

NORTHWEST FLORIDA BEACHES INTERNATIONAL AIRPORT

PURCHASING POLICY JUNE 2023

Employee Manual Section 3.8

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PURPOSE

It is the intent of the District to provide all vendors with a fair and impartial opportunity in which to compete for the District's business.

This document establishes the policy of the Panama City-Bay County Airport and Industrial District (the "District") regarding purchases. The intent of this policy is to guide the District in the purchase of commodities and contractual services and to comply with federal and state law.

This policy applies to all employees of the District, agents of the District, and the District Board of Directors (the "Board"). All District employees will be familiar with and adhere to this policy. These guidelines apply to the purchase/procurement of all materials, supplies, services, construction, and equipment except as specifically exempted herein.

DEFINITIONS

BOARD	shall mean the District Board of Directors.
CHANGE ORDER	A written order changing a contract to correct errors, omissions, or discrepancies in it, to cover acceptable cost over-runs, freight costs or deductive changes, to incorporate requirements to expand or reduce the scope of goods or services ordered, or to direct other changes in the contract execution to meet unforeseen field, emergency, climatic, regulatory, or market conditions.
COMPETITIVE SOLICITATION	The process used to obtain sealed quotes, bids, or proposals for the purpose of entering into a contract.
CONSULTANT'S COMPETITIVE NEGOTIATION ACT ("CCNA")	The official name for F.S. § 287.055, relating to the procurement of architectural, engineering, construction management, landscape architecture, mapping, and registered land surveying services. These services shall be procured by letters of interest and qualifications, and competitive selection and negotiation.
CONTRACT	A written agreement between two or more competent parties to perform or not perform a specific act or acts. Any type of agreement regardless of what it is called for the procurement of goods or services. The words "Contract" and "Agreement" may be used interchangeably.
CONTRACTOR	means a person who contracts to sell commodities or contractual services to the District.

E-VERIFY SYSTEM	“E-Verify system” means an Internet-based system operated by the United States Department of Homeland Security that allows participating employers to electronically verify the employment eligibility of newly hired employees.
INVITATION TO BID	Invitation to bid, also called a sealed bid, is a competitive solicitation that is used when an agency is capable of specifically defining the scope of work and the contract is awarded to the vendor who submits the lowest responsive bid.
PROPOSAL	shall mean a written notice by a vendor setting forth the terms under which it will furnish goods or services.
PURCHASE ORDER	shall mean a formal notice to a vendor to furnish the supplies or services described in detail thereon.
PURCHASING	shall mean the act of obtaining supplies, equipment, or services necessary to carry out a particular function.
QUALIFIED BIDDER	shall mean vendor that meets all qualifications set forth in the solicitation documents.
RENEWAL	shall mean contracting with the same contractor for an additional contract period after the initial contract period, only if pursuant to contract terms specifically providing for such renewal.
REQUEST FOR PROPOSAL (“RFP”)	A solicitation that invites proposals from vendors to provide goods and/or services. The contract is awarded to the responsive vendor that the District determines to be most advantageous taking into consideration price and other criteria set forth in the solicitation.
REQUEST FOR QUALIFICATIONS	A solicitation that invites vendors to submit statements of qualification that detail the vendor’s background, experience, and ability to perform services, under a certain scope of work, for the District.
RESPONDENT	A person or entity who submits an offer in response to a solicitation. May also be referred to as proposer, offeror, or bidder.
RESPONSE	Any response of a respondent to a solicitation, which may include, as context requires, bids, offers, proposals, quotations, or other responses.

RESPONSIVE BID	A bid or proposal which conforms in all material respects to the competitive solicitation.
SINGLE SOURCE	Shall mean that a goods or service can be purchased from multiple sources, but, in order to meet certain functional or performance requirements (e.g. parts matching existing equipment or materials) there is only one economically feasible source for the purchase.
SOLE SOURCE	Shall mean the goods or service can be legally purchased from only one source. This is usually due to the source owning patents and/or copyrights. A requirement for a particular proprietary item does not justify a sole source purchase, if there is more than one potential supplier for that item.
SPECIFICATIONS	shall mean a written description of needed supplies, equipment or services setting forth in a clear and concise manner the characteristics of the items and/or services to be purchased and the circumstances under which the purchase will be made.
VENDOR	shall mean a supplier of goods or services.

