

**PROCEDURES AND GUIDELINES**

---

**PROCEDURE:** SOP 1215

**TITLE:** Procurement Code for the Jacksonville Port Authority

**RESPONSIBILITY:** Director, Procurement Services

**REVISION DATE:** March 28, 2019

---



**PROCEDURAL CONTENT:**

1. Purchasing Procedures for Formal and Informal Purchases (Capital and Operating)
  2. Awards of Contracts for Formal and Informal Purchases
  3. Single Source, Non-Competitive and Emergency Purchases
  4. Jacksonville Small Emerging Business Program
  5. Forms
- 

**PURPOSE:**

To provide guidelines for the procurement of Construction and or Capital Improvements, Professional Services, Contractual Services, Equipment and Commodities for the Jacksonville Port Authority.

**ARTICLE 1**  
**PART A – DEFINITIONS**  
**Purpose and Application**

**1-101 Purposes and Rules of Construction**

- 1) **Interpretation.** This Code shall be construed and applied to promote its underlying purposes and policies.
- 2) **Purposes and Policies.** The underlying purposes and policies of this Code are:
  - (a) To simplify, clarify, update and add consistency to the rules governing procurement by the Jacksonville Port Authority.
  - (b) To permit the continued development and refinement of procurement policies and practices.
  - (c) To provide for the increased confidence in the procedures followed in procurement.



## PROCEDURES AND GUIDELINES

---

- (d) To ensure the fair and equitable treatment of all persons who deal with the procurement system and to reduce minority utilization disparities.
  - (e) To provide increased economy in procurement activities and to maximize to the fullest extent practicable the purchasing value of funds of JAXPORT.
  - (f) To provide safeguards for the maintenance of a procurement system of quality and integrity.
- 3) **Singular - Plural and Gender rules.** In this code, unless the context requires otherwise:
- (a) Words in the singular number include the plural, and those in the plural include the singular; and;
  - (b) Words of a particular gender include any gender and the neuter, and when the sense so indicates, words of the neuter gender may refer to any gender.

### 1-102 Application

This Code applies to contracts for the procurement of Construction and or Capital Improvements, Professional Services, Contractual Services, Equipment and Commodities for the Jacksonville Port Authority after the effective date of this Code, unless the parties agree to its application to contracts entered into prior to the effective date. It shall apply to every expenditure of funds by JAXPORT for procurement irrespective of the source of the funds. When the procurement involves the expenditure of federal assistance or state contract funds, the procurement shall be conducted in accordance with the mandatory applicable federal and state law and regulations. Nothing in this Code shall prevent JAXPORT from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law.

### PART B - DEFINITIONS

- 1) **Agent** - One vested with authority to act for another, called principal, in dealing with third parties.
- 2) **Architect, Engineer & Land Surveying Services** - Those professional services within the scope of the practice of architecture, professional engineering, or land surveying, as defined by the laws of the State of Florida. (Refer to Florida Statue 287.055 – CCNA)



## PROCEDURES AND GUIDELINES

---

- 3) **Award** -The presentation of a purchase agreement or contract to a bidder or the acceptance of a bid or proposal.
- 4) **Bid** - An offer, as a price, whether for payment or acceptance. A quotation specifically given to a prospective purchaser upon request, usually in competition with other offers.
- 5) **Blanket Order** - A purchasing tool to allow for repetitive purchase of goods and services over a set period of time. Based on the dollar amount requested, all Blanket Orders are subject to the solicitation procedures listed herein (formal or informal whichever may apply).
- 6) **Brand Name or Equal Specification** - A specification limited to one or more items by manufacturers' names or catalog numbers to describe the standard of quality, performance, and other salient characteristics needed to meet JAXPORT requirements and which provides for the submission of equivalent products.
- 7) **Brand Name Specification** - A specification limited to one or more items by manufacturers' names or catalog numbers.
- 8) **Business** - Any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.
- 9) **Change Order** - A modification to an existing purchase order, service, blanket purchase order, contract or agreement. A written purchase order, blanket purchase order, contract or agreement signed and issued by the Director of Procurement Services, directing the contractor to make changes.
- 10) **Confidential Information** - Any information which is available to an employee only because of the employee's status as an employee of the Jacksonville Port Authority and is not a matter of public knowledge or available to the public on request.
- 11) **Construction** - The process of building, altering, repairing, improving, or demolishing any JAXPORT structure or building, or other improvements of any kind to any JAXPORT real property by the Senior Director of Facilities Development. The item does not include the routine operation, routine repair, or routine maintenance of existing structures, buildings or real property.
- 12) **Contract** - Any agreement, regardless of style or form, for the procurement of Construction Related Professional Services, Construction and or Capital Improvements, Professional Services, Contractual Services and Commodities .



## PROCEDURES AND GUIDELINES

---

- 13) **Contract Amendment** - Any written alteration in specifications, price, quantity, or other provisions of any contract accomplished by mutual action of the parties to the contract.
- 14) **Contractor** - Any person having a contract with the Jacksonville Port Authority.
- 15) **Cost Data** - Factual information concerning the cost of labor, material, overhead, and other cost elements which are expected to be incurred or which have been actually incurred by the contractor in performing the contract.
- 16) **Cost-Reimbursement Contract** - A contract under which a contractor is reimbursed for costs which are allowable and applicable in accordance with the contract terms and the provisions of this Code, and a fee or profit, if any.
- 17) **Design Build Firm** – means a partnership, corporation, or other legal entity that: a) Is certified under s. 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 Is certified under s. 471.023 to practice or to offer to practice engineering; certified under s. 481.219 to practice or to offer to practice architecture; or certified under s. 481.319 to practice or to offer to practice landscape architecture.
- 18) **Design-Bid-Build** - means 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 construction of the project in accordance with the previously awarded professional design services.
- 19) **Design-Build** - means a project delivery method approach involving a single contract for both the design and construction of a project. Upon approval of the Competitive Sealed Proposal, the award of a single design-build contract may, in addition to the design and construction of the project, include the financing, operation and/or maintenance of the project over a contractually defined period of time.
- 20) **Design-Build Contract** - means a single contract with a design-build firm for the design and construction of a public construction project.
- 21) **Design Criteria Package** – means concise, performance-oriented drawings or specifications of the public construction project. The purpose of the design criteria package is to furnish sufficient information to permit design-build firms to prepare a bid or a response to an agency's request for proposal, or to permit an agency to enter into a negotiated design-build contract. The design criteria package must specify performance-based criteria for the public construction project, including the legal description of the site,



## PROCEDURES AND GUIDELINES

---

survey information concerning the site, interior space requirements, material quality standards, schematic layouts and conceptual design criteria of the project, cost or budget estimates, design and construction schedules, site development requirements, provisions of utilities, stormwater retention and disposal, and parking requirements applicable to the project.

- 22) **Design Criteria Professional** – means a firm who holds a current certificate of registration under F.S. Chapter 481 to practice architecture or landscape architecture or a firm who holds a current certificate as a registered engineer under F.S. Chapter 471 to practice engineering and who is employed by or under contract to the agency for the providing of professional architect services, landscape architect services, or engineering services in connection with the preparation of the design criteria package. (A Design Criteria Professional, its sub consultants and subcontractors may not be awarded the design-build contract for which it prepared the Design Criteria Package)
- 23) **Disadvantaged Business Enterprise (DBE)** - A small business company: (a) which is at least 51 per cent owned by one or more socially and economically disadvantaged individuals or, in the case of any publicly owned business, at least 51 per cent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and (b) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
- 24) **Dividing Purchase Requirements** - Issuance of multiple purchase orders exceeding the bidding threshold limits and signing authority levels established, thus bypassing the informal or formal bid process. Making multiple purchases during a short period of time from the same vendor without proper competition as required in the Procurement Code.
- 25) **Emergency Purchase** - Purchase of goods or services without complying with the procurement regulations contained in this code, due to conditions existing that are a threat to public health, welfare, or safety, or disruptions or stoppages of operations that could cause an economic loss to JAXPORT, its customers or tenants. These conditions must have been unforeseen and non-preventable in nature, and which required emergency action.
- 26) **Employee** - An individual drawing a salary or wages from JAXPORT.
- 27) **Established Catalog Price** - The price included in a catalog, price list, schedule or other form that:
  - (a) Is regularly maintained by a manufacturer or contractor;
  - (b) Is either published or otherwise available for inspection by customers; and



