awards Committee shall keep official minutes of its meetings, which shall be maintained on file in Procurement as an electronic or physical public record. The minutes may take the form of a written summary or a verbatim electronic recording of the Awards Committee proceedings.
F.	Quorum	A quorum for the Awards Committee meetings shall consist of two members.
G.	Formal Awards	The Awards Committee shall act pursuant to the duties defined herein; however, unless otherwise provided by delegation of authority by the CEO, awards made in accordance with the requirements contained herein shall become final only upon approval by the CEO or his/her designee, which approval will generally occur no sooner than three business days and no later than seven calendar days after the action of the Awards Committee. With the counsel, guidance and approval of the JAA's Chief Legal Officer, Procurement will generally prepare the formal contracts for goods and/or services in accordance with the approved award recommendation, after receiving an appropriate requisition regarding the same from the applicable using departments.

Sec. 3.02 – General Procedures for Solicitation, Review and Award.

A.	Solicitation and public notice or advertisement	<p>Consistent with § 2.01(Y), hereof, JAA shall publicly notice or advertise its formal solicitations in an effort to reasonably acquaint potential bidders or proposers with:</p> <ol style="list-style-type: none"> (1) the time, date and place at which responses are due; (2) the time, date and place at which a pre-bid conference will be held and whether or not attendance of said conference is mandatory; (3) a description of the goods or services being solicited; and (4) information or goals regarding JAA's local preference and/or small business initiatives. <p>Solicitation documents will include the above and:</p> <ol style="list-style-type: none"> (1) the basis of award or criteria to be used in evaluating responsiveness and responsibility (criteria that are not set forth in the solicitation may not be used in evaluating responses); (2) applicable contract terms and conditions; and (3) any contemplated renewal options.
B.	Addenda to Solicitation Documents	Amendments, revisions and/or modifications to solicitation documents shall be accomplished via addenda, which shall be identified as such, the receipt of which shall be acknowledged by bidders and proposers. Addenda shall specifically reference the portion(s) of solicitation documents being amended, revised, or modified. As a courtesy, addenda notification will be sent to all prospective bidders or proposers known to have received the solicitation documents in question. Notwithstanding this courtesy, it shall remain the responsibility of all prospective bidders or proposers to ensure that they have received all addenda. Subject to JAA's right to waive any and all minor irregularities, a bidder or proposer's failure to acknowledge addenda may result in its bid or proposal being considered non-responsive.
C.	Pre-bid or proposal conferences	Pre-bid conferences may be conducted at the sole discretion of the Director or his/her designee, the time, date and place of which shall be announced as part of the solicitation documents. The conference must be held a reasonable time: (i) after the issuance of the solicitation documents in an effort to allow prospective bidders and proposers to receive constructive notice; and (ii) before the bid or proposal opening date to allow consideration and inclusion of the conference results in bid or proposal preparation. Nothing stated at the pre-bid conference shall change the content of the solicitation documents, unless a formal change is made by a written addendum.

D.	<i>Public openings</i>	Solicitation responses shall be opened publicly by a Department representative in the presence of one or more witnesses at the time, date and place set forth in the solicitation documents. No bids or proposals shall be opened until the time and date set forth in the solicitation documents (any response received in advance of the time and date of the public opening shall not be opened until the time set forth in the solicitation).
E.	<i>Official bid clock</i>	Unless otherwise designated in the solicitation documents, the time of the public opening shall be established by JAA's official bid clock, which is located at the front desk of the JAA's Administration Building, 14201 Pecan Park Road, Jacksonville, Florida 32218. Potential bidders and proposers are encouraged to familiarize themselves with JAA's official bid clock.
F.	<i>Late bids or proposals</i>	Subject to the Director and the Awards Committee's discretion to waive minor irregularities that will not result in an unfair economic or competitive advantage or disadvantage to any bidder or proposer, late bids and proposals, as determined by JAA's official bid clock, will not be considered and a non-responsive notice will be given to the late bidder or proposer, with the late bid or proposal being returned pursuant to § 3.02(M), hereof.
G.	<i>No Bids or Proposals Received</i>	In an instance where no bids or proposals are received or submitted, the Director or his/her designee shall have the discretion to determine if there is a need to modify the contents of the bid documents and re-solicit. If re-solicitation is in JAA's best interest, the Director or his/her designee will notify the appropriate using department and obtain technical assistance in revising the solicitation documents in an effort to promote competition; otherwise, the Director shall have the discretion to enter into contract negotiations with a vendor, contractor, or consultant that is licensed, experienced and/or qualified to provide the required services. Formal awards shall require the approval of the Awards Committee.
H.	<i>Single Bid or Proposal Received</i>	In an instance where only one bid or proposal is received, the Director or his/her designee, with the assistance of the applicable using department, will make a determination as to whether the bidder or proposer is responsible and responsive, and, where practical, will attempt to obtain comparative pricing from sources such as previous JAA contracts comparable in scope, contracts of other public entities comparable in scope or from industry publications. If it is determined no advantage would be obtained by re-soliciting, the Director or his/her designee shall have the discretion to recommend negotiation and/or award to the sole bidder or proposer. Formal awards shall require the approval of the Awards Committee.
I.	<i>Record and tabulation of timely received bids or proposals</i>	Each timely received bid or proposal shall be recorded and summarily tabulated, including without limitation, the bidder or proposer's name and information necessary to evaluate responsiveness, as set forth in the solicitation. Responses received and resulting tabulations are generally exempt from public inspection or disclosure until such time as notice is provided of a decision and/or award regarding the same or within 30 calendar days after public opening, whichever is earlier. Public access regarding this and related issues shall be governed by the Public Records Law, F.S. Ch. 119, as may be amended from time to time.
J.	<i>Response acceptance and evaluation</i>	Except as otherwise provided herein, timely submitted bids and proposals shall be accepted as submitted without alteration, modification, or correction, and shall be evaluated pursuant to the objectively measurable evaluation criteria or factors set forth in the solicitation.
K.	<i>Minor irregularities</i>	JAA has the discretion and reserves the right to waive minor irregularities contained in bids or proposals, to the extent the waiver does not result in an unfair economic or competitive advantage or disadvantage to any bidder or proposer. The Director or his/her designee shall have the discretion to correct math errors, giving preference to words over numbers and unit prices over totals.
L.	<i>Cancellation of</i>	In the absence of fraud, collusion, bad faith, or arbitrary action, JAA has the discretion and