EXEMPTIONS

These exemptions are not mandatory. The District, in its sole discretion, shall determine whether a competitive solicitation would be in its best interest rather than the use of an allowed exemption.

1. The District shall have the ability, in lieu of employing its own competitive procedures, to purchase items which have been competitively procured through government cooperative purchasing groups (“Purchasing Co-ops”) and other federal, state, and local government units if the vendors agree to provide the District with the same goods or services. Any purchase made by adoption of another qualifying groups previously competitively procured contract must be on the same terms and conditions as the contract from which the District seeks to procure.
2. A sole source provider may be used if it is the only supplier that can provide a specific good or service. A sole source provider has either established a monopoly or is the only provider legally able to provide the District that particular good or service.
3. A single source provider may be used when the District determines that competitive bidding is not advantageous due to specific needs. A single source provider may be chosen based on the following:
 - Its quality of goods being superior to others; or
 - Replacement or repair of goods that are already owned by the District and are; or
 - To provide continuity in goods (for example, if the District owns ten items made by the same manufacturer, it would not be practical to purchase a different brand requiring different knowledge and parts).
4. To the extent that purchases of property, casualty, health, and other relevant insurance coverages for the District do not exceed the total yearly budget approved by the Board, authorization to purchase insurance coverage is granted to the Executive Director. The District may participate in an intergovernmental cooperative agreement to purchase insurance when it is determined that such participation is in the best interest of the District.
5. A state or federal agency awarding a grant for the purchase which prescribes with whom the District must contract or if the rate of payment is established by a state or federal law.
6. The contractual services and commodities relate to artistic services; auditing services; banking and financial services; appraisals and services for the sale, acquisition or lease of real property, legal services; government consulting services; expert witnesses; health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration; prevention services related to mental health, including drug abuse prevention programs; services or commodities provided by governmental agencies; or continuing education events.

7. Emergency situations requiring immediate attention as determined by the Executive Director and where delay caused by competitive procurement in compliance with this policy would risk any of the following situations:
 - An immediate danger to the safety, security, health, or welfare of the public and/or users of the airport;
 - An immediate danger of loss of public or private property; or
 - An interruption in the provision of essential services.

Emergency purchases shall be reported to the Board in writing as soon as practical and the Board shall consider the ratification of each emergency purchase in excess of \$50,000, either individually or cumulatively, at its next meeting following the purchase.

8. Software and software upgrades, modifications, and enhancements.
9. Training and educational courses or programs, along with accompanying travel and accommodation costs, including guest speakers and trainers.
10. Water, sewer, electrical, cable television, internet, telephone, or other utility services.
11. Any situation in which the Board determines an exception is necessary, so long as it would not be inconsistent with applicable state and federal law.
12. Purchase of used equipment that meets the specifications required by the District.
13. Copyright materials, corporate sponsorships, and memberships.

CODE OF ETHICS AND CONDUCT

Purpose

The purpose of this policy is to provide written standards of conduct covering conflicts of interest and governing the actions of employees, officers and agents of the District engaged in purchasing and the selection, award, and administration of contracts. For purposes of contracts and purchases supported by federal monies, this policy is adopted to conform to the requirements of Title 2 of the Code of Federal Regulations (CFR) 200.112, Conflict of Interest and 200.318(c)(1), General Procurement Standards.

Scope

Application

This policy applies to all employees, officers, and agents of the District who participate in any phase of the purchasing process.

Definitions

“Agent” is an individual or entity, who is not an employee or officer, who has the authority to legally bind the District.

“Conflict of Interest” means when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

“Employee”, for purposes of this policy, means any employee of the District engaged in purchasing and the selection, award, and administration of contracts.

“Immediate family” means any parent, spouse, child, sibling, or domestic partner of an employee, officer or agent of the District involved in the purchasing process and the selection, award, and administration of contracts.

“Officer” means any person elected or appointed to hold office or serve on the District Board of Directors.