## PROCEDURES AND GUIDELINES

---

- (c) States prices at which sales are currently or were last made to a significant number of any categories of buyer or buyers constituting the general buying public for the supplies or services involved.
- 28) **Excess Supplies** - Any expendable or non-expendable supplies having a remaining useful life but which are no longer required by the using department.
- 29) **Expendable Supplies** - All tangible supplies having an original acquisition cost of \$5,000 or less per unit and a probable useful life of less than three years.
- 30) **Financial Interest**
- (a) Ownership of any interest or involvement in any relationship from which, or as a result of which, a person within the past year has received or is presently or in the future entitled to receive any financial amount.
  - (b) Ownership of 5% or more of any property or business; or
  - (c) Holding a position in a business such as officer, director, trustee, partner, employee, or the like, or holding any position of management.
- 31) **Formal Purchases** - The procurement of supplies and/or services where the estimated costs or fees thereof exceed the following thresholds established by reference to Florida Statutes:
- (i) Supplies, Equipment, Contractual Services and Commodities where the estimated cost thereof shall exceed (\$25,000) Twenty Five Thousand dollars or such higher sum as may be provided from time to time under applicable law requiring formal advertising.
  - (ii) Professional Design Services, Construction and or Capital Improvements, Professional Services, Contractual Services, Equipment and Commodities, where the estimated cost thereof shall exceed (\$50,000) Fifty Thousand dollars or such higher sum as may be provided from time to time under applicable law requiring formal advertising.
- 32) **Informal Purchases** – A purchase of supplies, professional services, contractual services, professional design services or capital improvements, where the estimated costs or fees thereof do not exceed the applicable formal thresholds amounts.
- 33) **Government Body** - Any department, commission, council, board, bureau, committee, institution, legislative body, agency, government corporation, or other establishments or



## PROCEDURES AND GUIDELINES

---

office of the executive, legislative, or judicial branch of any government in the United States of America.

- 34) **Grant** - The furnishings by a governmental body of assistance, whether financial or otherwise, to any person to support a project authorized by law.
- 35) **Gratuity** - A present; a free gift for more than nominal value.
- 36) **Invitation for Bids** - All documents, whether attached or incorporated by reference, utilized for soliciting sealed bids.
- 37) **Jacksonville Small Emerging Business (JSEB's)** - Small Business Certified under Chapter 126, part 6B, Jacksonville Ordinance Code. A JSEB may also be certified as a Minority Business Enterprise (MBE) if it meets certain prescribed categories.
- 38) **Lead-time** - The period of time from date of ordering to the date of delivery which the buyer must reasonably allow the vendor to deliver goods.
- 39) **May** - Denotes the permissive. **Must** – Denotes the imperative.
- 40) **Non-expendable Supplies** - Also referred to as tangible personal property, these are supplies with an original acquisition cost of \$5,000 or more and a probable useful life of three (3) years or more.
- 41) **OEM** - Original equipment manufacturer.
- 42) **Person** - Any natural or artificial person, business, union, committee, club, other organization, or group of individuals.
- 43) **Prime Contractor** - Any person who has a contract with the Jacksonville Port Authority to build, alter, repair, improve, or demolish any structure or building, or perform other improvements of any kind to any JAXPORT real property.
- 44) **Procurement** - The buying, purchasing, renting, leasing, or otherwise acquiring of any supplies, services, capital goods, or construction, including all functions that pertain thereto such as the description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.
- 45) **Public Notice or Advertisement** - Solicitation of bids or proposal on bulletin board(s) located at the Jacksonville Port Authority, in a newspaper of general circulation and/or in



## PROCEDURES AND GUIDELINES

---

electronic media, which solicitation describes the services desired, gives a reasonable period of time prior to the public opening and provides the place, date and time the requested bids or proposals are due.

- 46) **Professional Services** - The definition of Professional Services is taken directly from 287.055, Florida Statutes, which is commonly referred to as the Consultant's Competitive Negotiation Act (CCNA). "Professional Design Services" includes those 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. Professional Services in a general sense means those services where the value of services is 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. Unless otherwise provided in the Procurement Code, professional services will generally include, certified public accountants, audit services, attorneys, financial, political, personnel, technological, systems, planning, and management consultants and insurance brokers for purposes of consulting, structuring coverage and procuring insurance.
- 47) **Protest** - A complaint about a procurement decision brought by a bidder or vendor in order to have the decision changed.
- 48) **Public Notice or Advertisement** - Solicitation of bids or proposals on bulletin board(s) located in the office of the Procurement Department, in a newspaper of general circulation, and/or in electronic media, which solicitation describes the supplies or services desired, gives a reasonable period of time prior to public opening and provides the place, date, and time the requested bids or proposals are due.
- 49) **Purchasing Agent** - Any person duly authorized to enter into and administer contracts and make written determinations with respect thereto. The term also includes an authorized representative acting within the limits of authority, such as a Purchasing Agent or Director of Procurement Services.
- 50) **Qualified Products List** - An approved list of supplies, services, or construction items described by model or catalog numbers, which prior to competitive solicitation, appears to meet the applicable specification requirements.
- 51) **Real Property** - Consists of land, buildings, and improvements to land and leasehold improvements of a permanent nature.





## PROCEDURES AND GUIDELINES

---

- 52) **Regulation** - A statement of general or particular applicability and future effect, designed to implement, interpret, or prescribe law or policy, or describing organization, procedure, or practice requirements, which has been lawfully promulgated.
- 53) **Request for Bids** - A solicitation document used in procurement, which does not allow for negotiations with bidders after bids are opened and which bases award of contract on lowest price.
- 54) **Request for Proposals** - A solicitation document used in procurement which reserves the right to discuss offers with proposers and to evaluate proposals on both prices and qualitative factors.
- 55) **Request for Quotation** - A solicitation document used in procurement to request pricing for informal purchases. The quotes received are offers that the buyer will accept with or without confirmation or discussion with offerors.
- 56) **Supply Contract** - A form of contract covering long-term requirements which is used when the total quantity required cannot be fixed definitely but can be stated with maximum and minimum limits with deliveries on demand.
- 57) **Responsible Bidder or Offeror** - A person who has the capability in all respects to perform fully the contract requirements, and the tenacity, perseverance, experience, integrity, reliability, capacity, facilities, equipment, and credit which will assure good faith performance. Performance under previous contracts may be considered in determining responsibility, as may evidence of a bidder or offeror's conviction of a Public Entity Crime.
- 58) **Responsive Bidder** - A person who has submitted a bid, which conforms in all material respects, to the requirements set forth in the invitation for bids.
- 59) **Sealed Bid** - Offer submitted in response to an Invitation for Bids, which does not allow negotiations with bidders and evaluation of bids is based on quantifiable factors, such as price, delivery time, freight, etc.
- 60) **Sealed Proposal** - Offer submitted in response to a Request for Proposal, which allows for negotiations with proposers, and evaluation of proposals is based on factors other than price, some of which may be subjective, and may be weighted by rank of importance.
- 61) **Services** - The furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the



## PROCEDURES AND GUIDELINES

---

required performance. This term shall not include services provided pursuant to employment agreement or collective bargaining agreements.

- 62) **Shall** - Denotes the imperative.
- 63) **Small Business** - A United States business which is independently owned and which is not dominant in its field of operation or an affiliate or subsidiary of a business dominant in its field of operation.
- 64) **Single Source** - Characterized as the one and only source, such as a patented and manufactured products and services offered for sale in a non-competitive market or solely by a manufacturer's authorized dealer. Source refers to supplier or manufacturer, not item requested.
- 65) **Supplies** - Tangible personal property owned by JAXPORT as well as expendable supplies with an acquisition cost less than \$5,000 or with an expected useful life less than three years.
- 66) **Surplus supplies** - Includes both expendable and non-expendable supplies that are no longer of any use to JAXPORT. This includes obsolete items, scrap materials, items with no economic life remaining, and items damaged beyond economic feasibility to repair.
- 67) **Using Agency** - Any department of JAXPORT requiring supplies, services, or construction procured pursuant to this Code.
- 68) **Vendor List** - List of vendors whose specifications have been reviewed by the Purchasing Agent and appear to be capable of meeting the requirements of providing goods or services. This list does not refer to consultants, construction contractors, or other contractors, which will be added after award of a contract.
- 69) **Women Business Enterprise (WBE) - WBE** - A term used for a small business which is:
  - a) 51% owned by one woman or more women / at least 51% of the stock is owned by one woman or women.
  - b) Management and daily operations is controlled by one woman or more women.



