

OBJECTIVE Establish policies and procedures for the competitive procurement of Goods, Services, and non-construction related Professional Services required by the Aviation Authority.

SCOPE Except as described in Policy Section 450.03, Non-Competitive Procurements, Contracts for Goods, Services, and non-construction related Professional Services shall be awarded, and procurements shall be made, through a Competitive Award using one of the following methods, or such other method permitted by Florida law:

- (i) Request for Quotations (RFQ);
- (ii) Invitation for Bids (IFB);
- (iii) Requests for Proposals (RFP);
- (iv) Request for Qualifications (RQ);
- (v) Invitation to Negotiate (ITN);
- (vi) Multi-Step Solicitation;
- (vii) Online reverse auction.

Request for Quotations When the value of a purchase is expected to be between \$15,000 (\$20,000 in the case of directed purchase to an LDB or VBE), and \$65,000, or if the fiscal year cumulative purchases as determined by the total spend for similar commodities and services are expected to exceed \$65,000, and the term does not exceed one (1) year, a RFQ is prepared and issued with the goal of obtaining competitive responses.

Public Notice: Public notice is posted on the Purchasing Department Internet Web Page, as applicable, for all RFQs. Additional public notice may be provided for solicitations that, in the sole discretion of the Aviation Authority, are of the size, type, or dollar value that make additional public notice appropriate.

Quotation Opening: Quotations are reviewed and tabulated on or after the due date indicated in the RFQ. Response to an RFQ are not opened in a public forum.

Split or Partial Quotation Awards: A split or partial quotation may be awarded, if a RFQ is for multiple Goods or Services, more than one vendor provides a quotation that meets the specifications for the items, and a price comparison can be made between the items quoted.

The award may be split between more than one vendor by awarding to the lowest cost provider of each item or reasonable grouping of items if acquisition, delivery, and other requirements can be reasonably administered. A Split or Partial Quotation Award shall not be used under the following conditions:

- a. When the solicitation is for an integrated system and the split of the award between components or parts of that system would jeopardize performance; or
- b. If the item is part of a system and the performance of that system would be jeopardized if another brand was substituted.

Tie Quotation: Tie quotations are handled in the same way as Tie Bids.

Quotation Evaluation. Quotations will be evaluated based on the evaluation factors set forth in the RFQ which may include criteria to determine acceptability of Goods (for example, inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose). Criteria for the acceptability of Goods shall be used to determine whether particular Goods are responsive to the RFQ and not to determine the relative desirability between acceptable Goods. The Aviation Authority reserves the right to waive any informalities or irregularities of quotations, to request clarification of information submitted in any quotation, or to reject any or all quotations for any reason whatsoever.

If only one (1) response is received, the Aviation Authority may re-solicit or may procure such Goods and Services by Direct Negotiation as indicated in Policy 450.03, Non-Competitive Procurements.

If no responsive and responsible quotations are received or all quotations are rejected, the Aviation Authority may re-solicit, or may procure such Goods and Services by Direct Negotiation as indicated in Policy 450.03, Non-Competitive Procurements.

Correction or Withdrawal of Quotations. Correction or withdrawal of inadvertently erroneous quotations is permitted up to the time of the due date and time. After the due date and time, no change in prices or other provisions is permitted; however, minor irregularities may be waived by the Aviation Authority. Respondents may decline any request from the Aviation Authority for correction.

Quotation Award Extension and Increase in Funds. When unforeseen or unpredicted events occur, Departments may request an

Extension in Time and/or additional funds to an existing Purchase Order or Blanket Purchase Agreement issued as a result of a RFQ. These requests will be made in accordance with the approval requirements defined in the Approval Section of Policy 450.04, General Procedures and Approval Authorizations.

Invitation For Bids

Where competitive sealed bidding is used, an IFB is prepared and issued to prospective Bidders, with the goal of obtaining competitive responses.

Public Notice. Public notice (such as publication in a newspaper of general circulation or posting on the Purchasing Department Internet Web page) of the IFB must be given a minimum of five (5) calendar days prior to the date set for bid opening, unless it can be demonstrated that an urgent requirement for Goods or Services exists, in which instance, the requirement for public notice may be reduced by the Purchasing Manager.