Standards of Conduct

1. Each District employee and officer involved in purchasing must adhere to the ethics standards and gift rules contained in Chapter 112, Part III, Florida Statutes.
2. No District employee, officer, or agent may participate in the selection, award, or administration of a contract if he or she has a real or apparent conflict of interest.
3. The officers, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. This does not prohibit the District from accepting an unsolicited gift to the District office that is available to the organization as a whole and not directed to any individual. In the event there is any question regarding the gift rule, the District shall seek an opinion from the District’s attorney.
4. Any employee, officer or agent of the District who believes he or she may have a conflict of interest must recuse themselves from the selection, award or administration of the procurement and immediately inform his/her supervisor or the Executive Director of the circumstances involved. This information is to be reviewed at an appropriate level for decision on whether a conflict of interest is present and, if so, what course of action is to be taken.

Violations

Any employee, officer or agent of the District who has knowledge of a real or apparent conflict of interest or other prohibited conduct under this policy shall report the information to his/her immediate supervisor or the Executive Director. In the event of a conflict, real or apparent violations may be reported to the District Attorney. If the supervisor, Executive Director, and/or the District Attorney determines that a conflict of interest or any prohibited conduct has occurred, appropriate disciplinary measures for violations of this policy shall be taken. For purposes of federal awards, the Authority designates the Executive Director as the reporting official for all instances of potential or real conflicts of interests. The Executive Director shall report the conflict of interest as required by federal law.

DUTIES AND RESPONSIBILITIES

EXECUTIVE DIRECTOR

1. The Executive Director shall be responsible for developing and administering purchasing in accordance with the District budget and shall ensure that adequate records are kept as necessary to create an audit trail for purchasing transactions.
2. The Executive Director is the sole authority responsible for issuing and setting spending limits on Purchasing Cards ("P-Card") for District employees.
3. The Executive Director shall ensure that a database is kept of all District contracts, and leases.

DISTRICT EMPLOYEES

1. Division and Department Heads may establish procedures to fully implement purchasing so long as such procedures are consistent with this Purchasing Policy and the District's Financial and P-Card systems.
2. Employees will use the P-Card or Purchase Order forms supplied by the District for procuring services, equipment, and supplies.
3. Division and Department Heads are responsible for ensuring that sufficient budget funds are available for all expenditures.
4. Department Heads shall monitor and approve the P-Card purchases of their employees.
5. Division or Department Heads shall formulate specifications, or the scope of work and requirements and competitive costs estimates, for competitive bids or requests for proposals or qualifications, to include any terms and conditions specified in related funding (i.e., Federal and State grant funding).

VENDOR POLICIES

1. Full and Open Competition
It is the intent of the District to provide all vendors with a fair and impartial opportunity in which to compete for the District's business.
2. Public Entity Crime: Denial and Revocation of Rights
In accordance with F.S. 287.133, any entity listed on the State Department of Management Services Convicted Vendor List shall be denied the right to conduct business or render any type of service to the District to the extent required by the debarment, suspension, or other determination of ineligibility by the State.
3. E-Verify
In accordance with F.S. 448.095, the District and all Vendors must register with and use the E-Verify system to electronically verify the employment eligibility of all newly hired employees. Any Vendor who does not use the E-Verify system shall be denied the right to conduct business or render any type of service to the District.
4. Suspension and debarment
 - A. Suspension. After consultation with the District's attorney, the Executive Director is authorized to suspend a vendor from consideration for award of contracts if there is probable cause to believe that the vendor has engaged in any activity which might lead to debarment pursuant to subsection (c) below. The suspension shall be for a period not to exceed three months, and the Executive Director shall immediately inform the Board at the next available regular session and provide notice to the affected vendor.
 - B. Debarment. After reasonable notice and an opportunity for the suspended vendor to be heard, the Board shall either debar such vendor or terminate the suspension. The debarment should be for a period of not more than three years unless the grounds for debarment remain active.
 - C. Grounds for debarment include:
 - (1) Entry of a plea of guilty, or no contest, or nolo contendere to or conviction of a criminal offense as an incident to obtaining or attempting to obtain public or private contract or subcontract, or in the performance of such contract or subcontract; or
 - (2) Entry of a plea of guilty, no contest, or nolo contendere to or conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification, or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty; or