## PROCEDURES AND GUIDELINES

---

### PART C – DEFINITIONS Public Access to Procurement Information

#### 1-301 Public Access to Procurement Information

Procurement information shall be a public record to the extent provided in s. 119.07 and shall be available to the public as provided in such statutes.

### ARTICLE 2 PROCUREMENT ORGANIZATION

#### 2-101 Appointment of a Purchasing Agent

- 1) Establishment of Position. There is hereby created the position of Purchasing Agent. Such position does not refer to a specific job title, but rather to creation of express authority to contract on behalf of the Jacksonville Port Authority within the limits provided in the JAXPORT Charter.
- 2) Appointment. The Purchasing Agent shall be appointed by the Chief Executive Officer. Acceptance of this appointment will acknowledge and agree to comply with all regulations. Violations of the agency terms may result in personal liability of the individual, as well as, disciplinary action by JAXPORT.
- 3) Tenure. The Purchasing Agent shall be appointed to serve an indefinite term; however, the agency relationship may be withdrawn by the Chief Executive Officer at any time, without regard to any termination of an employment position.

#### 2-102 Appointment of a Principal Purchasing Official

- 1) **Principal Purchasing Official.** Except as otherwise provided herein, the Purchasing Agent shall serve as the Principal Purchasing Official for the Jacksonville Port Authority and shall be responsible for the procurement of the categories of supplies, commodities, contractual services, professional design services, professional services, capital improvements, construction and construction related professional services assigned by the Chief Executive Officer in accordance with this Code, as well as, the management and disposal of all surplus material. The Director of Procurement shall serve as the Principal Purchasing Official or Purchasing Agent. The Chief Executive Officer may appoint other individuals to negotiate specific types of contracts or to purchase goods and services, with the participation of the Purchasing Agent to the extent determined to be feasible.



## PROCEDURES AND GUIDELINES

---

- 2) **Assigned Duties of Purchasing Agent.** In accordance with this Code and subject to the supervision of the Chief Executive Officer or designee, the Purchasing Agent or the Director of Procurement shall within the limits established by Charter not require Board approval:
- (a) Procure or direct the procurement of assigned categories of supplies and contractual services, capital goods, commodities, construction and construction related professional services needed by JAXPORT and sign agreements in these assigned categories.
  - (b) Direct and manage the day to day inventory control, fulfillment and replenishment of JAXPORT's marine warehouses, including all of its inventories of parts and supplies.
  - (c) Sell, trade, or otherwise dispose of surplus supplies after approval for such disposition is given by the Chief Executive Officer or his designee.
  - (d) Establish and maintain programs for specification development, contract administration, and inspection and acceptance in cooperation with the departments using the supplies or services.
  - (e) To preserve and protect JAXPORT operational and financial interest the Purchasing Agent is granted the professional latitude to revise, change or delete, terms, conditions and specifications from original or renewal contractual obligations, at any time during the contract, as long as changes being made are accepted upon mutual consent. In exercising this latitude the Purchasing Agent will evaluate any proposed changes to ensure they are consistent with the initial intent and spirit of the original agreement and that no unfair advantage is given to either participant.
- 3) **Regulations and Operational Procedures.** Consistent with this Code and with the approval of the Chief Executive Officer, the Purchasing Agent:
- (a) Shall have the authority and responsibility to develop procedures concerning the procurement process, inventory control management for marine warehouses and disposal of any and all surplus supplies and services.
  - (b) May adopt operational procedures relating to the execution of the duties of the Purchasing Agent or other authorized buyers. These will be set forth in a manual or handbook and will be issued to all JAXPORT departments.



## PROCEDURES AND GUIDELINES

---

- (c) On those occasions when JAXPORT decides to use the Consumer Price Index (CPI) as a factor or condition for determining the annual increase of its contracts with tenants, vendors or contractors, the CPI to be used will be determined by the Director of Procurement Services. Factors to be used in determining the appropriate CPI will include but are not limited to the local region, industry specific conditions and any other factors or conditions deemed to be pertinent.

### **2-103 Delegations to Other JAXPORT Employees**

- 1) The Purchasing Agent may not delegate authority to purchase supplies or services to other JAXPORT employees unless specifically authorized by the Chief Executive Officer.
- 2) Delegations by the Chief Executive Officer of purchasing authority for goods and services, within the limits of approved and budgeted funds are in accordance with Management Policy No. 51 "Delegation of Signing Authority".

### **2-104 Unauthorized Purchases**

- 1) Except as herein provided, it shall be a violation of this Code for any JAXPORT officer, employee or other person to order the purchase of, or make any contract for, materials, supplies or services within the purview of this Code, in the name of or on behalf of the Jacksonville Port Authority, other than through the Purchasing Agent or as an appointed buyer (in accordance with Management Policy No. 51 "Delegation of Signing Authority"), and JAXPORT shall not be bound by any purchase order or contract made contrary to the provisions herein.
- 2) Any person who spends or authorizes the expenditures of any money or who transfers or authorizes the transfer of any funds or expense credits or who purports to incur or authorize the incurring of any liability or enters into or authorized the making of any contract, which by its terms involves the expenditure of any money, on behalf of the Jacksonville Port Authority in any case in an amount in excess of the amount appropriated for such purpose and remaining at the time unencumbered, unexpended and unimpounded or in any amount contrary to the purpose for which such funds or expense credits were appropriated shall be personally liable for such excess or such amount:
  - (a) To the holder of the indebtedness
  - (b) To the Jacksonville Port Authority



## PROCEDURES AND GUIDELINES

---

- (c) To the extent that JAXPORT has paid or is required by law or court order to pay such indebtedness or
  - (d) For that amount of the funds or expense credits transferred or expended contrary to the purpose for which such funds or expense credits were appropriated which cannot be otherwise recovered by JAXPORT.
- 3) Any person who approves issuance of multiple informal purchase orders in a total amount exceeding the formal purchases thresholds for any one (1) project are prohibited and will be considered unauthorized purchases. If the commodities/services being purchased over the course of (1) one year are known to exceed the limit for informal purchases thresholds (\$25,000 for commodities and services and/or \$50,000 for construction/capital improvements), the user or using department must request that Purchasing procure construction/capital, commodities/services under the formal bid process.

### **2-104-1 Procedures for Disposition of Unauthorized Purchases**

- 1) Any purchase which Purchasing considers to be in violation of purchasing procedures established by the JAXPORT charter, will be forwarded back to the Department Director via a cover memorandum or letter indicating the reason for improper action.

Upon receipt of notification of Unauthorized Purchase the Department Director will forward to the Purchasing Agent by cover memorandum or letter setting forth the following:

- (a) Brief description of the circumstance involved
  - (b) Corrective Action taken or to be taken to prevent recurrence
  - (c) Recommend disposition as to payment
  - (d) Approved and signed by Department Director or Designee
- 2) Upon receipt of disposition recommendation of Unauthorized Purchase, Purchasing will request approval from Chief Executive Officer or Designee, before processing unauthorized purchases for payment.
- 3) Once approval is obtained from the Chief Executive Officer or Designee, Purchasing will proceed to process the Purchase Order for payment.
- 4) Purchasing will maintain a special file of all Unauthorized Purchase actions directed by the approving authority.



## PROCEDURES AND GUIDELINES

---

- 5) Refer to Procedure SOP1101 for disciplinary action regarding repeated violations of the Purchasing Code.