Bid Opening. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the IFB. All relevant information, including each bid amount and Bidder's name, will be recorded on a summary sheet.

Split or Partial Bid Award. May be awarded with the same guidelines and restrictions as those provided for Split or Partial Quotation Awards.

Tie Bid. In the event two or more identical bids are received, the following procedure will be used when the basis of award is low bid:

- (i) The tie Bidders will be contacted and advised of the tie and asked if they wish to reduce their bid in writing submitted in a sealed envelope to be opened at the time and place stated by Aviation Authority staff. If one or more of the tied Bidders agrees to participate, award will be made to the new low bid. If none of the tied Bidders agree to participate or if the new bids are tied, then Aviation Authority staff shall break the tie by following the procedures described below, as necessary.
- (ii) If the procedure in (i) does not result in an award, then to the extent permitted by law, a tie Bidder that has a certificate as an MWBE, LDB or VBE as verified by the Aviation Authority Small Business Development Department would be recommended for award to the appropriate committee or

approving authority. If more than one Bidder meets this criteria, proceed to step (iii) below.

- (iii) If the procedures in (i) and (ii) above do not result in an award, then, to the extent permitted by law, a tie Bidder from a firm/office within Orange, Seminole, Osceola or Lake County, Florida would be recommended for award to the appropriate committee or approving authority. If more than one Bidder or no Bidder meets this criteria, proceed to step (iv) below.
- (iv) If the procedures above do not result in an award, the Purchasing Manager in the presence of two or more witnesses will flip a coin. Award will be recommended to the appropriate committee or approving authority.

Correction or Withdrawal of Bids. Correction or withdrawal of inadvertently erroneous bids is permitted up to the time of bid opening. After bid opening, no change in bid prices or other provisions is permitted; however, minor irregularities may be waived by the Aviation Authority. No bid may be withdrawn for a period of ninety (90) days after the time scheduled for bid opening, or as otherwise stated in the IFB.

Late Bids. Late bids will be rejected and returned unopened.

Bid Evaluation. Bids will be evaluated based on the evaluation factors set forth in the IFB, which may include criteria to determine acceptability of Goods (for example, inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose). Criteria for the acceptability of Goods shall be used to determine whether particular Goods are responsive to the IFB, and not to determine the relative desirability between acceptable Goods. The Aviation Authority reserves the right to waive any informalities or irregularities of bids, to request clarification of information submitted in any bid, or to reject any or all bids for any reason whatsoever.

If only one (1) response is received, the Aviation Authority may re-solicit or may procure such Goods and Services by Direct Negotiation as indicated in Policy 450.03, Non-Competitive Procurements.

If no responsive and responsible bids are received or all bids are rejected, the Aviation Authority may re-solicit, or may procure such Goods and Services by direct negotiation as indicated in Policy 450.03, Non-Competitive Procurements.

**Request for
Proposals**

Bid Award. The bid will be awarded, if an award is made, to the responsible and responsive Bidder offering the lowest price whose bid meets the requirements and criteria set forth in the IFB. The bid may require a Contract.

When the Purchasing Manager determines the use of an IFB is not practical or not advantageous because of existing market conditions or the type of items required, the Aviation Authority may procure Goods, Services, or Professional Services through receipt of competitive sealed proposals. Competitive sealed proposals are solicited through the use of an RFP, with the goal of obtaining competitive responses.

Public Notice. Public notice of the RFP shall be given in the same manner as the procurement of competitive sealed bidding.

Proposal Opening. Proposals shall be opened publicly, in the presence of one or more witnesses at the time and place designated in the RFP. All relevant information, including each proposed amount and Proposer's name, will be recorded on a summary sheet.

Correction or Withdrawal of Proposals. Correction or withdrawal of inadvertently erroneous proposals is permitted up to the time of the opening of proposals. After opening, no change in proposed amount or other provisions is permitted; however, minor irregularities may be waived by the Aviation Authority. No proposal may be withdrawn for a period of ninety (90) days after the time scheduled for proposal opening, or as otherwise stated in the RFP.