- (3) Entry of a plea of guilty, no contest, or nolo contendere to or conviction under state or federal antitrust statutes arising out of the submission of bids or proposals; or
- (4) Violation of contract provisions, as set forth below, the character which is regarded by the board to be so serious as to justify debarment action:
 - a. Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or
 - b. A past record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts;
- (5) Having been adjudicated guilty of any violation of the State of Florida Construction Industry Licensing Board within the past 12-month period prior to the time of bid submittal; or
- (6) Having been adjudicated guilty by the Department of Environmental Protection of any violation of an environmental ordinance within the past six-month period at the time of bid submittal; or
- (7) Having been disqualified or found nonresponsive, based on the vendor's fraud; or
- (8) Having been adjudicated insolvent, having proceedings in bankruptcy instituted against it, or having a receiver or trustee appointed over its property; or
- (9) Being in a proceeding (i.e., court proceeding, arbitration, or administrative proceeding) adverse to the District, or having unresolved financial claims pending by or against the District for a period of more than sixty (60) days; or
- (10) Having been suspended or debarred by any other government entity; or
- (11) Any other cause the Executive Director determines to be so serious and compelling as to affect responsibility as a District vendor, including debarment by another governmental entity.

D. Notice of decision. The Executive Director shall issue a written notice to the vendor of the decision to debar or suspend. The final decision shall state the reasons for the action taken and inform the debarred or suspended vendor involved of his/her rights concerning judicial review by certiorari appeal to the Fourteenth Judicial Circuit Court. The written decision shall be mailed or otherwise furnished immediately to the debarred or suspended vendor.

5. Litigation and Arbitration

As a general policy, the District shall not purchase from or enter into contracts with any vendors currently involved in litigation or arbitration with District until such time as a satisfactory resolution is reached with such vendors; however, the District may, in its sole discretion, award contracts to such vendors if it deems it in the best interest of the District.

PURCHASING AUTHORITY

Purchasing authority identifies who must approve the purchase of goods and services up to a dollar threshold amount and when a purchase must be brought before the Board for approval and award. This purchasing authority includes the authority to sign any written contracts binding the District within the authorized amount.

Department Head:	Not to Exceed \$1,000
District Fire Chief	
District Police Chief	
Maintenance Manager	
Manager of Finance & Administration	

Division Head:	Not to Exceed \$5,000
Deputy Executive Director	
Director of Finance & Administration	

Executive Director	Not to Exceed \$50,000
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Board	Over \$50,000
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In addition to the above schedule, the Executive Director, or his/her designee, is authorized to approve the following items:

1. Pay requests for project expenditures in accordance with contracts approved by the Board.
2. Utility expenditures in accordance with the approved Operating and Capital Budget.
3. Personnel expenditures in accordance with the approved Operating and Capital Budget.
4. Transfer of funds between District accounts that do not result in a reduction of total fund balances.
5. Itemized capital equipment approved in the budget.
6. Owner Direct Purchases sourced by contracts.
7. SIB Loan Annual Debt payment.

PURCHASING THRESHOLDS

The following categories establish requirements for purchases by amount. Each order must be signed by the appropriate approval authority.

Orders up to \$3,500	Micro-Purchase. No quotes are required. Best practices should be used to ensure a competitive price.
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\$3,501 - \$25,000	Simplified Acquisition: Three written or internet quotes from separate vendors.
Orders over \$25,001	Competitive Solicitation Procedures required

METHODS OF PROCUREMENT

The District is committed to obtain, to the maximum extent practicable, full, and open competition for contracts. Staff shall determine which procurement method is most advantageous to the District. In making this determination, consideration shall be given to the procurement method that maximizes competition, pricing, and efficiency.

Dividing purchases between two or more P-Card or Purchase Order transactions to circumvent the bidding or approval process is prohibited. All purchases are restricted to business items only. Using the District's name, P-Card or Purchase Order form or any part of the District's purchasing process to obtain personal goods or services or to take advantage of its tax-exempt status is prohibited. Employees violating the provisions set forth herein will be subject to disciplinary action.

Micro-Purchases

The District may utilize the micro-purchase methods for purchases at or under \$3,500 without soliciting competitive quotes.

Simplified Acquisitions

The purchase of goods from \$3,501 to \$25,000 shall require the requesting Department to obtain competitive quotes from three or more vendors. The quotes must be on company letterhead, quote forms, or in an internet format that includes the date and the e-signature of an authorized representative of the vendor. Any work that requires a licensed contractor shall be identified prior to obtaining quotes. All contractor licenses shall be verified prior to issuance of a Purchase Order form or contract.