### 2-105 Exemptions

The following supplies, contractual services, professional design services, professional services, capital improvements, and/or sales transactions are exempt from competitive solicitation:

- (a) Artistic services or performances;
- (b) Lectures by individuals;
- (c) Health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration;
- (d) Supplies or services or commodities provided by governmental entities or agencies;
- (e) Supplies or services to be provided by those specifically prescribed within authorizing legislation that appropriates the same;
- (f) Supplies or services procured utilizing General Services Administration (GSA), State of Florida and other contracts and agreements that have been competitively procured, awarded and contracted by federal, state, municipal, County, or local governmental entity, body politic, or using agency, provided that said procurement is not otherwise prohibited by law.
- (g) Contracts with independent contractors or consultants for temporary augmentation of staff services which do not exceed twelve months. Augmentation of staff services may include any services previously undertaken by JAXPORT staff, as well as independent contractors or consultants that will address specific staffing needs when the required skill sets may not currently exist or be readily available. To the extent that this exception applies to professional services as defined by the CCNA it would only be when the contract value falls below the CCNA threshold. (Note: this exception applies to locally funded contracts only. All state and federally funded projects must follow the procurement guidelines provided by the funding source.)

### ARTICLE 3



## PROCEDURES AND GUIDELINES

---

### GENERAL PROVISIONS

#### Part A – Methods of Advertising

##### **3-100 Advertising Bids, Proposals or Qualifications to Award Contracts**

**Conditions for Use** - The purpose of this procedure is to implement a portion of Management Policy No. 51 “Delegation of Signing Authority”, which authorizes the Chief Executive Officer or his designee to advertise for bids, proposals, or qualifications and to make awards in accordance with Charter provisions.

Section 10 of the JAXPORT Charter requires a formal advertisement for certain construction type contracts and purchases where the total cost or value exceeds Twenty Five Thousand Dollars (\$25,000) for supplies and contractual services, capital goods, or commodities and Fifty Thousand Dollars (\$50,000) for professional services, construction related professional services, construction contracts, or capital improvements and, in other instances, when practical and when in the best interest of the public to advertise. Applicable contracts of other government agencies for the same scope of services or goods may be used if in the best interests of JAXPORT. The procedures set forth below will help ensure that all Charter and legal requirements are met and that adequate records are maintained to document such actions.

The advertisement or solicitation for bids, proposals or qualifications will be made only by the Procurement Department. Where the procedures refer to “Chief Executive Officer”, it is to be understood that the action may also be completed by an individual designated in writing by the Chief Executive Officer.

##### **3-100-1 Contracts to be Advertised**

###### **1. Preparation of Solicitations**

- a. The department requiring goods, services, professional services, capital and/or construction work, where the total exceeds the formal bidding thresholds of Twenty Five Thousand Dollars (\$25,000) for supplies and contractual services, capital goods, or commodities and Fifty Thousand Dollars (\$50,000) for professional services, construction related professional services, construction contracts and/or capital improvements, will prepare a Memorandum of Request to Advertise. This Memorandum will include a general description of the goods or services to be solicited, an estimate of the cost, justification of the need for procurement, expected benefits, and a statement that the estimated cost is included in the Board approved budget, or a request for transfer if not budgeted, and the anticipated cost is less than \$100,000. (If the anticipated cost is not budgeted and is greater than \$100,000, Board approval must be obtained prior to advertising.)





## PROCEDURES AND GUIDELINES

---

The Memorandum will be forwarded to the Director of Procurement Services, and if the anticipated cost exceeds his delegated authority, as set forth in Management Policy No. 51 "Delegation of Signing Authority", then it will be forwarded to the Chief Executive Officer for approval.

- b. Upon approval, Procurement will prepare, with the assistance of the requesting department, the solicitation documents. The requesting department will prepare specifications and assist in determining solicitation schedule, including the expected budget and completion date.
- c. The Procurement Department will determine the JSEB/MBE goals, if any, to be established and if applicable, the appropriate language to be included in the specifications. Risk Management will review the scope of services and provide the appropriate insurance amounts and indemnification language.
- d. Before placing legal notices, the Director of Procurement or his designee will review and approve issuing the solicitation document. Procurement will then place the advertisement, at least once a week for two (2) consecutive weeks before the award of any contract, in a daily newspaper published and having a general circulation in the City; and in other such newspapers or publications as the Authority shall deem available.
- e. The Procurement Department shall conduct the pre-proposal/pre-bid meetings (with the participation of the requesting department to review the project requirements and answer technical questions), issue any addenda, open the proposals/bids, and schedule any evaluation committee meetings.

### **3-100-2 Evaluation of Solicitations**

The process of evaluating responses to solicitations may require that any discussions of bids/proposals are subject to Section 286.011, Florida Statutes (Government in the Sunshine Law). If an employee, in the normal course of his/her position, evaluates a bid/proposal, and no other individuals are a part of that analysis (other than to individually evaluate some aspect of the submittal), then the evaluation process is not subject to the public meeting requirement. However, if two or more staff members meet or discuss the evaluation of submittals, this meeting or discussion is subject to the public meeting requirement. If a public meeting is required, the provisions of the law require that the meeting be open to the public, reasonably noticed and minutes taken.

#### **1. Evaluation of Solicitations that Require a Public Meeting**



## PROCEDURES AND GUIDELINES

---

- a. The Director of Procurement of the requesting organization with input from the Chief Executive Officer will name individuals from his organization to serve on the Evaluation Committee, when the total cost of goods exceeds \$500,000. The Evaluation Committee will be chaired by the Procurement Department, who may suggest that other personnel serve on the Committee as considered necessary or beneficial. The Chief Financial Officer will be informed of the solicitation document and will determine if a representative(s) from any of the Finance & Administration Departments should serve on the committee or provide advice in a certain area. The total-voting members of the committee should be no less than three (3) or more than five (5) members. Procurement will advise all members on the Evaluation Committee of the proposal/bid schedule and provide them with a copy of the proposal/bid package. Committee members should attend pre-proposal/pre-bid meetings, offer suggestions for amendments and be available for questions from the Procurement Department. Procurement will arrange for the public meeting notice and for the services of a recorder to take minutes.
- b. The Evaluation Committee will complete an independent evaluation of the proposal/bid and prepare an award recommendation. If a JSEB/MBE goal was established, the Procurement Department will review each proposal received to determine if the JSEB/MBE goal was attained and advise the Evaluation Committee of the results.

The award recommendation and matrix, in the format of an agenda item, will be forwarded to the Director of Procurement for review and approval. The award recommendation will then be forwarded to the Manager of Procurement for inclusion on the next Pre-Awards Committee meeting and the next scheduled meeting of the Awards Committee, or the Board, if applicable.

### **2. Evaluation of Solicitations that DO NOT Require a Public Meeting**

- a. The Procurement Department will determine if the apparent low Proposer/Bidder has conformed to the requirements of the proposal/bid documents and is capable of performing the work. If a JSEB/MBE goal was established, the Procurement Department will review each proposal/bid received to determine if the JSEB/MBE goal was attained and advice of the results.
- b. The award recommendation and matrix, in the format of an agenda item, will be forwarded to the Director of Procurement for review and approval. The award recommendation will then be forwarded to the Manager of Procurement for inclusion on the next Pre-Awards Committee meeting and the next scheduled meeting of the Awards Committee, or the Board, if applicable.



## PROCEDURES AND GUIDELINES

---

### 3-100-3 Awards Committee

- a. The Awards Committee will consist of the three (3) members appointed by the Chief Executive Officer, or their designee, if they are unable to attend a meeting. One of the appointed members will act as Chairman of the Awards Committee on a rotating basis. The Manager of Procurement will serve as Secretary to the Awards Committee. A quorum will consist of two (2) members, none of whom may vote on an award for which they were a member of the Evaluation Committee. The Awards Committee is subject to Section 286.011, Florida Statutes (Government in the Sunshine Law) requiring that all meetings must be open to the public, reasonably noticed and minutes taken. The minutes will be retained by the Committee Secretary. The Procurement Department will include in solicitations the location where the Notice of Public Meeting will be posted.
- b. The Awards Committee will meet on a regular basis to approve procurement transactions (original contract(s) with or without a contingency; change orders) in the not to exceed amount of \$500,000. Change orders that are within a previously approved contingency (by the Awards Committee or the Board) or less than \$500,000 do not require subsequent approval by the Awards Committee. Only recommendations distributed to the committee, no later than two (2) business days prior to the scheduled meeting, will be considered to allow committee members sufficient time to review the material. A written agenda will be prepared by the Secretary to the Awards committee, listing all actions to be considered. The agenda with attachments will be sent to each member of the Awards Committee and to the Chief Executive Officer.
- c. Procurement transactions that come before the Awards Committee valued in excess of \$500,000 will be forwarded with a recommendation for approval to the Board of Directors. The Board shall approve all procurement transactions (original contract(s) with or without a contingency; change orders) in excess of \$500,000. Change Orders that are within a previously Board-approved contingency amount do not require subsequent Board approval. Board-approved contingencies and Board-approved change orders are in addition to the spending authority limit of \$500,000 that is delegated to the Chief Executive Officer (as stated in accordance with Management Policy #39 – Approval Authorizations).