	<p><i>solicitation and rejection of bids</i></p>	<p>reserves the right to cancel a solicitation and to reject bids and proposals at any point during the solicitation and/or protest process, particularly under the following circumstances:</p> <ol style="list-style-type: none"> (1) Prior to Opening – Invitations for Bids, Requests for Proposals, or any other solicitation document, may be cancelled and all bids or proposals may be rejected when it is in the best interest of JAA. (2) After Opening – After bid or proposal opening, but prior to award, any or all bids or proposals may be rejected in whole or in part when the Director determines in writing that such action is in the best interest of JAA for reasons including, but not limited to: <ol style="list-style-type: none"> (a) The supplies, services, or construction are no longer required; (b) Ambiguous or otherwise inadequate specifications were part of the solicitation; (c) The solicitation did not provide for consideration of all factors of significance to JAA; (d) Bid and proposal responses exceed available funds and it would not be appropriate in JAA’s discretion to value engineer or adjust quality or quantities to come within the available funds; (e) There has been some violation or alleged violation of any legal requirement in connection with the solicitation or submission thereof; (f) All otherwise acceptable bids or proposals received are at clearly unreasonable prices; (g) There is reason to believe that collusive activity exists and the bids or proposals may not have been independently derived in open competition or may have been submitted in bad faith; or (h) Other issues within JAA’s permissible discretion to reject bids and proposals, as defined by Florida law. <p>The reasons for such cancellations and/or rejections shall be publically noticed and made part of the procurement file for the solicitation at issue. Notice of cancellation shall be sent to all businesses that expressed an interest in and remain eligible to submit a bid or proposal in response to the solicitation. The notice shall identify the solicitation, explain the reason for cancellation and, if known and/or applicable, provide any reasonably available information regarding re-solicitation or future procurement of similar items.</p>
<p>M.</p>	<p><i>Disposition of Bids or Proposals</i></p>	<p>Notwithstanding public records exemptions, the disposition of bids and proposals at cancellation or rejection shall be handled as follows:</p> <ol style="list-style-type: none"> (1) Prior to being Opened – Unless otherwise prohibited by Florida law, JAA shall keep bids or proposals which have not been opened for a minimum of six months prior to disposing of or returning the same to the bidders or proposers upon timely request. (2) After being Opened – Bids or proposals which have been opened shall be retained in the Procurement Department for as long as required by applicable law.
<p>N.</p>	<p><i>Bid correction and withdrawal</i></p>	<p>Unless otherwise prohibited by Florida law, bid corrections and withdrawals shall be handled as follows:</p> <ol style="list-style-type: none"> (1) Prior to Public Opening – The correction or withdrawal of bids or proposals may occur at any time prior to the bid opening by written notice to the Director. (2) After Public Opening – Bidders or proposers shall not be permitted to alter, modify, correct, or unilaterally withdraw their responses after a public opening, particularly to the extent the same would negatively impact the integrity of the competitive procurement process or would result in an unfair economic or competitive advantage or disadvantage to any bidder or proposer (any request for alteration, modification, correction, or withdrawal, whether before or after public opening, must be submitted in writing to the Director).

O.	<i>Award</i>	Unless otherwise provided herein, JAA shall make awards with reasonable promptness by written notification to the lowest, responsive, responsible bidder, as recommended by the Director and the Awards Committee and as approved by the CEO, which recommendations and approval shall be in accordance with only those objectively measurable evaluation criteria or factors set forth in the solicitation. A copy of the written notification of award will also be provided to any unsuccessful bidders.
P.	<i>Local preference program and small business initiatives</i>	<p>In an effort to stimulate economic growth, to develop local businesses and to keep local resources in the community, JAA has established a Local Preference Program (“LPP”) to encourage the participation of local businesses in JAA’s competitive solicitation processes. Bidder and proposers are encouraged to review the LPP to familiarize themselves with its requirements for participation, a brief summary of which are included in § 2.02(Q), hereof.</p> <p>JAA has had a longstanding commitment to small and minority business. As a result of this commitment, applicable JAA solicitations hereunder will be evaluated for small and minority business participation.</p>
Q.	<i>Protest</i>	All specifications, contract awards and related procurement decisions may be protested in accordance with JAA's Protest Procedures as outlined in § 4.02, hereof, which may be revised from time to time without notice. JAA will hear protests from only those who have standing under Florida law and who have properly and timely complied with the requirements of JAA’s Protest Procedures. JAA shall make its Protest Procedures readily available.

Sec. 3.03 – Competitive Sealed Bidding.

A.	<i>Conditions for Use</i>	Unless otherwise recommended by the Director, the formal procurement of supplies, contractual services and capital improvements shall be awarded based upon the Competitive Sealed Bid procurement method, whereby price is the principle basis for determining an award to the lowest, responsive, responsible bidder, pursuant to the requirements outlined herein. Notwithstanding this general basis for determining awards, JAA reserves the right to establish mandatory minimum and/or prequalification requirements on those solicitation efforts it deems necessary, whether under this section or otherwise.
B.	<i>Invitation to Bid (ITB)</i>	The Competitive Sealed Bidding method shall commence with the issuance of an invitation to bid, which shall incorporate, either by reference or via an attachment, specifications, all contractual terms and conditions and other documents that may be applicable to the solicitation, any modifications to which will be communicated in the form of addenda as described herein.
C.	<i>Product Acceptability</i>	The invitation to bid shall set forth any evaluation criteria to be used in determining product or service acceptability and may require the submission of bid samples, descriptive literature, technical data, or other material. It may also provide for inspection, examination, or testing of products prior to award. The purpose of evaluating acceptability is not to determine whether one bidder’s item is superior to another, but only to determine that a bidder’s offering is acceptable as set forth in the invitation to bid. Any bidder’s offering which does not meet the acceptability requirements shall be rejected as non-responsive.
D.	<i>Higher quality product submission</i>	Nothing in this section shall be deemed to permit the award of a contract to a bidder submitting a higher quality product than that designated in the solicitation documents, if such bidder is not also the lowest bidder. JAA reserves the right to consider an objectively measurable higher quality product in its evaluation of tie bids, as defined in § 3.03(E), hereof.

E.	<i>Tie bids</i>	Tie bids are defined as two or more low responsive bids submitted by responsible bidders that are identical in price and which meet all requirements and criteria set forth in the solicitation documents. In awarding ties bids, JAA may consider factors, such as local preference, objectively measurable higher quality products, small and minority business participation commitments, drug-free workplace policies, anti-discrimination policies and incumbent preference. JAA may also award tie bids by drawing lots; however, it may not award tie bids by dividing business among identical bidders, unless JAA reserved the right to make multiple awards in the solicitation documents.
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Sec. 3.04 – Competitive Sealed Proposal

A.	<i>Conditions for Use</i>	Upon the approval of the Director, the formal procurement of supplies, contractual services and capital improvements may be awarded using the Competitive Sealed Proposal procurement method, whereby price is one of multiple factors to be evaluated in making an award.
B.	<i>Director’s recommended categories</i>	The Director may determine, on a case-by-case basis or by category, that the purchase of certain supplies, services, or construction projects are neither practicable nor advantageous for JAA using the Competitive Sealed Bidding procurement method and, therefore, the Competitive Sealed Proposal procurement method may be used to purchase the same.
C.	<i>Request for Proposals</i>	The Competitive Sealed Proposal procurement method shall commence with the issuance of a Request for Proposals (“RFP”), which shall incorporate, either by reference or via an attachment, specifications, all contractual terms and conditions and other documents that may be applicable to the procurement, any modifications to which will be communicated in the form of addenda as described herein.
D.	<i>Evaluation criteria and committee</i>	<p>In addition to price, an RFP shall include the specific evaluation criteria to be used in determining acceptability and/or responsiveness of proposals and in establishing the ultimate award. The RFP shall also include the relative importance or points to be awarded for price and the other evaluation criteria, which shall be used exclusively to evaluate, score, tabulate and rank all proposals properly submitted in response to the RFP. No other factors or criteria shall be used in the evaluation. Proposers may be invited to make oral presentations regarding proposals if set forth in the applicable RFP, with the relative importance or points to be awarded for the same being determined and provided to the invited proposers in advance of the oral presentations.</p> <p>An evaluation committee of no fewer than three people must be established to review proposals against evaluation criteria, rank and make an award recommendation regarding the same. Consideration should be given to including someone outside of JAA as at least one of the evaluation committee members.</p>
E.	<i>Request for Qualifications</i>	Upon the recommendation of the Director, a Request for Qualifications (“RFQ”) may also be used as part of the Competitive Sealed Proposal procurement method.
F.	<i>Award</i>	Awards under this section shall be made to the responsible and responsive proposer whose proposal is determined in writing to be the most advantageous to the JAA, based solely upon the relative importance or points assigned to each of the criteria and, if applicable, oral presentations, all as set forth in the RFP. The award recommendation shall contain the basis on which the award is made.