Single/Sole Source Purchases

When the District believes that commodities or contractual services are available only from a sole or single source, the District shall electronically post about the intended procurement for at least 7 business days before proceeding. The post must be in at

least one of the following places: 1) the District website; or 2) on a centralized website designated by the State of Florida Department of Management Services; or 3) on a Bay County publicly accessible website as allowed by Fla. Stat. 50.0311. The post must include a description of the commodities or contractual services sought and the reason that the District believes that the purchase qualifies as either a single-source or sole source procurement. The description must include a request that prospective vendors provide information regarding their ability to supply the commodities or contractual services described. Any prospective vendor challenge to a single/sole source determination shall be considered by the District in consultation with the District's attorney. If it is determined in writing by the District, after reviewing any information received from prospective vendors that the commodities or contractual services are available only from a sole or single source, before proceeding with the procurement the District will provide notice to the responding prospective vendors of its intended decision to enter a single-source or sole source purchase contract.

Piggyback

Departments may request to piggyback on contracts for goods and services with other governmental entities and cooperative organizations which are comprised solely of other governmental entities. The following must be submitted as a part of the request and specifications package:

1. Verification that the contract was competitively procured.
2. A copy of the other agency's active Purchase Order or contract including the scope of work and the expiration date.
3. A letter from the awarded vendor, offering to honor the same prices under the same terms and conditions as indicated in the other agency's solicitation and subsequent contract.
4. Verification from the other agency that the vendor is performing satisfactorily.

Owner Direct Purchases

The District may elect to purchase materials and equipment included in any contractor's bid directly from the supplier of such materials or equipment in order to achieve sales tax savings. Direct purchase language should be included in the solicitation document if applicable to the project.

The contractor shall submit to the District a list of materials and equipment appropriate for consideration by owner as direct purchase materials. If the District elects to purchase any materials directly, a deductive change order will be issued to account for direct purchases.

Competitive Solicitation Procedures: Purchases over \$25,001

1. The requesting Department, in conjunction with the Executive Director, will determine which competitive procurement method is most practicable and advantageous to the District. Those methods may be by:
 - A. Invitation to Bid (ITB);
 - B. Request for qualifications (RFQ) pursuant to Consultant's Competitive Negotiation Act (CCNA) or not governed by the CCNA;
 - C. Request for proposals (RFP);
 - D. Invitation to Negotiate (ITN).
2. The District is an Equal Opportunity Employer. To the extent required by law, as a condition of conducting business with the District, all individuals or organizations desiring to do business with the District should have an Equal Opportunity Employment Policy consistent with state and federal law.
3. All competitive solicitations should include the following provisions:
 - A. The District reserves the right to accept or reject any and all bids, proposals, competitive or otherwise, in whole or in part, to waive informalities in the solicitation documents, to obtain new bids, or to postpone the bid opening pursuant to the District's purchasing policies as they may deem in the best interest of the District.
 - B. The period of time that responses are valid after the date of the opening.
 - C. Public Entity Crimes Statement pursuant to Section 287.133(3)(a), Florida Statutes.
 - D. The contract term and the number, duration and condition of any intended renewal periods.
 - E. Date, time, and location of bid opening.
 - F. If predictable, an estimated time for contract award.
 - G. The basis or evaluation criteria for recommendation, ranking, and award where applicable.
 - G. Procedures to award when tie bids are received.
 - H. Requirements of the solicitation related to funding sources.
 - I. Insurance Requirements, if applicable.
 - J. Owner Direct Purchase language, if applicable.
4. The requesting Department will formulate specifications.
5. Except for emergency purchases, bids shall be advertised a minimum 14 days before the bid opening in at least one of the following places: 1) once in a newspaper of general circulation in Bay County; or 2) on a centralized website designated by the State of Florida Department of Management Services; or 3) on the Bay County publicly accessible website as allowed by Fla. Stat. 50.0311. Projects may have specific advertisements as required by federal or state law.