In the event a monthly Board Meeting is not held, the Chief Executive Officer, in consultation with the Board Chair or his/her designee shall approve such procurement transactions with ratification by the full Board at its next scheduled monthly meeting.



## PROCEDURES AND GUIDELINES

---

The same rules apply for ratification. This process will be evaluated on an annual basis to insure that neither the operations nor the financial health of the organization are adversely impacted.

- d. After the Awards Committee has voted to make a recommendation on a contract or has awarded a contract, no further protests will be accepted on any items. If the item is approved, yet exceeds the Senior Manager's delegated authority, then the item is forwarded to the Chief Executive Officer for final approval. Items requiring Board action will be placed on the requisite agenda. For awards requiring formal contracts, documents will be prepared by the Procurement Department, reviewed by the Office of General Counsel, if applicable, and depending on the dollar amount, forwarded to the Senior Manager and/or the Chief Executive Officer. For other awards, a purchase order or service purchase order will be prepared by the Procurement and approved by the Senior Manager and/or by the Chief Executive Officer, depending on the amount of the purchase.
- e. The Procurement Department will complete all required actions and close out the solicitation file.

### Part B - Methods of Source Selection

#### 3-101 Competitive Sealed Bidding

**Conditions for Use.** All contracts of the Jacksonville Port Authority shall be awarded by competitive sealed bidding except as otherwise provided in Sections 3-102 - Competitive Sealed Proposals - Evaluated Bids; 3-102-1 - Competitive Sealed Proposals - Qualification Based Contracts for Professional Services Not Related to Consultants' Competitive Negotiation Act; 3-102-2 - Professional Services Related to Legal Work; 3-103 - Multi-Step Sealed Bidding; 3-104 - Professional Engineering, Professional Architectural, Landscape Architectural and Registered Land Surveying Services (CCNA); 3-104-1 - Design-Build Contracts; 3-104-2 - Competitive "Design Build" Contracts; 3-104-3 - Adjusted Score "Design Build" Contracts; 3-104-4 - Post-Bid, Pre-Award Negotiated Value Engineering; 03-105 - Informal Purchases; 3-106 - Single Source, Non-Competitive Purchases; 3-106A - Piggybacking Under Federal, State or City and Local Agencies Contracts; 3-106B - E-Verify Program For Employment Verification; 3-107 - Emergency Procurements; 3-108 - Cancellation of Invitations for Bids or Requests for Proposals; 3-109 - Rejection of Individual Bids or Proposals; 3-110 Disposition of Bids or Proposals; 3-111 Single Bid or Proposal Received; 3-112 No Bids or Proposals Received; 3-113 - Exceptions to Required Formal Advertisement Methods; 3-114 - Procurement Cards; 3-115 - Electronic Procurement (e-procurement) and Article 5, or as otherwise approved in public meeting of the Jacksonville Port Authority Board. The procedures outlined below are for use in procurement of Supplies, Capital Goods Construction and Services, excluding Professional Engineering, Architectural, Landscape



## PROCEDURES AND GUIDELINES

---

Architectural and Registered Land Surveying Services, which should be procured in accordance with the State of Florida Consultants Competitive Negotiations Act (CCNA).

- 1) **Preparation and Distribution of Invitations for Bids (Contract Documents, Specifications and Drawings)**
  - The Consultant or Project Manager distributes the scope of work, technical specifications and drawings to the Procurement Office.
  - Approval of scope of work, specifications, contract documents and drawings must be obtained from the Senior Director of Facilities Development or his/her Designee, prior to posting advertisement and public notices for the project.
  - Bonding and Insurance limits on any project are reviewed and approved by the Risk Manager.
  - The scope of work, contract documents, specifications and contract documents consist of the following sections, Bid Related Documents, Contract Related Documents and Technical Specifications and Drawings.
  - Invitations for Bids (Scope of Work, Contract Documents, Specifications and Drawings) are posted on the JAXPORT's Internet webpage.
  - A Bidders' List is maintained by the Procurement Office, in E-Builder of all contractors issued Invitations for Bid documents (scope of work, specifications and drawings). Copies of this report are kept in the contract file for each project.
  
- 2) **Invitation for Bids.** An Invitation for Bids document shall be issued and shall include instruction to bidders, specifications, contractual terms and conditions applicable to the procurement. The Invitation for Bids may incorporate documents by reference provided that the Invitation for Bids specifies where such documents can be obtained. The Invitation for Bids shall require the acknowledgement of the receipt of all addenda issued.
  
- 3) **Public Notice.** Public notice of the Invitation for Bids shall be given in a reasonable time prior to the date set forth therein for opening bids, in accordance with Florida Statutes. Such notice may include publication in a daily newspaper published having a general circulation in the county or other printed or electronic media of general circulation with general access a reasonable time prior to bid opening or on the JPA's website, if permitted by law. Capital Projects less than \$500,000 must be advertised at least once a week for two consecutive weeks, Capital Projects over \$500,000 must be advertised at least thirty (30) days prior to the bid opening. The notice shall state the place, date, and time of bid opening.
  
- 4) **Pre-Bid Conference.** Pre-bid Conferences shall be conducted to explain the procurement requirements. These conferences shall be announced to all prospective bidders known to have received or requested an Invitation for Bids. The conference should be held long

## PROCEDURES AND GUIDELINES

---

enough after the Invitation for Bids has been issued to allow bidders to become familiar with it, but sufficiently before bid opening to allow consideration of the conference results in preparing their bids. Nothing stated at the pre-bid conference shall change the Invitation for Bids unless a change is made by written addendum as provided in Section 3-101(5) (Addenda to Invitation for Bids) and the Invitation for Bids, if a pre-bid conference was required therein, or the notice of pre-bid conference shall so provide. If a transcript is made, it shall be a public record.

- The Pre-Bid Meeting attendance is mandatory in most cases, in order to submit a bid for any project.
  - The meeting date should not be less than five (5) calendar days before scheduled bid opening date.
  - Changes or interpretations, or approval of alternative approaches to technical specifications or to drawings are not made at the Pre-Bid Meeting. All such responses are to be issued by a formal addendum to all plan holders.
  - A copy of the attendance sheet is to be included with the first addendum.
  - Minutes of the Pre-Bid Meeting are generated and included with the first addendum.
- 5) **Addenda to Invitations for Bids.** Addenda to Invitations for Bids shall be identified as such and shall require that the bidder acknowledge receipt of all addenda issued. The addendum shall reference the portions of the Invitations for Bids it amends. Addenda shall be sent to all prospective bidders who attended the Pre Bid Conference. The bid documents will provide that the bidder has the responsibility for determining if any addenda were issued and failure to do so by the bidder does not release them from the responsibility.
- Addenda are provided to all plan holders of Invitation for Bids (scope of work, drawings and/or specifications).
  - Addenda are posted on JAXPORT's Internet Webpage, along with Invitation for Bid Documents, Scope of Work, Specifications and Drawings.
  - Addenda are required to convey any changes, clarifications, or deletions to the drawings and /or specifications of the Invitation for Bid documents.
- 6) **Bid Opening.** Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the public notice of the Invitation for Bids. The amount of each bid and such other relevant information as the Purchasing Agent deems appropriate, together with the name of each bidder, shall be recorded on forms designated for use, and shall be made accessible for inspection by any interested party at the conclusion of the opening. The witnesses present at the bid opening shall sign the record as certifying the accuracy of the entries. A listing of other persons present at the opening



## PROCEDURES AND GUIDELINES

---

will be obtained and kept with the bid opening records. Bidders will be given 30 minutes to review all bid documents after the bids have been opened. Financial records are exempt from review. Sealed bids are not public records subject to the provisions of Section 119.07(1), Florida Statutes until such time as the Jacksonville Port Authority provides notice of award or within ten days after opening, whichever is earlier. F.S. SEC 119.07(3) (p).