Late Proposals. Late proposals will be rejected and returned unopened.

Proposal Criteria. The RFP will identify the criteria to be considered and evaluated as the basis of award.

Evaluation Factors. Proposals submitted by Responsible and Responsive Proposers are evaluated by Aviation Authority staff based upon the criteria applicable to the RFP. All proposals (or the most acceptable Proposals in the discretion of the committee evaluating Proposals) will be ranked in order of their acceptability to the Aviation Authority, giving consideration to the criteria. The Aviation Authority has no obligation to award the Contract to the Proposer who proposes the lowest price.

The Aviation Authority reserves the right to waive any informalities or irregularities of proposals, to request clarification of information

submitted in any proposal, to further negotiate with a Responsive and Responsible Proposer who has been selected for Contract award, or to reject any or all proposals for any reason whatsoever.

Contract Award. The Contract will be awarded, if award is made, by the Aviation Authority to the Responsive and Responsible Proposer whose proposal is determined, in the Aviation Authority's exclusive discretion, to be the most advantageous to the Aviation Authority, taking into consideration price, qualifications, and other factors as indicated in the RFP. The RFP will contain the basis on which the award is to be made.

If no Responsive and Responsible proposals are received or all proposals are rejected, the Aviation Authority may re-solicit or may procure such Goods, Services, and Professional Services by direct negotiation as indicated in Policy 450.03, Non-Competitive Procurements.

**Request for
Qualifications
(RQ)**

When it is determined to be in the Aviation Authority's best interest to evaluate the experience and qualifications of a Service provider, without regard to price or prior to considering price, a RQ may be used.

Procedural Requirements. The procedure for soliciting, opening and evaluating statements of qualifications shall be the same as described herein for competitive sealed proposals. Service providers whose qualifications meet the criteria established in the RQ, at the sole discretion of the Aviation Authority, may be considered for Contract award by participation in the completion of a multi-step solicitation, as described below. Alternatively, the Aviation Authority may, by Direct Negotiation, finalize terms with service providers who are selected for award based on qualifications. The Aviation Authority reserves the right to reject any or all responses for any reason. Clarification of information may be requested by the Aviation Authority.

**Invitation to
Negotiate
(ITN)**

An ITN may be used when the Aviation Authority determines it is in its best interest to commence negotiation of price and other factors prior to recommendation of award, and it is approved by the Chief Executive Officer. (Form 450.02.1, Invitation to Negotiate Justification). An ITN may be used for Goods or Services when the scope of work is complex or difficult to define, if strict comparison of Services or Goods required may be difficult because components are likely to vary among Proposers, or in any situation in which it is in the Aviation Authority's best interest to negotiate prior to recommendation of award to obtain the Goods or Services that best meets the Aviation Authority's needs, price and other factors being considered.

Procedural Requirements. The procedure for soliciting and opening initial responses to an ITN shall be the same as described herein for competitive sealed proposals.

ITN Criteria. The ITN will identify the criteria to be considered during the evaluation of proposals.

Evaluation Factors. All responsive and responsible proposals submitted are evaluated based upon the criteria applicable to the ITN. Clarification of information submitted in the proposal may be requested. The Aviation Authority reserves the right to waive any informalities or irregularities of proposals, to request additional information from any Proposer, or to reject any or all responses for any reason whatsoever.

Negotiations. The Aviation Authority may, at its sole discretion, shortlist three or more firms, if possible, that are deemed to best meet the Aviation Authority's requirements, taking into consideration all criteria listed in the ITN, which may include price. The Aviation Authority may, at its sole discretion, ask for formal presentations from all of the Responsive and Responsible Proposers, or only from those firms that are short-listed, if short-listing is determined to be in the best interest of the Aviation Authority. Negotiations will be conducted and may take place in person or via telephonic with all of the Proposers or, if short-listing occurs, with one or more of the short-listed Proposers. Proposers that participate in the negotiations may be given an opportunity to submit their Best and Final Offers.