6. Federally funded projects will follow Federal procurement standards in the “Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards”, 2 C.F.R. Sections 200.213 and 200.317-326.
7. Acceptance and Evaluation. Responses shall be accepted without alteration or correction, except as authorized in this Policy. Responses shall be evaluated based on the requirements set forth in the solicitation document, which may include, but not be limited to criteria to determine acceptability such as: inspection, testing, quality and content of materials, workmanship, suitability for a particular purpose and/or factors to determine a respondent’s level of responsibility such as references, work history, licensure, certifications, etc. Those criteria that will affect the price and that are to be considered in evaluation for award shall be objectively measured.
8. After the opening, the District will notify any respondents of any informalities in their response. They will have 24 hours from the time of the opening to furnish information correcting the informality. If the opening is on a Friday, they will have until Monday to reply. If no response is received within 24 hours of the opening, the package will be deemed non-responsive.
9. The requesting Department will attend the opening and will assist in the review of the submitted responses to help ascertain the qualified and responsive respondent in accordance with the solicitation document that provides the best value to the District. All responses will be opened in public and prices, if provided, will be read aloud.
10. Unless otherwise instructed, the requesting Department will recommend the contract award to the appropriate approval authority.
11. The Department will draft the item to be placed on the Board agenda for approval if amounts exceed \$50,000 or otherwise as required by law, statute, or this Policy.
12. No later than the business day following the day approval is granted, a District employee will electronically notify a representative of each respondent of the award decision.
13. Depending on the value of the contract, the Executive Director or Department is responsible for issuing a Notice to Proceed after the full execution of any contract or agreement for a project.
14. Solicitations may be canceled or rejected in whole or in part when it is in the best interests of the District, as determined by the Executive Director. A District employee shall electronically notify all respondents of any decision to cancel the solicitation. In addition, notice of cancellation shall be posted on the District website. The notice shall identify the solicitation, and, where appropriate, explain

that an opportunity will be given to compete on any re-solicitation or any future procurement of similar items.

15. In cases of tie bids (monetary as well as all award criteria identified) award will be made based on a lot drawn by the Executive or his or her designee before at least three witnesses.

PROFESSIONAL ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURAL, AND LAND SURVEYING SERVICES (CCNA)

The purpose of this procedure is to ensure compliance with professional services procured pursuant to Fla. Stat. 287.055 (Competitive Consultants' Negotiation Act) including architecture, professional engineering, landscape architecture, construction management, registered surveying, and mapping. The District shall publicly announce all requirements for these professional services which meet the purchasing amounts in this policy or that exceed the threshold amounts provided for in statute. The consultant will be selected based on qualifications. The District will then negotiate a contract based on fair and reasonable prices.

1. Scope of Project Requirements

Prior to soliciting proposals for professional services, the Executive Director, or his designee, shall determine project requirements indicating the nature and scope of the professional services needed by the District, including but not limited to the following:

- a. The general purpose of the service or study.
- b. The objectives of the service or study.
- c. The estimated period of time needed for the service of the study.
- d. The estimated cost of the service or study.
- e. Whether the proposed study or service would or would not duplicate any prior or existing study or service.
- f. List of current contracts or prior services or studies which are related to the proposed study or service.
- g. The desired qualifications, listed in order of importance, of the person or firm applicable to the scope and nature of the services requested.

2. Development of RFQ

The RFQ shall be developed given consideration of the project requirements. The RFQ shall include a list of selection criteria to be used to evaluate potential consultants. Selection criteria will vary for each RFQ and must be appropriate for the proposed scope of services. Suggested criteria include, but are not limited to:

- a. Experience in comparable projects
- b. Professional qualifications, experience, and availability
- c. Ability to meet schedule requirements
- d. Quality of previous projects
- e. Qualifications of sub-consultants

- f. Geographic location of resources
- g. Understanding of project requirements and technical approach

The RFQ shall specify evaluation criteria and procedures.

3. Distribution of RFQ

The Executive Director, or his designee, shall distribute the RFQ to all persons who have indicated an interest in being considered for the performance of such professional services and to known, potentially qualified consultants. In addition to meeting any legal notice requirements, the RFQ shall be distributed to most effectively advertise the procurement including to electronic media, trade journals, newspapers, or publications of wide general circulation. Affirmative steps and good faith efforts shall be taken to assure that small and minority firms are recruited and used whenever possible. The RFQ shall provide notification of the date and time when proposals are due.

4. Evaluation

The Executive Director shall determine the Evaluation Committee that will best serve the needs of the District. A typical Evaluation Committee shall be composed of at least three persons with at least one being an architect or engineer, airport planner or other professional with knowledge of the services required. For projects with special design requirements, the Evaluation Committee should have additional technical members with appropriate expertise in those required disciplines. The Evaluation Committee shall evaluate proposals, conduct interviews and inquiries as desired, and shall make recommendations to the Board.