Sec. 3.05 – Multi-Step Sealed Bidding.

A.	<i>Conditions for Use</i>	Upon the approval of the Director, the formal procurement of supplies, contractual services and capital improvements may be awarded using the Competitive Multi-Step Sealed Bidding procurement method, whereby, in addition to the requirements set forth herein for Competitive Sealed Bidding, an invitation for multi-step sealed bids shall require bidders to submit: (i) an unpriced technical and/or qualifications offering (the “technical offering”); and (ii) a priced bid. Bidders may request confidential designation for those portions of the unpriced technical offering that contain information only to be viewed by Procurement, such as trade secrets, proprietary data, or other confidential information, in accordance with the Florida Public Records laws.
B.	<i>Solicitation and public notice or advertisement</i>	In addition to the general requirements outlined herein, the solicitation and public notice or advertisement process for the Multi-Step Seal Bidding procurement method requires that the solicitation documents establish the time(s), date(s) and place at which both the technical and/or qualifications offering and the priced bid must be submitted. The solicitation documents may require the priced bid be submitted either simultaneously with or subsequent to the technical offering; however, whether or not submitted simultaneously: (1) the technical offering and the priced bid shall be submitted in separate sealed envelopes; and (2) the priced bid shall not be considered unless the technical offering is found to be acceptable and/or responsive, in that the technical offering meets or exceeds the objectively measurable evaluation criteria or factors set forth in the solicitation.
C.	<i>Public access</i>	Public access to the technical offerings, priced bids and tabulations received and/or generated by the JAA pursuant to this section shall be governed by the general requirements outlined herein. For public inspection or disclosure exemption purposes, technical offerings and the evaluation thereof shall be considered separately from priced bids and tabulations. Public access regarding this and related issues shall be governed by the Public Records Law, F.S. Ch. 119, as may be amended from time to time.

Sec. 3.06 – Award of Professional Services and Related Contracts.

A.	<i>Conditions for Use</i>	Consistent with the requirements of Section 287.055, Florida Statutes, the formal procurement of professional design services, as defined herein, shall be purchased by formal written purchase order, contract and/or agreement based upon an award after public notice or advertisement of a Request for Proposals ("RFP"), evaluation of proposals and recommendation by the Awards Committee and approval by the CEO or his/her designee. The solicitation and award of professional services unrelated to design may also be accomplished pursuant to the processes and procedures of this section.
B.	<i>Selection of construction or program managers</i>	While this section is primarily devoted to the procurement of professional services, particularly those services related to design, § 255.103, Florida Statutes, permits the processes and procedures outlined in this section to be used in the procurement of: (1) Construction Management Services, which services include, without limitation, construction project scheduling and coordination in both preconstruction and construction phases and generally responsible for the successful, timely, and economical completion of the construction project; and (2) Program Management Services, which services include, without limitation, schedule control, cost control, and coordination in providing or procuring planning, design, and construction services.
C.	<i>Defining the nature and scope of desired</i>	For all solicitations under this section, JAA will endeavor to define with reasonable precision the nature and scope of the desired professional services. If JAA determines that it is unable to define with reasonable precision the nature and scope of the professional services needed

	<i>professional services</i>	by the using department, it shall also solicit interested persons or entities to assist in the preparation of a detailed description of the work to be performed in order to meet the professional service requirements, which interested person or entity, once selected and/or contracted for the purpose of defining with reasonable precision the nature and scope of services needed by the using department, shall be disqualified from the direct or indirect award of a contract or subcontract / sub-consultant agreement to perform the services that the interested person or entity was selected or contracted to define.
D.	<i>Evaluation criteria and committee</i>	<p>Ranking and selection under this section shall be based upon a review and evaluation of the proposals received in response to solicitation documents issued hereunder and, when the evaluation committee deems it necessary, by conducting formal interviews. The determinations shall be based upon evaluation criteria such as the following, the relative importance of which shall be indicated in the RFP:</p> <ol style="list-style-type: none"> (1) Experience and qualifications in general and of professional personnel specifically available and to be assigned to provide the services being solicited. (2) Applicable licensing, bonding, insurance and/or financial responsibility. (3) Recent, current and projected work load. (4) Past and present record of professional accomplishments. (5) Demonstrated ability to design a plan or approach that meets or exceeds the project or service requirements being solicited and to observe and advise on compliance with the same. (6) Location or proximity to the project involved. (7) Past and present demonstrated commitment to small and minority businesses and contributions toward a diverse marketplace. (8) Willingness to meet both time and budget requirements for the project, based upon a demonstration of having met time and budget requirements on similar projects in size and scope (see §§ 3.06 (E) and (F), hereof). (9) The volume of current and prior work performed for JAA shall be considered a minus factor, with the objective of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms. (10) Such other evaluation criteria permitted pursuant to § 287.055, Florida Statutes. <p>An evaluation committee of no fewer than three people must be established to review proposals against evaluation criteria, rank and make an award recommendation regarding the same. Consideration should be given to including someone outside of JAA as at least one of the evaluation committee members.</p>
E.	<i>Willingness to meet time and budget</i>	In solicitations under this section, JAA may request, accept and consider proposals for the total compensation to be paid under a professional design services contract only during contract negotiations; however, consistent with F.S. § 287.055, the Awards Committee may require all interested proposers responding to an RFP pursuant to this section to include statements and references demonstrating that the proposer met both time and budget requirements on projects of similar size and scope that were completed by the proposer within the past five years and that the proposer is meeting both time and budget requirements on projects of similar size and scope that are currently being performed by the proposer ("Reference Projects"). More specifically, a professional design services RFP hereunder may