- 7) **Bid Acceptance and Bid Evaluation.** Bids shall be unconditionally accepted without alteration or correction except as authorized in this Code. Bids shall be evaluated based on the requirements set forth in the Invitation for Bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total or life cycle costs. The Invitation for Bids shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluations that are not set forth in the Invitation to Bid. Late bids will not be accepted.
- 8) **Correction or Withdrawal of Bids; Cancellation of Awards.** Correction or withdrawal of inadvertently erroneous bids, before or after bid opening, or cancellation of awards or contracts based on such bid mistakes may be permitted where appropriate. Mistakes discovered before bid opening may be modified or withdrawn by written (not facsimile copy) notice received in the office designated in the Invitation for Bids prior to the time set for bid opening. After bid opening corrections in bids shall be permitted only to the extent that the bidder can show by clear and convincing evidence that a mistake of a nonjudgmental character was made, the nature of the mistake, and the bid price actually intended. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of JAXPORT or fair competition shall be permitted.

In lieu of bid correction, a low bidder alleging a material mistake of fact may be permitted to withdraw its bid if:

- (a) The mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or
  - (b) The bidder submits evidence that clearly and convincingly demonstrates that a mistake was made. All decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by a written determination made by the Purchasing Agent.
- 9) **Bid Evaluation.** The contract is to be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the Invitation for Bids.



## PROCEDURES AND GUIDELINES

---

The Invitation for Bids shall set forth the requirements and criteria that will be used to determine the lowest responsive bidder. No bid shall be evaluated for any requirement or criterion that is not disclosed in the Invitation for Bids. The responsibility of any bidder will be considered prior to evaluation of bids, and may include any factors deemed appropriate to exercise sound prudent business judgment in the selection.

- (a) **Product Acceptability.** The Invitation for Bids shall set forth any evaluation criteria to be used in determining product acceptability. It may require the submission of bid samples, descriptive literature, technical data, or other material. It may also provide for inspection or testing of product prior to award, examination of elements of product and other examinations. The purpose of evaluating acceptability is not for the purpose of determining 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 for Bids. Any bidder's offering which does not meet the acceptability requirements shall be rejected as non-responsive.
  - (b) **Determination of Lowest Bidder.** Following determination of product acceptability, if any is required, bids will be evaluated to determine which bidder offers the lowest cost to JAXPORT in accordance with the evaluation criteria set forth in the Invitation for Bids. Only objectively measurable criteria, which are set forth in the Invitation for Bids, shall be applied in determining the lowest bidder.
  - (c) **Restrictions.** Nothing in this Section shall be deemed to permit contract award to a bidder submitting a higher quality item than that designated in the Invitation for Bids, if such bidder is not also the lowest bidder, as determined under Paragraph (b). Further, this Section does not permit negotiations with any bidder.
  - (d) **Low Tie Bids.** Low tie bids are low responsive bids from responsible bidders that are identical in price and which meet all requirements and criteria set forth in the Invitation for Bids. Award shall not be made by drawing lots or by dividing business among identical bidders. At the discretion of the Purchasing Agent, State of Florida guidelines for such awards may be used. Other factors that might be considered are local preference, distance of delivery, previous awards to the contractor, and social goals (such as Minority Business, drug-free work place, etc.).
- 10) **Award.** The contract shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder, whose bid meets or exceeds the requirements and criteria set forth in the Invitation for Bids. Also, the contract shall be awarded in accordance with the provisions of Bid documents, Request for Proposals or Qualifications, including a search of the Excluded Parties List system (EPLS) website to





## PROCEDURES AND GUIDELINES

---

ensure that the bidder being awarded a contract is not on the suspended or debarred list and is in compliance with State and Federal requirements, where applicable. Refer to "Capital Construction Checklist" form attached behind this standard practice.

Awards for less than \$500,000 will require approval by the Awards Committee and Chief Executive Officer. Awards for over \$500,000 will require Board of Directors approval prior to the issuance of a Contract.

### 3-102 Competitive Sealed Proposals - Evaluated Bids

1. **Conditions for Use.** When the Purchasing Agent determines that the use of competitive sealed bidding is either not practicable or not advantageous to the Jacksonville Port Authority, a contract may be entered into by use of the Competitive Sealed Proposals method. The term "practicable" denotes what may be accomplished or put into practical application. The term "advantageous" connotes a judgmental assessment of what is in the best interests of the JPA. Competitive sealed bidding may be practicable, that is, reasonably possible, but not necessarily advantageous, that is, in the Jacksonville Port Authority's best interest.
  - (a) When Competitive Sealed Bidding is Not Practicable. Competitive sealed bidding is not practicable unless the nature of the procurement permits award to a low bidder who agrees by its bid to perform without condition or reservation in accordance with the purchase description, delivery or performance schedule, and all other terms and conditions of the Invitation for Bids. Factors to be considered in determining whether competitive sealed bidding is not practicable include: 1. Whether oral or written discussions may need to be conducted with offerors concerning technical and price aspects of their proposals; 2. Whether award may be based upon a comparative evaluation as stated in the Request for Proposals of differing price, quality, and contractual factors in order to determine the most advantageous offering to JAXPORT. Quality factors include technical and performance capability, qualifications of service personnel and contractor facilities, and importance of references; 3. Whether the primary consideration in determining award may not be price.
  - (b) When Competitive Sealed Bidding is Not Advantageous. A determination may be made to use competitive sealed proposals if it is determined that it is not advantageous to the Jacksonville Port Authority, even though practicable, to use competitive sealed bidding. Factors to be considered in determining whether competitive sealed bidding is not advantageous include: 1. If prior procurement indicates that competitive sealed proposals may result in more beneficial contracts



## PROCEDURES AND GUIDELINES

---

for JAXPORT, and 2. Whether the factors listed in Paragraph (a) are desirable rather than necessary, then such factors may be used to support a determination that competitive sealed bidding is not advantageous.

- (c) Determinations. The Purchasing Agent may make determinations by category of supply, service, or construction item that it is either not practicable or not advantageous to JAXPORT to procure specified types of supplies, services, or construction by competitive sealed bidding. Procurements of these designated categories may then be made by competitive sealed proposals. Such designation may be modified or revoked at any time, and such designation should be reviewed for current applicability from time to time.
- (d) If JAXPORT determines that the use of Competitive Sealed Proposal will not result in the best value to the Authority, JAXPORT may procure commodities and contractual services by competitive sealed replies. The using agency's determination must specify reasons that explain why evaluated bids may be necessary in order for JAXPORT to achieve the best value and must be approved by the Chief Executive Officer or his or her designee prior to advertisement of an invitation to bid. An invitation to bid shall be made available to all vendors simultaneously and must include a statement of the commodities or contractual services sought; the time and date for the receipt of replies and of the public opening; including criteria to be used in determining the acceptability of the reply. If JAXPORT contemplates renewal of the contract, that fact must be stated on the invitation to bid. The reply shall include the price for each year for which contract may be renewed.
- (e) JAXPORT shall evaluate and rank responsive replies against all evaluation criteria set forth in the invitation to bid and shall select, based on the ranking order with the first proposer listed being the most qualified to perform the required services. JAXPORT will award the contract to the most qualified, responsible and responsive proposer that JAXPORT determines will provide the best value to the Authority. The contract file must contain a short plain statement that explains the basis for vendor selection and that sets forth the vendor's deliverables and price pursuant to the contract, with an explanation of how these deliverables and price provide the best value to JAXPORT.
- (f) Prior to the time for receipt of bids, proposals, or replies, JAXPORT may conduct a conference or written question and answer period for purposes of assuring the vendor's full understanding of the solicitations requirements. The vendors shall be accorded fair and equal treatment.