- a. Meetings. Meetings of the Evaluation Committee shall comply with Fla. Stat. 286.011. The Executive Director, or his designee, shall develop and implement procedures to ensure compliance with public meeting requirements.
- b. Contact with Evaluation Committee. Members of the Evaluation Committee are prohibited from discussing the project with any professional or firm that may submit a proposal during the procurement process, except in formal evaluation meetings subject to open meeting requirements.
- c. Initial Ranking. Only written responses of statements of qualifications, performance date and other data received by the publicized submission time and date shall be evaluated. The initial ranking shall be based upon the weighted criteria in the solicitation.
- d. Short Listing. The best qualified respondents shall be based upon the Evaluation Committee's ability to differentiate qualifications applicable to the scope and nature of the services to be performed as indicated by the ratings on the scoring sheet. The determinations shall be based only on the selection criteria contained within the RFQ. Typically, the top three rated individuals/firms, if there are at least three responsive respondents, will be

considered as the shortlisted candidates. The Evaluation Committee may choose to conduct formal interviews prior to final ranking.

5. Approval

The District Board shall select the best qualified person/firm prior to beginning contract negotiations. The Board shall rank the best qualified firms in order of preference.

6. Contract Negotiations

Contract negotiations shall be conducted by the Executive Director with assistance from the District Attorney. The Executive Director shall negotiate a contract with the firm considered to be the most qualified to provide the services at compensation and upon terms which the Executive Director determines to be fair and reasonable to the District. In making this decision, the Executive Director shall consider the estimated value, the scope, the complexity, and the professional nature of the services to be rendered. The District shall conduct a cost analysis, including evaluation of profit based on a cost break submitted by the firm prior to issuance of a contract. If the Executive Director is unable to negotiate a satisfactory contract with the firm considered to be the most qualified, negotiations with the firm shall be formally terminated. The Executive Director shall then undertake negotiations with the second most qualified firm. If this is unsuccessful, the Executive Director shall formally terminate negotiations, and shall then undertake negotiations with the third most qualified firm. If the Executive Director is unable to negotiate a satisfactory contract with any of the selected firms, the District Board shall select additional firms in order of their competence and qualifications. The Executive Director shall continue negotiations in accordance with this section until an agreement is reached or a decision has been made not to contract for such services.

7. Continuing Contracts

Nothing in this section shall prohibit the use of continuing contracts for professional services between any individual/firm and the District.

CHANGE ORDERS

If a change order is required to correct errors, omissions, or discrepancies, or to direct other changes to meet unforeseen field, emergency, climatic, regulatory, or market conditions, the following shall apply:

1. All change orders exceeding a cumulative total of ten percent of the original contract amount must be in writing and include the additional scope of work or quantities, the amount of the change order, and any additional days added to the term or delivery date.

2. Change orders exceeding a cumulative cost exceeding \$50,000, or where there is a materially significant change in the scope of services, shall require Board approval.
3. If immediate approval of the change order is required to prevent undue delay and hardship to the District, the Executive Director has the authority to approve the change order and bring it before the Board at the next regularly scheduled meeting with documented explanation of the condition.

BID PROTEST PROCEDURES

In any competitive solicitation context, no later than the business day following the day approval is granted, a District employee will electronically notify a representative of each respondent of the award decision.

If a party intends to initiate a challenge to an award, it must electronically notify the Executive Director and the District's attorney no later than three business day after notice of the awarding authority's decision. The notice shall contain at a minimum: the name of the Protestor; the Protestor's address and phone number; the name of the Protestor's representative; the name and bid number of the solicitation; and a brief factual summary of the basis of the challenge.

If no such notice is received by the District, it may proceed to execute a contract to formalize the award decision. If the District does receive notice of intent to challenge the decision, the District will stay the contracting process, unless the Executive Director determines that the contract must proceed without delay to protect substantial interests of the District.

In the event of a challenge, the Executive Director, in consultation with the District's attorney and the Board Chair, shall decide whether to reverse or uphold the award decision. The District's decision on a challenge must be provided in writing to the challenger. Any party wishing to appeal the District's decision must file a challenge in Bay County Circuit Court within fourteen business days after the date of the written decision. If the party files its action, the court will uphold the District's decision unless the court determines that the awarding authority did not act in good faith and the challenger demonstrates illegality, fraud, oppression or misconduct by the District or anyone acting on the District's behalf.