		<p>require that a proposer submit:</p> <ol style="list-style-type: none"> (1) an expressed statement of its overall willingness to meet both time and budget requirements for the project in question; and (2) items such as project narratives, schedules, methodology, cost and fee summaries and owner references for any Reference Projects in order to demonstrate that the proposer has met and is meeting both time and budget requirements for said projects.
F.	<i>Request for fees, rates and other pricing information</i>	<p>Unless otherwise provided herein, limitations regarding JAA's ability to request project-specific fees, rates and other pricing information as part of an RFP response shall be applicable only to solicitations for professional design services, as defined herein. For professional audit services related to conducting an annual financial audit, JAA shall be guided by § 218.391, Florida Statutes, as it may be amended from time to time. For all other professional services, JAA may require interested persons or entities responding to an RFP to submit their proposed total compensation and/or other fee, rate, or pricing information at the time of public opening as set forth in the RFP.</p>
G.	<i>Short-list selection</i>	<p>Unless otherwise provided herein, the Awards Committee shall forward to the CEO or his/her designee for approval a short-list of no fewer than three proposers it evaluates and recommends as the best qualified, interested and available proposers, in order of first, second and third best qualified.</p>
H.	<i>Resolicitation</i>	<p>If, as a result of solicitations under this section, proposals are received from less than three proposers, Procurement shall resolicit proposals from proposers previously solicited and from additional persons, unless the Director determines that no advantage would be obtained by resoliciting. Notwithstanding the number of responses received, the Awards Committee may proceed to consider those proposers responding to the resolicitation or to the initial solicitation if it determines that no advantage would be obtained by resoliciting.</p>
I.	<i>Contract negotiation and award</i>	<p>Upon the CEO's approval of the short-list, the contract negotiation process shall be conducted consistent with § 287.055(5), Florida Statutes, as it may be revised from time to time.</p> <p>The contract negotiation process shall not result in a contract with terms and conditions that are significantly different from or beyond the scope of services reasonably contemplated from the language of the RFP or that represent a substantial deviation from the proposal being negotiated in response to the RFP.</p>
J.	<i>Re-solicitation upon failed negotiations</i>	<p>If the negotiation process fails to result in a mutual agreement for the performance of the required professional services, then the selection process may be terminated, after which all proposals shall be deemed rejected, and the specifications or scope of services may be modified in order to re-solicit proposals.</p>
K.	<i>Re-initiation of negotiations to cure delay</i>	<p>If delays resulting from re-solicitation efforts will be substantially detrimental to JAA's best interest, the CEO may approve the re-initiation of negotiations, beginning with the first most qualified proposer and proceeding as described herein. The re-initiated negotiation process may include, without limitation, modifications to the specifications or scope of services set forth in the initial solicitation, which modifications shall be documented in writing, used consistently during the re-initiated negotiation process and maintained in the resulting contract file.</p>
L.	<i>Re-initiation of negotiations at contract termination</i>	<p>To the extent a contract awarded under this section is terminated, JAA, upon the CEO's approval, shall have the discretion to:</p> <ol style="list-style-type: none"> (1) commence negotiations as described herein, for the professional services necessary for the completion of said contract, beginning with the most qualified proposer of the remaining interested original proposers; or

		(2) to procure said professional services in accordance with this section.
M.	<i>Truth-in-negotiation certificate requirement</i>	For all lump-sum or cost-plus-a-fixed-fee professional service contracts over the threshold amount provided in § 287.017, Florida Statutes, for Category Three, as may be revised from time to time, the person receiving the award shall execute a truth-in-negotiation certificate stating that wage rates and other factual unit costs supporting the compensation are accurate, complete and current at the time of contracting. A professional service contract under which a certificate is required shall contain a provision that the contract price shall be adjusted to exclude any significant sums where the agency determines the contract price was increased due to inaccurate, incomplete or noncurrent wage rates and other factual unit costs. Contract adjustments shall be made within one year following the end of the contract.
N.	<i>Contingent fees prohibited</i>	As required by Florida Statute, each contract entered into for professional services shall contain the following prohibition against contingent fees: <i>The person or entity providing the professional services required hereunder (as applicable) warrants that it has not employed or retained a company or person, other than a bona fide employee working solely for the person or entity providing the professional services required hereunder, to solicit or secure this agreement and that it has not paid or agreed to pay any person, company, corporation, individual or firm, other than a bona fide employee working solely for the person providing the professional services required hereunder any fee, commission, percentage, gift, or any other consideration, contingent upon or resulting from the award or making of this agreement.</i> For the breach or violation of this provision, JAA shall have the right to terminate the agreement without liability and, at its discretion, to deduct from the contract price, or otherwise recover the full amount of the fee, commission, percentage, gift or consideration.
O.	<i>CCNA</i>	If there is a conflict between the provisions of this Part and the provisions of the Consultants' Competitive Negotiation Act or CCNA, (F.S. § 287.055), the provisions of CCNA control relative to the solicitation and award of professional design services.

Sec. 3.07 – Award of Design-Build Services and Related Contracts.

A.	<i>Intent</i>	It is the intent of this section to establish a uniform procedure in compliance with the laws of the State of Florida, to permit the use of a design-build approach for the construction of capital improvement projects. JAA is authorized by § 287.055, Florida Statutes, to adopt rules and regulations governing the solicitation and award of design-build contracts. The solicitation and award of design-build services unrelated to traditional construction or capital improvement projects may also be accomplished pursuant to the processes and procedures of this section.
B.	<i>Conditions for Use</i>	When it is more advantageous to award a single contract for the design and construction of a capital improvement project and that it is in the overall best interest of JAA to employ the design-build approach instead of the traditional design-bid-build approach for the formal procurement of a capital improvement project, said project may be procured by formal written contract and/or agreement based upon an award pursuant to the requirements and/or procedures of this section, F.S. § 287.055, and/or the Competitive Sealed Proposal process outlined herein.
C.	<i>Design-build solicitation methods</i>	As outlined in this section and as permitted pursuant to § 287.055, Florida Statutes, design-build contracts awarded hereunder may be solicited using the following methods (all require the establishment of an evaluation committee as stated in §§ 3.04(D) and 3.06(D), above): (1) Traditional Request for Proposals or RFP process, utilizing the Competitive Proposal Process of § 3.04, hereof;

		<p>(2) Short-List Process, whereby a request for qualifications or RFQ is used as part of the Traditional RFP process; or</p> <p>(3) Qualification-Based Selection or QBS Process, whereby a request for qualifications or RFQ is used in lieu of the Traditional RFP process.</p>
D.	<i>Traditional RFP process</i>	<p>The Traditional RFP process contemplates the utilization of the “Competitive Proposal Process” of § 3.04, hereof, and generally consists of the following:</p> <p>(1) Solicit and select a design criteria professional, using the process outlined in § 3.06, hereof. The design criteria professional will develop a “design criteria package” (solicitation is not required if the design criteria professional is an employee of JAA and is able to prepare and seal the design criteria package, to the extent required by law).</p> <p>(2) Develop an RFP for the solicitation, evaluation and award of the design-build contract, which RFP should include:</p> <p>(a) the design criteria package;</p> <p>(b) minimum requirements and qualifications;</p> <p>(c) evaluation criteria related to:</p> <p style="padding-left: 40px;">(i) Qualifications, such as experience and competence in completing design-build projects of similar size and scope; strength of project team and availability of key personnel, equipment and facilities; past record of professional accomplishments; bonding, insurance and financial responsibility; demonstrated willingness to meet time and budget requirements based on past projects; and other evaluation criteria permitted pursuant to § 287.055(3) and (4), Florida Statutes; and</p> <p style="padding-left: 40px;">(ii) Technical solutions, such as price, schedule, design concepts and management approach;</p> <p style="padding-left: 80px;"><i>(each criterion must be assigned a relative importance, weight, or maximum number of available points)</i></p> <p>(d) a proposed contract form;</p> <p>(e) bonding and insurance requirements;</p> <p>(f) local and/or small and disadvantaged business participation statements; and</p> <p>(g) notice as to whether the process will include interviews.</p> <p>(3) Publicly advertise and open the RFP as required herein.</p> <p>(4) Consult with the design criteria professional and evaluate the proposals submitted, in an effort to select no fewer than three (3) design-build firms as the most qualified, listed in rank order based on the evaluation criteria, interviews and/or procedures established prior to the public advertising of the RFP (see § 3.06(H), hereof).</p> <p>(5) Begin negotiations with the highest evaluated or ranked design-build firm and continue negotiations consistent with the negotiation process outlined in § 287.055(5), FS.</p> <p>(6) Draft and execute a contract with the selected design-build firm, which contract should be consistent with the RFP, design criteria package and the design-build firm’s proposal.</p>
E.	<i>Short-List process</i>	<p>The “Short-List Process” that involves an RFP and an RFQ is virtually identical to the “Traditional RFP Process” outlined above, the one primary difference being the “Short-List Process” accomplishes the “Traditional RFP Process” in two steps, whereby an RFQ is incorporated into the process and results in the following:</p>