## PROCEDURES AND GUIDELINES

---

2. **Request for Proposals.** Proposals shall be solicited through a written document called a Request for Proposal. It shall include specifications, all contractual terms and conditions applicable to the procurement, and a statement that discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for award, but that proposals may be accepted without such discussions.
3. **Public Notice.** Adequate public notice of the Request for Proposals shall be given in the same manner as provided in Section 3-101 (3) Competitive Sealed Bidding, Public Notice.
4. **Pre-proposal Conferences.** Pre-proposal conferences shall be conducted in accordance with Section 3-101(4), Pre-Bid Conference. Any such conference shall be held prior to submission of initial proposals.
5. **Addenda to Request for Proposals.** Addenda to Requests for Proposals may be made in accordance with Section 3-101(5), Addenda to Invitations for Bids, prior to submission of proposals.
6. **Receipt of Proposals.** No proposals shall be opened until the time and date designated in the public notice of the Request for Proposals. A register of proposals shall be prepared containing the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the item offered. Proposal openings shall be open to the public and should be held at the date and time and at the place specified in the solicitation. The opening will be conducted by an employee of JAXPORT and witnessed by at least one other employee. Sealed proposals are not public records subject to the provisions of Section 119.07(1), Florida Statutes until such time as the Jacksonville Port Authority provides notice of award or within ten days after opening, whichever is earlier, F.S. SEC 119.07(3) (p). Proposal tabulation shall be completed at the opening and shall at a minimum show the name of the respondent and the proposal response. The tabulation may show such additional information as deemed appropriate by JAXPORT. The unofficial tabulation form shall be made accessible for inspection by any interested party at the conclusion of the opening or as soon as practicable.
7. **Evaluation Factors.** The Request for Proposals shall state the relative importance of price, if appropriate, and other evaluation factors.
8. **Discussion/Presentations with Responsible Offerors.** As provided in the Request for Proposals, discussions and/or presentations may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of and conformance to



## PROCEDURES AND GUIDELINES

---

the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and/or presentations that may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. The responsibility of proposers will be considered before discussions and/or presentations are entered into and may include any factors deemed appropriate to exercise sound prudent business judgment in the selection.

9. **Award.** Award shall be made to the responsible, responsive offeror whose proposal is determined in writing to be the most advantageous to the Jacksonville Port Authority, taking into consideration the price, the evaluation factors, discussion and/or presentations as set forth in the Request for Proposals. The contract file shall contain the basis on which the award is made. The contract will be awarded in accordance with the provisions of Procedure 224 (Procurement Code for the Jacksonville Port Authority) as it pertains to the recommendations of the Awards Committee and final approval by the Chief Executive Officer or Board of Directors.

### **3-102 -1 Competitive Sealed Proposals - Qualification Based Contracts for Professional Services Not Related to Consultants' Competitive Negotiation Act.**

**General.** Professional Services Not Related to CCNA such as; Information Technology, Software Systems, Security Technology Services, etc. may be procured utilizing the Qualification Based Contracts for Professional Services method, when it is not practical to prepare initially a definitive purchase description that will be suitable to permit an award based solely on price.

1. The Director of Procurement establishes procedures for administering Qualification Based Contracts for Professional Services Not Related to CCNA. Such procedures shall include, but not be limited to:
  - (i) Pre-qualification requirements.
  - (ii) Public announcement procedures.
  - (iii) Scope of service requirements.
  - (iv) Statement of Qualifications package requirements.
  - (v) Short-listing criteria and procedures.
  - (vi) Bid proposal requirements.
  - (vii) Technical review committee.
  - (viii) Selection and award processes.
2. Interested firms shall submit Statements of Qualifications (SOQ's) for providing the requested services via a Request for Qualifications (RFQ). Following the initial screening, the Director of Procurement will convene the members of the Evaluation Committee that



## PROCEDURES AND GUIDELINES

---

will each independently evaluate and rank each SOQ, in accordance with the Evaluation Criteria contained in the RFQ. SOQ's deemed un-responsive will be returned to the Proposer with a brief explanation of the reason for rejection.

3. After review and evaluation of the SOQ's, a shortlist of a minimum of three (3) Proposers' will be recommended and forwarded to the Director of Procurement for approval. Upon approval of the shortlist, those Proposers' will be notified and will be asked to submit a Request for Proposal (RFP) based on the Schedule of Events specific to the project. If a shortlisted Proposer withdraws from consideration, after the RFP's are distributed, the JPA may continue, if at least one proposal is received.
4. Proposals will be segmented into two parts: Technical Proposals and Price Proposals. Technical Proposals and Price Proposals will be received by the date, time as noted in a Schedule of Events specific to the project.
5. Technical Proposals - A technical proposal will include items such as; a detailed project schedule, staffing plan, project approach, submittals timeline, permit requirements, total contract time and other data requested in response to the RFP. The package shall indicate clearly that it is the technical proposal and shall identify clearly the Firm's name, project description, or any other information required on the RFP. The Proposer should not discuss or reveal elements of the Price Proposal in the written Technical Proposal.
6. Price Proposals - Price proposals shall include a fixed price or lump sum costs for the services identified in the RFP of the proposed project. The package shall indicate clearly that it is the price proposal and shall identify clearly the Firm's name, project description, and any other information required. A Price Proposal shall be submitted in a separate package (with the price proposal sealed) and appropriately labeled as per Schedule of Events, listed in the RFP.
7. Upon receipt of the Technical Proposals, the Evaluation Committee will review and evaluate all Technical Proposals and if necessary, the Evaluation Committee may request an oral presentation of the Technical Proposals with each Proposer separately. The purpose of the oral presentation session is for the Technical Review Committee to seek clarification and ask questions, as it relates to the Technical Proposal of each Proposer. Proposers will not be permitted to ask questions of the Evaluation Committee except to clarify the meaning of a question posed by the Committee. The Evaluation Committee records the answers to the questions. The Evaluation Committee cannot comment or acknowledge the answers with a positive or negative response or talk amongst each other during the oral presentation meeting.



**PROCEDURES AND GUIDELINES**

---

8. Upon receipt of technical scores plus oral presentation scores from the Evaluation Committee, the Director of Procurement will notify all short-listed Proposer’s of the date, time, and location of the public announcement of technical/oral presentation scores, known as Final Technical Score (FTS) and opening of the Price Proposals. At this meeting, the Director of Procurement will announce the Evaluation Committee’s Final Technical Scores for each Proposer. Following announcement of the Final Technical Scores, the Price Proposals received timely will be publicly opened. Price Proposal must then be verified to ensure calculations are accurate for all line items. Once all Price Proposal calculations are verified, the Director of Procurement will tabulate the Final Technical Score(s) and Price Proposal(s) amount using the formula below, to determine the apparent lowest Adjusted Score (AS). The Director of Procurement, will then publicly announce the final Adjusted Scores for all Proposer’s.

$$\frac{\text{Price Proposal (PP)}}{\text{Final Technical Score (FTS)}} = \text{Adjusted Score (AS)}$$

- 9. The Proposer to be recommended for an award of this project will be that Proposer whose Adjusted Score is the lowest.
- 10. The Director of Procurement has the right to correct any errors in the evaluation and selection process that may have been made. The JPA is not obligated to award the contract and the Evaluation Committee may decide to reject all proposals. If the Evaluation Committee decides not to reject all proposals, the contract will be awarded to the Proposer determined to have the lowest adjusted score.
- 11. The Director of Procurement shall submit the list of Proposers in rank order to the Awards Committee or the Board. Award shall be made to the Proposer whose Adjusted Score is the lowest.
- 12. Professional Services Not Related to CCNA less than \$500,000 will require approval by the Awards Committee and Chief Executive Officer, Professional Services Not Related to CCNA over \$500,000 will require Board of Directors approval prior to the issuance of a Contract.

**3-102-2 Professional Services Related to Legal Work**

- 1) This Section shall govern procurement of the following-related services used as a part of the legal services performed under the supervision of the Director of Procurement Services, which does not go through the Awards Committee process.