LEASES AND CONTRACTS

The following contracts and leases shall be reviewed by the District's Attorney before execution by the vendor, provider, or contractor, and preferably before presentation to the Board or execution by the authorized individual:

1. All contracts, purchase orders, leases of \$50,000 or more.
2. All contracts, leases, and agreements with another governmental entity or based on procurement through the piggyback method.

FEDERAL PROCUREMENTS

1. When property or services are procured using funds derived from a Federal grant or agreement (whether direct to the District or "pass-through" from another entity such as the State), the District is required to and will follow the Federal procurement standards in the "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards", 2 C.F.R. Sections 200.313 and 200.317 through 200.327. All procurements must be conducted in a manner that provides full and open competition. Micro-purchases of \$10,000 or less, do not require competition or a cost/price analysis provided the District considers the price reasonable. Small purchases, \$10,000 to \$150,000, require price and rate quotes from an adequate number of qualified sources. Sealed bids, competitive proposals and noncompetitive proposals may be used pursuant to the requirements of 2 C.F.R. Section 200.320.
2. It is the responsibility of the requesting Department to determine whether federal funds will be used on any particular project and of any special conditions that are imposed upon the District through such federal funding.
3. The District shall use the same procedures as otherwise contained in this Purchasing Policy to the extent that they do not conflict with the Federal procurement standards. The requirements of 2 C.F.R. Sections 200.313 and 200.317 through 200.327 will apply in the case of a conflict.
4. **Contract Provisions.** All contracts or Purchase Orders must contain the applicable provisions required pursuant to Section 200.327 and Appendix II to Part 200 of the Code of Federal Regulations.
5. **Suspension and Debarment.** The District is subject to federal debarment and suspension regulations implementing 2.C.F.R. Part 180. The District may not enter into an agreement for property or services with an entity or person who has been disqualified (suspended or debarred) from participation in Federal programs or activities unless the applicable Federal agency grants an exception.

The District shall take reasonable steps to determine whether any vendor, contractor or consultant is or has been excluded or disqualified from participating

in such transaction. Prior to awarding any bid, a District employee shall check with SAM.gov to ensure that the bidder or subcontractors, if applicable, are not disbarred or suspended from working with federally funded contracts.

The District shall include a provision in all agreements requiring contractors, vendors, or consultants to comply with Part 180 when entering into covered transactions with subcontractors, sub-vendors and subconsultants.

6. **Minority and Women-Owned Business Enterprises.** The District does not discriminate on any basis within its procurement and contracting process and encourages the participation of minority- and women-owned business enterprises (collectively, "MBEs"). When working with federally funded contracts, the District will consider the firm's status as an MBE or a certified MBE, and also the status of any sub-contractors or sub-consultants proposed to be utilized by the firm, within the evaluation process. Interested MBEs and certified MBEs are encouraged to respond. Specifically, the District will take affirmative steps to assure that minority- and women- owned businesses are used whenever possible. These steps include, but are not limited to:
 - a) Placing qualified small, minority- and women-owned businesses on solicitation lists;
 - b) Assuring that small, minority- and women-owned businesses are solicited whenever they are potential sources;
 - c) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small, women- and minority-owned businesses;
 - e) Establishing delivery schedules, where requirements permit, which encourage participation by small, women- and minority-owned businesses;
 - f) Using the services and assistance, as appropriate, of organizations such as the Small Business Administration, the Minority Business Development Agency of the Department of Commerce, and the Florida Office of Supplier Diversity; and
 - g) Requiring the prime contractor, if subcontracts are to be let, to take these same affirmative steps in the administration of its related contracts.

7. **Procurement of Recovered Materials.** The District shall comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, when procuring goods funded through Federal grant funding.

Whenever feasible, the District will procure items designated in the guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000.

The District will procure solid waste management services in a manner that maximizes energy and resource recovery.

The District will maintain an affirmative preference program for procurement of recovered materials identified in the EPA guidelines. The District may utilize the assistance of EPA Product Resource Guides located at <https://www.epa.gov/smm/product-resource-guides-comprehensive-procurement-guideline-cpg-program> for all product categories for all covered procurement.