		<p>(1) Evaluation of Qualifications – solicit and review design-build proposals using pre-determined evaluation criteria based solely on qualifications, from which a short-list of no less than the three most qualified design-build firms advance to submit technical and price proposals; and</p> <p>(2) Evaluations of Technical and Price Proposal – short-listed design-build firms receive the technical requirements of the RFP and provide a technical and cost proposal for JAA’s evaluation using criteria, such as price, project management, program execution, design and construction schedule and facility specific technical data.</p>
F.	<i>Qualifications-Based Selection or QBS process</i>	<p>Similar to the solicitation of professional design services, the “Qualification-Based Selection” or QBS Process involves the solicitation and review of design-build proposals based solely on qualifications, using pre-determined evaluation criteria, such as:</p> <p>(1) experience and competence in completing design-build projects of similar size and scope;</p> <p>(2) strength and availability of project team, adequate personnel, equipment and facilities;</p> <p>(3) licensing, bonding, insurance and/or financial responsibility;</p> <p>(4) past record of professional accomplishments;</p> <p>(5) demonstrated willingness to meet time / budget requirements based on past projects; and</p> <p>(6) other evaluation criteria permitted pursuant to § 287.055(3) and (4), Florida Statutes.</p>
G.	<i>QBS – Licensed design professional</i>	<p>The QBS Process requires the solicitation and selection of a licensed design professional, using the process outlined in § 3.06, hereof. The licensed design professional must be able to develop the design requirements and to serve as the owner's representative for the project being solicited (a solicitation is not required if the design professional is an employee of JAA and is licensed and able to prepare and seal the design requirements, to the extent required by law).</p>
H.	<i>QBS – Design-Builder to bid formal scopes of work</i>	<p>Inasmuch as project price is not evaluated in the QBS process, the selected design-build firm is required to make every effort to obtain at least three (3) competitive bids for every subcontract scope of work or package, and those scopes of work or packages estimated to exceed the formal purchasing threshold for construction indicated by § 2.02 (N), herein, will be publicly advertised and opened as defined by § 2.02(Y), herein. No subcontract scope of work or package will be subdivided to avoid this requirement.</p>
I.	<i>Design Criteria Package</i>	<p>To the extent required by law, the design criteria package must be prepared and sealed by a design criteria professional employed by or retained by the agency. If JAA elects to enter into a professional services contract for the preparation of the design criteria package, then the design criteria professional must be selected and awarded a contract using the process outlined in § 3.06, hereof. In addition to preparing the design criteria package, the employed or retained design criteria professional shall, at a minimum, assist in the:</p> <p>(1) evaluation of the responses or bids submitted by the design-build firms;</p> <p>(2) supervision or approval of the detailed working drawings of the project; and</p> <p>(3) evaluation as to project construction compliance.</p> <p>A design criteria professional who has been selected to prepare the design criteria package is disqualified from the direct or indirect award of a contract or subcontract / sub-consultant agreement to perform the design-build services contemplated by the design criteria package.</p>
J.	<i>CCNA</i>	<p>If there is a conflict between the provisions of this Part and the provisions of the Consultants' Competitive Negotiation Act or CCNA, (F.S. § 287.055), the provisions of CCNA control relative to the solicitation and award of a design-build contract.</p>

Sec. 3.08 – Utilization of competitively procured agreements (“Piggy-Backing”).

<p>A.</p>	<p><i>Conditions for Use</i></p>	<p>Upon the recommendation of the Director and proper notice as defined herein, the formal procurement of supplies, contractual services, construction improvements and professional services unrelated to design or annual audits may be accomplished hereunder by utilizing General Services Administration (“GSA”) contracts, State of Florida contracts and other contracts and agreements that have been awarded by a federal, state, municipal, county, local governmental entity, body politic, or independent authority or by a cooperative purchasing entity, provided that said procurement is not otherwise prohibited by law. Purchases made pursuant to the provisions of this section shall not be required to be formally advertised, except as provided by § 3.08(B), herein. The use of this method of procurement does not negate the requirement to procure the highest quality of goods and services at the greatest economic value to JAA. All proposed acquisitions must be explicitly contained or referenced within the other governmental or cooperative purchasing document.</p>
<p>B.</p>	<p><i>Seven-Day Notice</i></p>	<p>Before a request to utilize a competitively procured governmental agreement may be considered for award, notice of the request and all relevant facts must be conspicuously posted for no less than seven calendar days on Procurement's website or on the notice board in the first floor lobby of JAA’s Administration Building, located at 14201 Pecan Park Road, Jacksonville, Florida 32218.</p>
<p>C.</p>	<p><i>Written justification and supporting documentation</i></p>	<p>As a condition precedent to consideration and award of a competitively procured governmental or cooperative purchasing agreement, using departments must submit to the Director written evidence that:</p> <ol style="list-style-type: none"> (1) the governmental or cooperative purchasing agreement has been competitively procured, in keeping with JAA competition requirements; (2) the good and/or service to be procured is specifically included within the governmental or cooperative purchasing agreement; (3) the governmental or cooperative purchasing agreement is still valid; and (4) a competitive solicitation is not likely to result in the purchase of a higher quality of goods and/or services at a greater economic value to JAA. <p>Proposed awards made hereunder may be timely protested pursuant to JAA Protest Procedures.</p>
<p>D.</p>	<p><i>General Services Administration</i></p>	<p>Unless otherwise permitted, JAA’s ability to utilizes GSA agreements is limited to contracts awarded under:</p> <ol style="list-style-type: none"> (1) GSA Federal Supply Schedule 70 – Information Technology related products, software, and services; and (2) GSA Federal Supply Schedule 84 – alarm and signal systems, facility management systems, firefighting and rescue equipment, law enforcement and security equipment, marine craft and related equipment, special purpose clothing and related services.
<p>E.</p>	<p><i>Request for quote</i></p>	<p>Purchases under this section may include a request for quotes to obtain written pricing and related information from a vendor for goods and/or services that have been competitively procured, awarded and contracted by a federal, state, municipal, county, or local governmental entity, body politic, independent authority, using department, or by a cooperative purchasing entity, provided that said procurement is not otherwise prohibited by law. The purpose of the requests for quotes is to attempt to secure more current and favorable pricing, terms, or conditions than that provided in the competitively procured governmental or cooperative purchasing agreement being considered, the successful negotiation and use of said more current and favorable pricing, terms, or conditions are permissible hereunder. Quote requests do not constitute a waiver of any kind or a decision or intended decision that is subject to protest.</p>

Sec. 3.09 – Sole Source and Proprietary Purchases.