Contract Award. The Contract will be awarded, if an award is made, by the Aviation Authority to the Responsive and Responsible Proposer whose proposal is determined to be the most advantageous to the Aviation Authority, taking into consideration price and other factors as indicated in the ITN. The Aviation Authority has no obligation to award the Contract to the proposer that submits the lowest price. Form 450.02.1 is required for justification.

**Multi-Step
Solicitation**

The Aviation Authority may initiate one of the multi-step solicitation processes described below when: (a) in the Aviation Authority's discretion, it is impractical to prepare an adequate or complete description of the Goods or Services desired (due to insufficient data, uncertain requirements, unfamiliar market options, etc.), (b) the Aviation Authority desires to identify a field of qualified Bidders, Proposers, Goods or Services, out of a broader field of Bidders, Proposers, Goods or Services, or (c) the Aviation Authority believes a multi-step process would best serve its purposes.

(i) Consecutive Multi-Step Process

- (1) The Aviation Authority may request unpriced proposals or statements of qualifications to be evaluated based on the criteria in the RFP or the RFQ for purposes of identifying one or more desirable or acceptable Goods, Services, or Professional Services or for purposes of identifying a field of at least three (if possible and available) qualified or most qualified Bidders or Proposers. The Aviation Authority may request demonstrations, samples, or may conduct interviews with Proposers to aid in the identification of desirable or acceptable Goods, Services, or Professional Services or in the identification of qualified or most qualified Bidders or Proposers. In the event the Aviation Authority requests demonstrations or samples, the Aviation Authority is not required to seek or permit demonstrations or samples of Goods or Services deemed by the Aviation Authority to be less desirable or acceptable than other Goods or Services for which proposals or statements of qualifications were received. In the event the Aviation Authority conducts interviews with Proposers, the Aviation Authority is not required to interview any Proposer deemed by the Aviation Authority to be unqualified or less qualified than other Proposers.
- (2) After identifying a field of most qualified Bidders or Proposers with the capability of providing the desirable or acceptable Goods, Services, or Professional Services, the Aviation Authority may either (I) follow a Competitive Award solicitation process among the field of vendors identified as having the capability to meet the Aviation Authority's requirements for the procurement; or (II) procure such Goods, Services, or Professional Services through one of the exceptions to the Competitive Award process described in Section 450.03, Non-Competitive Procurements.

(ii) Simultaneous Multi-Step Process

- (1) The Aviation Authority may request that priced proposals be submitted in two separate envelopes, with pricing information contained in one envelope and all other requested information contained in the other envelope. In such case, proposals will be evaluated in accordance with the requirements set forth in the RFP, initially without regard to price and without opening the envelope containing pricing information. Based on such evaluation, the Aviation Authority will establish a field of at least three (if possible and available) qualified or most

qualified Proposers. The Aviation Authority may conduct interviews with Proposers to aid in the identification of qualified or most qualified Proposers. In the event the Aviation Authority conducts interviews with Proposers, the Aviation Authority is not required to interview any Proposers deemed by the Aviation Authority to be unqualified or less qualified than other Proposers.

- (2) After establishing a field of qualified or most qualified Proposers, the Aviation Authority will open the pricing envelopes of only the qualified or most qualified Proposers, and evaluate such pricing information in the manner described in the RFP for purposes of recommending/making an award (e.g. most advantageous proposal, price and other factors considered or low price submitted by qualified Proposers). In the absence of specific instructions to the contrary in the RFP, pricing information will be evaluated together with all other information required by the RFP for purposes of selecting among the qualified field of Proposers the most advantageous Proposal, price and other factors considered.