A.	<i>Philosophy on competitive procurement</i>	It is JAA’s philosophy that competitive procurement is the preferred method to obtain goods and services. If competition is to be restricted or not utilized, the facts and justification supporting this must be documented in detail. Personal preference for certain brands or products does not adequately justify limiting competition.
B.	<i>Conditions for Use</i>	<p>Upon a recommendation by the Director and proper notice as defined herein, the formal procurement of supplies, contractual services, construction improvements and professional services unrelated to design or annual audits may be accomplished hereunder without competition or advertisement when procured from a:</p> <p>(1) “Sole Source,” which generally exists where only one source is practicably available for the goods or services required and, therefore, competition is not practical because only one source is practicably available to meet a specific need.</p> <p>(2) “Proprietary Source,” which generally exists where the desired good and/or service must be restricted to one manufacturer because:</p> <p>(a) it is compatible with or is an integral component of existing equipment or products;</p> <p>(b) is necessary to support a warranty or specific need of a program;</p> <p>(c) must yield absolute continuity of results; or</p> <p>(d) is one with which a using department has extensive experience and the use of any other product would require considerable training, reorganization and the like.</p> <p>Proprietary items may be available from several distributors amongst whom competition may be restricted but required nonetheless.</p>
C.	<i>Written justification and supporting documentation</i>	<p>As a condition precedent to consideration and an award of a proprietary or sole-source purchase, a using department must submit to the Director a written justification for each proprietary or sole-source, noncompetitive purchase, including without limitation a memorandum sufficient to explain, as determined by the Director, why:</p> <p>(1) only the proposed vendor and/or make or kind of goods or service will satisfactorily fulfill the needs of the using department; and</p> <p>(2) a competitive solicitation is not likely to result in the purchase of a higher quality of goods and/or services at a greater economic value to JAA.</p> <p>Proposed awards made hereunder may be timely protested pursuant to JAA Protest Procedures.</p>
D.	<i>Seven-Day Notice</i>	Unless standardized pursuant to § 3.01(C), hereof, before a request for a proprietary or sole-source purchase may be considered for award, notice of the request, justification and all relevant facts must be conspicuously posted for no less than seven calendar days on Procurement’s website or on the notice board in the first floor lobby of JAA’s Administration Building, located at 14201 Pecan Park Road, Jacksonville, Florida 32218. The description of the proprietary or sole-source being posted must include a request that prospective vendors provide information regarding their ability to supply the goods and/or services described. Notice under this section is not required for informal purchases in a dollar amount that is less than or equal to Category “C” as defined in § 2.02(O), hereof.

Sec. 3.10 – Emergency Purchases (as defined in § 2.02(M), above).

A.	<i>Regular business hours</i>	If an emergency occurs during regular JAA business hours, the using department shall immediately notify the Director, who shall either purchase the required goods and/or services or authorize the using department to do so.
B.	<i>After hours</i>	If an emergency occurs at a time other than during regular JAA business hours, the using department shall attempt to contact the Director by phone or e-mail, and may purchase directly the goods and/or services. Not later than the next regular JAA business day thereafter, the using department shall submit to the Director a requisition, a tabulation of bids received, if any, a copy of the delivery record and a brief written explanation of the circumstances of the emergency.
C.	<i>Telephone bids and records</i>	Whenever practical, competitive telephone bids are to be secured and goods and services are to be received from the lowest responsive, responsible bidder prior to making an emergency purchase. The using department shall provide the Director a written record of the emergency purchase that explains or otherwise supports the reason for the emergency purchase. The record of an emergency purchase shall be maintained in Procurement and emergency purchases greater than Category “C” as defined in § 2.02(O), hereof, shall be reported to the Awards Committee at its first meeting occurring after the emergency purchase.

Sec. 3.11 – Informal Procedures for Solicitation, Review and Award.

A.	<i>General overview</i>	<p>The Department shall be responsible for procuring all informal or small purchases of goods and services and, pursuant to § 2.01(O), hereof, shall obtain the type and quantity of quotes for the same, based upon the applicable category. Except for emergencies and as may otherwise be provided herein, the procurement professionals or staff of the Department shall be responsible for soliciting and securing the quotes contemplated in this section. Whether verbal or written, competitive solicitations under this section must sufficiently describe the:</p> <ol style="list-style-type: none"> (1) time and date for the receipt of the verbal quote or other response to the solicitation; (2) all contractual terms and conditions applicable to the procurement; (3) goods and/or services sought in order to allow the vendor to submit a response; and (4) renewal options, if applicable. <p>At a minimum, a summary or tabulation of the quotes received must be included within or attachment to the applicable purchase requisition.</p>
B.	<i>Category “A” (one quote required – no post)</i>	Purchases within this category require a minimum of one quote, which quote must be preserved in a written document that includes the information referenced in § 3.11(G), hereof.
C.	<i>Category “B” (three quotes required – no post)</i>	Purchases within this category require the competitive solicitation of a minimum of three quotes, which quotes must be preserved in individual written documents that include, without limitation, the information referenced in § 3.11(G), hereof.
D.	<i>Category “C” (three written quotes required – no post)</i>	Purchases within this category require the competitive and simultaneous solicitation of a minimum of three written quotes that include, without limitation, the information referenced in § 3.11(G), hereof.
E.	<i>Category “D” (three written quotes required – 5-day post)</i>	Purchases within this category require the competitive and simultaneous solicitation of a minimum of three written quotes that include, without limitation, the information referenced in § 3.11(G), hereof. Solicitations under this category are required to be conspicuously posted for no less than five calendar days on Procurement's website and on the notice board

		in the first floor lobby of JAA's Administration Building, located at 14201 Pecan Park Road, Jacksonville, Florida 32218.
F.	Category "E" (three written quotes required – 10-day post)	Purchases within this category are limited to construction, reconstruction, repairs and related scopes of work, and require the competitive and simultaneous solicitation of a minimum of three written quotes that include, without limitation, the information referenced in § 3.11(G), hereof. Solicitations under this category are required to be conspicuously posted for no less than 10 calendar days on Procurement's website and on the notice board in the first floor lobby of JAA's Administration Building, located at 14201 Pecan Park Road, Jacksonville, Florida 32218.
G.	Minimum content of informal quotes	Informal written quotes must include, without limitation: (i) vendor's name, contact person and contact information; (ii) scope summary, unit pricing (if applicable) and total price of the goods and/or services being quoted; (iii) name of the JAA representative or procurement professional receiving the quote; (iv) date and time the quote was received; (v) the period of time during which the quote may be accepted; and (vi) any other relevant information.
H.	Director Discretion when required quotes not received	If less than the required quotes are received in response to a competitive solicitation, the Director, in lieu of issuing a new competitive solicitation or extending the deadline for receiving quotes, may contract on the best terms and conditions available and shall document the reasons that such action was considered to be in JAA's best interest.
I.	Awards	Unless otherwise provided herein, the Director or his/her designee shall make awards with reasonable promptness by written notification to the lowest, responsive, responsible bidder, based solely upon those objectively measurable evaluation criteria or factors set forth in the solicitation. Written notification will also be given to each unsuccessful bidder. Quotes that result in a tie will be resolved consistent with § 3.03(E), hereof.

Sec. 3.12 – Bidder Responsibility and Debarment.

A.	Responsibility	<p>The Director shall have the discretion to make a determination as to the responsibility of bidders and proposers, which determination shall include an evaluation of the following factors:</p> <ol style="list-style-type: none"> (1) The ability, capacity, skill and applicable licensing and insurance of the bidder to perform the contract or provide the service required. (2) The capability of the bidder to perform the contract or provide the service promptly or within the time specified without delay or interference. (3) The character, integrity, reputation, judgment, experience and efficiency of the bidder. (4) The quality of performance on previous contracts or services. (5) Previous and existing compliance by the bidder with laws relating to the contract or services. (6) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service. (7) The quality, availability and adaptability of the supplies, contractual services or capital improvements to the particular use required. (8) The ability of the bidder to provide further maintenance and service for the use of the subject of the contract. (9) The number and scope of the conditions attached to the bid. (10) Whether the bidder has engaged in conduct prohibited by the Integrity in Procurement and Contracting section and the Debarment section, hereof. (11) Other information as may be secured by the Director having a bearing on the decision to award the contract or in considering a bidder or proposer irresponsible.
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<p>B.</p>	<p><i>Debarment</i></p>	<p>The Director shall have the discretion to recommend to the Awards Committee the debarment or preclusion of a bidder or proposer from the privilege of directly or indirectly competing for and providing goods and services to JAA. In making such a recommendation, the Director may consider whether the bidder or proposer in question:</p> <ul style="list-style-type: none"> A. is more than 60 calendar days in default or breach of a contract with JAA; B. has failed to perform or has unsatisfactorily performed the terms and conditions of one or more contracts with JAA, which failure to perform or unsatisfactory performance was the result of circumstances within the contractor or vendor's control C. is behind by 10 percent or more on completing an approved progress schedule for JAA at the time of advertising the work; D. may be precluded from contracting with JAA because of a public entity crime; E. may be precluded from contracting with JAA if it has been found guilty by a court of any violation of federal labor or employment tax laws regarding subjects such as safety, tax withholding, workers' compensation, unemployment tax, social security and Medicare tax, wage or hour, or prevailing rate laws within the past 5 years; F. has failed to abide by the federal, state and local prompt payment requirements or contractual terms and conditions regarding the same; G. has failed to abide by or honor commitments made pursuant to applicable participation goals associated with small or disadvantaged businesses; H. has violated § 101 of the Immigration Reform and Control Act of 1986, as may be amended from time to time; I. has been debarred by another government entity within the past three years; J. has engaged in conduct prohibited hereunder or that is a serious threat to the integrity of the public procurement and contracting process, as determined by the Director; and K. has engaged in conduct that is otherwise prohibited by federal, state, or local laws, statutes, ordinance, rules or regulations. <p>No contractor or vendor shall be entitled to have its name restored to the bidders' list unless and until it shall have remedied any underlying default and/or breach to the satisfaction of the Director. Repeated or recurring violations under this Section shall be sufficient reason for the Director to remove the contractor's name permanently from the bidders' list, subject to review by the Awards Committee and approval by the CEO.</p>
<p>C.</p>	<p><i>Notice of non-compliance and/or debarment</i></p>	<p>Upon a determination of a bidder's irresponsibility and/or that a bidder should be debarred, the Director shall provide said bidder with a written notice of non-compliance and/or debarment via certified mail, return receipt requested, and via U.S. Mail, e-mail or facsimile, stating the basis for the determination of irresponsibility and/or debarment and, if applicable, the rejection of the bidder's bid or proposal. At a minimum, notices under this section shall include the specific reason(s) for the Director's determination and recommendation and, if applicable, the proposed period of debarment (for less egregious violations, as determined by the Director, a period of probation may be recommended, any violations during which period will subject the bidder or proposer to debarment of no less than two years).</p>
<p>D.</p>	<p><i>Protest of non-compliance and/or debarment</i></p>	<p>If, in response to a notice of non-compliance and/or debarment, the bidder properly and timely provides a written Notice of Protest in accordance with JAA's Protest Procedures, the bidder shall be entitled to a hearing before the Procurement Appeals Board (the "PAB") within a reasonable time thereafter. Within a reasonable time after hearing the protest and considering the evidence and/or statements presented, the PAB shall issue its recommendation regarding the action proposed by the Director in the notice of non-compliance and/or debarment (a determination inconsistent with the notice of non-compliance shall not preclude the factual particulars on which said notice was based from being considered in conjunction with additional information in subsequent evaluations regarding the bidder's responsibility, disqualification, or debarment). Upon approval by the CEO, the PAB's disposition of the Director's recommendation shall become final, and shall represent final administrative action.</p>

E.	<i>Failure to protest</i>	If the bidder fails to properly and timely provide the Director with a written Notice of Protest in accordance with JAA's Protest Procedures, stating, in detail, the grounds on which the protest is based, then the action contained in the Director's notice shall become final without further notice and shall represent final administrative action.
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Article 4 – Procurement Appeals Board and Protest Procedures

Sec. 4.01 – Procurement Appeals Board.

A.	<i>Creation</i>	<p>There is hereby created the Procurement Appeals Board or PAB, which shall consist of a chairperson and two other members, all of whom will be appointed in writing by the CEO. Procurement shall act as staff and JAA's Chief Legal Officer (CLO) shall provide counsel to the PAB, unless, in the professional opinion of the CLO it would be a conflict, in which case the CLO shall request that the Office of General Counsel provide an attorney to act as the counsel for the PAB.</p> <p>The PAB may not consist of any member of Procurement, the Awards Committee, the Evaluation Committee, or using department involved in the solicitation under protest.</p>
B.	<i>Purpose</i>	The PAB shall be responsible for hearing and providing the CEO recommendations in accordance with the procedures of this article for the disposition of protests challenging a decision or an intended decision regarding a solicitation, solicitation documents, award, or any other process or procedure prescribed in this Procurement Code.

Sec. 4.02 – Protest Procedures.