(iii) Multi-Step Process to Award Continuing Purchasing Contracts

- (1) When it is in the best interest of the Aviation Authority to have pre-qualified, Continuing Purchasing Contracts because of the need to provide quick-response, repetitive Services or a range of Services or Professional Services within a specific field of expertise, the Aviation Authority may use either a Consecutive or a Simultaneous Multi-Step Procurement Process to identify one or more continuing contractors. The purpose is to identify one or more continuing contractors that demonstrate the ability to perform a particular type of Service during a specified Contract period.
- (2) Contract award - The multi-step solicitation shall specify the general types of Services required, the selection process to be used, and the selection criteria for award of the continuing contract(s).
- (3) Award of a specific scope of work to a continuing contractor - During the term of the Continuing Purchasing Contract(s), specific scopes of work may be developed and awarded to continuing contractor(s), by Amendment to such Continuing Purchasing Contract(s), provided that the specific scope of work is consistent with

the general types of Services upon which award of the Continuing Purchasing Contract(s) was made.

- (4) When there is more than one continuing contractor available to perform the specific scope of work defined, the process for award of the work is set forth below:
- a) Work may be rotated during the Contract period between the continuing contractor(s) that were selected to perform the general type of Services required; or,
 - b) Award may be made to the continuing contractor that is deemed, based on its original Proposal, to be most advantageous to the Aviation Authority for the specific scope of work required, price and other factors being considered and without regard to rotation among selected contractors; or,
 - c) Quotations, Bids or Proposals may be requested from the pre-qualified continuing contractor(s) that were selected to perform the general type of Services or Professional Services required. The Aviation Authority may select the continuing contractor whose quotation, bid, or proposal is deemed to be most advantageous to the Aviation Authority to perform the specific scope of work required.

**Online
Reverse
Auction**

The Aviation Authority reserves the right to utilize this procurement method when advantageous. The process will be specified in the Solicitation Documents.

**Performance
Guarantee**

Unless waived by the Aviation Authority Board, a performance guarantee, such as a Performance Bond or letter of credit, shall be required for all solicitations that include Services to be performed in which the estimated annual amount of the award, based on the budget developed by the Aviation Authority for the solicitation, equals or exceeds \$300,000. The amount of the performance guarantee shall be established for each solicitation by the Assistant Director, Purchasing and Material Control after consultation with the Chief Financial Officer, and other senior officials, as necessary.

For all solicitations where the estimated annual amount of the award is less than \$300,000, a performance guarantee will not be required unless recommended by the Assistant Director, Purchasing and Material Control and concurred by the Chief Financial Officer.

**Approval of
Awards and
Recommendations**

Prior to the consummation of the purchase by the Aviation Authority of Goods, Services, or Professional Services, such purchase must be approved by a person having approval authority over such purchase, as described in Policy Section 450.04, General Procedures and Approval Authorizations.

FORMS Form 450.02.1 - Invitation to Negotiate Justification

**APPROVAL
AND UPDATE
HISTORY**

**Format and
Re-Numbering
Authority** Aviation Authority Board: August 28, 1991 (4R)

Last Approval Aviation Authority Board: September 16, 2020
Chief Executive Officer: December 23, 2014

Supersedes All Previous

INVITATION TO NEGOTIATE JUSTIFICATION

The Invitation to Negotiate is a competitive process that may be used for Goods or Services when the scope of work is complex or difficult to define, if strict comparison of Goods or Services may be difficult because components are likely to vary among Proposers, or it is in the best interest of the Aviation Authority to negotiate prior to recommendation of award to obtain the Goods or Services that best fits the Aviation Authority's needs, price and other factors being considered. Examples of appropriate use of this process may include but are not limited to copyrighted items such as software in which components offered by each vendor vary.

Procedures for conducting the competitive process for an Invitation to Negotiate are set forth in Policy 450.02, Competitive Procurements. The Chief Executive Officer must approve the Invitation to Negotiate request prior to solicitation. The requesting department must provide the additional information requested below:

1. Description of good or service required for an Invitation to Negotiate:
2. Reason the Invitation to Negotiate is the preferred method over Invitation to Bid or Request for Proposal. Include summary of market research performed.
3. List of potential Bidders or Proposers:
4. Estimated cost:

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| Department Director | Date |
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| Senior Director (if applicable) | Date |
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| Assistant Director of Purchasing | Date |
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| Chief Financial Officer | Date |
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| Chief Executive Officer | Date |
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