A.	<i>Publication and severability</i>	JAA hereby publishes rules and regulations governing protests hereunder. In the event a court of competent jurisdiction declares any provision of these Protest Procedures to be unconstitutional, invalid, or otherwise unenforceable, then all remaining provisions shall be severable, valid and enforceable regardless of the invalidity of any other provision.
B.	<i>Definitions</i>	<p>For the purpose of these Protest Procedures, the following definitions are provided:</p> <ol style="list-style-type: none"> (1) "Competitive solicitation" or "solicitation" shall include without limitation an invitation to bid, competitive sealed bid, multi-step competitive sealed bid, competitive sealed proposal, a request for proposals and/or qualifications, or a request for quotes. (2) "Posting" means the notification of solicitations, decisions or intended decision, or other matters relating to procurement on a centralized website, by placing the same on the bulletin board(s) designated by Procurement for this purpose, or as may be consistent with § 2.02(K), hereof. (3) "Exempt purchase" means any purchase exempted or excepted by law or rule from the requirements for competitive solicitation, including without limitation purchases made pursuant to §§ 2.05, 3.08 and 3.09, hereof. (4) "Electronic transfer" is limited solely to facsimile transmissions that appear legibly on paper at the place of filing. (5) "Final Agency Action" means a final decision that results from a proceeding hereunder, and includes actions which are affirmative, negative, injunctive, or declaratory in form. (6) "Procurement process" has the same meaning as "contract solicitation or award process."
C.	<i>Timeliness of</i>	In accordance with the procedures contained herein, any person or entity that is adversely affected by a decision or an intended decision hereunder and who has standing under Florida

<i>protests</i>		<p>law to protest the same (the “Protestant”), must timely file a written Notice of Protest pursuant to the following:</p> <p>(1) Recommendations of Award and/or Bid Rejection – Protestant shall have three (3) business days after either the posting or written notification of a decision or intended decision, whichever is earlier, in which to file a written Notice of Protest in order to timely challenge or seek relief from an intended decision or recommendation regarding an exceptional purchase, evaluation, scoring, ranking, award, or recommended conclusion to any bid or proposal solicitation process, including without limitation:</p> <p>(a) a recommendation to reject a bid or proposal; (b) a contract award; or (c) the evaluation, scoring, ranking, or short-listing of bidders or proposers.</p> <p>(2) Bid/Proposal Specifications and/or Requirements – Protestant shall have 10 business days after the posting of a solicitation or 48 hours after the posted date and time of a pre-bid or pre-proposal conference, whichever is earlier, or 48 hours after the posting of an addendum, in which to file a written Notice of Protest in order to timely challenge the requirements, terms and/or conditions contained in bid or proposal documents, including without limitation any provisions governing or establishing:</p> <p>(a) the basis for making the award in question; (b) evaluation criteria and relative weight, points, or importance assigned thereto; (c) equipment, product, or material specifications; (d) proposed project schedules; (e) statements as to local participation, equal opportunity goals, or similar issues; or (f) other general solicitation or project requirements.</p>
D.	<i>Computation of time</i>	<p>The computation of the time limitations or periods contained herein shall be governed by and shall be pursuant to Florida Rule of Civil Procedure 1.090(a), as may be amended from time to time. Failure to file a written Notice of Protest within the applicable time limitation or period shall constitute a waiver of any right, remedy, or relief available hereunder.</p>
E.	<i>Form and Content of the Notice of Protest</i>	<p>A written Notice of Protest must:</p> <p>(1) be addressed to the Director; (2) identify the solicitation, decision, or recommended award in question by number and title or any other language sufficient to enable the Director to identify the same; (3) state the timeliness of the protest; (4) state Protestant’s legal standing to protest; and (5) clearly state with particularity the issue(s), material fact(s) and legal authority upon which the protest is based.</p> <p>The issue(s) raised and the information contained in the Notice of Protest and any attached documentation filed hereunder, must clearly identify and explain the factual and legal basis for any relief sought; otherwise, the protest may be denied on its face by the Director.</p>
F.	<i>Delivery</i>	<p>The timely filing of a Notice of Protest shall be accomplished when said notice is actually received by Procurement within the applicable time limitation or period contained herein. Filing a notice may be accomplished by manual transfer via hand-delivery or mail to the Director of Procurement at 14201 Pecan Park Road, Jacksonville, Florida 32218 or by electronic transfer via facsimile to (904) 741-2350. The responsibility and burden of proof that its Notice of Protest has been timely and properly received shall rest with the Protestant, regardless as to the method of delivery employed. Filing of a Notice of Protest via E-Mail is not permitted.</p>
G.	<i>Acknowledging Protest, PAB</i>	<p>Upon receipt of a proper and timely filed written Notice of Protest, the Director or his/her designee shall acknowledge receipt and forward the same to the CEO with a request for the</p>

	<i>appointment and scheduling of Protest</i>	appointment of the PAB, which will schedule and provide notice of the time, date and place it will hear the protest, which notice shall be provided in writing to the Protestant and to those persons or entities that may be directly affected by the resolution of the protest.
H.	<i>Discretion to continue or suspend award</i>	The Director or his/her designee shall have the discretion to proceed with the solicitation or contract award process in question or to suspend the same pending the resolution of the protest. To the extent the Director or his/her designee decides to exercise his/her discretion not to suspend the solicitation or contract award process pending the resolution of the protest, the Director or his/her designee shall set forth in writing the particular facts and/or circumstances upon which his/her decision is based.
I.	<i>Protest hearing rules and procedures</i>	<p>Protest hearings shall generally be governed and/or conducted as follows:</p> <ol style="list-style-type: none"> (1) General Statement of Rules and Procedures – Hearings before the PAB shall begin with introductions and with the Chief Legal Officer reading a general statement of the rules and procedures prescribed herein. (2) General Statement of the Facts – A Procurement representative shall provide a brief overview of the timeline and facts giving rise to the protest. (3) Statement of the Protestant – Representatives of the Protestant, limited solely to its owners, officers, employees and/or legal counsel, shall be required to present its case based solely upon the issue(s) and information contained in the Notice of Protest and any documents attached thereto. (4) Statements of Procurement and Other Interested Parties – Those persons or entities, other than the Protestant, who have legal standing and will be directly affected by the resolution of the protest, will be given an opportunity to be heard and to present information before the PAB, which will be followed by a statement and the presentation of information from a representatives of Procurement and/or other JAA representatives. (5) Brief Closing Statements – Brief closing statements may be made by the Protestant, Procurement and other interested parties. (6) PAB Deliberation – The PAB shall consider and publicly discuss the information provided. At anytime during the protest hearing, the PAB may ask questions of any person or entity present and/or represented at the hearing.
J.	<i>Standard and burden of proof</i>	The Protestant must establish by the preponderance of the evidence that the protest should be granted based upon the law, facts and information presented. Unless otherwise provided herein, the burden of proof shall rest with the Protestant. The standard of proof for proceedings hereunder shall be whether the recommendation or the decision or intended decision in question was clearly erroneous, arbitrary or capricious, fraudulent, or otherwise without any basis in fact or law. In any protest proceeding challenging a decision or intended decision to reject all bids, proposals, or replies, the standard of review shall be whether the decision or intended decision is illegal, arbitrary, dishonest, or fraudulent.
K.	<i>Evidence</i>	For hearings under this section, the formal rules of evidence pursuant to the Florida Evidence Code will not apply. Hearsay evidence may be admissible and used to supplement or explain other evidence.
L.	<i>Vote of the PAB and final action of the CEO</i>	A majority vote of the members of the PAB shall be required to recommend that the protest be granted; otherwise, the PAB shall recommend that the protest be denied, and, once the CEO or his/her designee acts upon the PAB’s recommendation, the decision regarding the disposition of the protest shall represent final agency action, written notice of which shall be posted and shall be provided to the Protestant and to those persons or entities that may be directly affected by the resolution of the protest.