## PROCEDURES AND GUIDELINES

---

- (a) Appraisal, acquisition, disposition and/or relocation services in connection with property transactions.
  - (b) Title Insurance and Abstracts
  - (c) Court Reporters
  - (d) Expert Witness who will or may be called upon to testify in an administrative, quasi-judicial or judicial proceeding on behalf of the using agency where the employment is primarily for the purpose of preparation for or presentation at the proceeding.
  - (e) Printing of Legal Briefs
  - (f) Publication of legal advertisements and notices.
- 2) Whenever a department of the agency requires a legal-related service, the department shall:
- (a) If a list of qualified, interested and available sources of that service has been established by the Procurement Department or the City of Jacksonville, the department will procure these services, from a source on the list, after consulting with the Director of Procurement and obtaining his/her approval to enter into a contract.
  - (b) If no list has been established, the department will procure these services, from a qualified source, after consulting with the Director of Procurement and obtaining his/her approval to enter into a contract.

### 3-103 Multi-Step Sealed Bidding

1. **General.** Multi-step sealed bidding is a two-phase process consisting of a technical first phase, composed of one or more steps, in which bidders submit unpriced technical offers to be evaluated by JAXPORT, and a second phase, in which those bidders whose technical offers are determined to be acceptable during the first phase, have their price bids considered. It is designed to obtain the benefits of competitive sealed bidding by award of a contract to the lowest responsive, responsible bidder, and at the same time, obtain the benefits of the competitive sealed proposals procedure through the solicitation of technical offers, and the conduct of discussions to evaluate and determine the acceptability of technical offers.



## PROCEDURES AND GUIDELINES

---

2. **Conditions for Use.** The multi-step sealed bidding method may be used when it is not practical to prepare initially a definitive purchase description that will be suitable to permit an award based on price. Multi-step sealed bidding may thus be used when it is considered desirable:
  - (a) To invite and evaluate technical offers to determine their acceptability to fulfill the purchase description requirements;
  - (b) To conduct discussions for the purposes of facilitating understanding of the technical offer and purchase description requirements and, where appropriate, obtain supplemental information, permit amendments of technical offers, or amend the purchase description.
3. **Pre-Bid Conferences in Multi-Step Sealed Bidding.** Prior to the submission of unpriced technical offers, a pre-bid conference as described in Section 3-101(4), Competitive Sealed Bids, shall be conducted by the Purchasing Agent. The Purchasing Agent may also hold a conference of all potential bidders in accordance with Section 3-101(4) at any time during the evaluation of the unpriced technical offers.
4. **Procedure for Phase One of Multi-Step Sealed Bidding**

**Form.** Multi-step sealed bidding shall be initiated by the issuance of an Invitation for Bids in the form required by Section 3-101(2) Invitation for Bids, except as hereinafter provided. In addition to the requirements set forth in Section 3-101(2), the multi-step Invitation for bids shall state:

1. That unpriced technical offers are requested;
2. Whether priced bids are to be submitted at the same time as unpriced technical offers; if they are, such priced bids shall be submitted in a separate sealed envelope;
3. That it is a multi-step sealed bid procurement and priced bids will be considered only in the second phase and only from those bidders whose unpriced technical offers are found acceptable in the first phase;
4. The criteria to be used in the evaluation of the unpriced technical offers;
5. That JAXPORT, to the extent the Purchasing Agent finds necessary, may conduct oral or written discussions of the unpriced technical offers;



## PROCEDURES AND GUIDELINES

---

6. That the item being procured shall be furnished generally in accordance with the bidder's technical offer as found to be finally acceptable and shall meet the requirements of the Invitation for Bids. (Bidders may request confidential designation for those portions of the unpriced technical offering that contain information only to be viewed by JAXPORT, such as trade secrets, proprietary data, or other confidential information).
5. **Addenda to the Invitation for Bids.** After receipt of the unpriced technical offers, addenda to the Invitation to Bids shall be distributed only to bidders who submitted unpriced technical offers, and they shall be permitted to submit new unpriced technical offers or to amend those submitted. If, in the opinion of the Purchasing Agent, a contemplated amendment will significantly change the nature of the procurement, the Invitation for bids shall be cancelled in accordance with Section 3-108, Cancellations of Invitations for Bids or Requests for Proposals, of this Code and new Invitations for Bids issued.
6. **Evaluation of Unpriced Technical Offers**
  - (a) Acceptable;
  - (b) Potentially acceptable, that is reasonably susceptible of being made acceptable; or
  - (c) Unacceptable. The Purchasing Agent shall record in writing the basis for finding an offer unacceptable and make it part of the contract file.

The Purchasing Agent may initiate Phase Two of the procedure if, in the Purchasing Agent's opinion, there are sufficient acceptable unpriced technical offers to assure effective price competition in the second phase without technical discussions. If the Purchasing Agent finds that such is not the case, the Purchasing Agent shall issue an amendment to the Invitation for Bids or engage in technical discussions as set forth in Section 3-103(7).

7. **Discussion of Unpriced Technical Offers.** The Purchasing Agent may conduct discussions with any bidder who submits an acceptable or potentially acceptable technical offer. During the course of such discussions, the Purchasing Agent shall not disclose any information derived from one unpriced technical offer to any other bidder. Once discussions are begun, any bidder who has not been notified that its offer has been finally found unacceptable may submit supplemental information amending its technical offer at any time until the closing date established by the Purchasing Agent. Such submission may be made at the request of the Purchasing Agent or upon the bidder's own initiative.
8. **Notice of Unacceptable Unpriced Technical Offers.** When the Purchasing Agent determines a bidder's unpriced technical offer to be unacceptable, such offeror shall not be afforded an additional opportunity to supplement its technical offer.



## PROCEDURES AND GUIDELINES

---

9. **Mistakes during Multi-Step Sealed Bidding.** Mistakes may be corrected or bids may be corrected or withdrawal permitted in accordance with Section 3-101(8), Correction or Withdrawal of Bids; Cancellation of Awards.

### 10. Procedure for Phase Two

- (a) **Initiation.** Upon the completion of Phase One, the Purchasing Agent shall either:
1. Open priced bids submitted in Phase One (if priced bids were required to be submitted) from bidders whose unpriced technical offers were found to be acceptable; or
  2. If priced bids have not been submitted, technical discussions have been held, or addenda to the Invitation for Bids have been issued, invite each acceptable bidder to submit a priced bid.
- (b) **Conduct.** Phase Two shall be conducted as any other competitive sealed bid procurement except:
1. As specifically set forth in Section 3-103(1) through this section;
  2. No public notice need be given of this invitation to submit priced bids because such notice was previously given;
  3. After award, the unpriced technical offers of bidders shall be available as public records in accordance with applicable state regulations.

### **3-104 Professional Engineering, Professional Architectural, Landscape Architectural and Registered Land Surveying Services, in accordance with the Consultants' Competitive Negotiation Act (CCNA).**

Qualification Based "Professional Services" in accordance with F.S. 287.055, the Consultants' Competitive Negotiation Act (CCNA). Procedure for Advertising, Selecting and Contracting with One or More than One Professional Services Provider.

1. The SEB Program Coordinator is contacted for JSEB/MBE/WBE/DBE goals.
2. Legal Advertisement is placed in the Financial News and The Florida Times Union. Publish twice at least one week apart.



## PROCEDURES AND GUIDELINES

---

3. A Request for Statements of Interest & Qualifications for Engineering Services is sent to interested Engineering Firms on the Bidders List (Consultants/Engineers).
4. The Director of Procurement with input from the Chief Executive Officer appoints an Evaluation Committee, when the total cost of professional services exceeds \$500,000. The Director of Procurement with input from Senior Management appoints an Evaluation Committee, when the total cost of professional services is less than \$500,000.
5. The Evaluation Committee should be no less than three or more than seven members. If at any time two or more committee members meet to discuss the evaluation of submittals, this meeting is subject to the public meeting requirements. Provisions of this law require that the meeting be open to the public, reasonably noticed and minutes taken.
6. A mandatory Pre-Proposal Meeting may be required and scheduled accordingly by the Procurement Department.
7. Proposals are received and distributed to the Evaluation Committee. The responses to the Request for Statements of Interest & Qualifications for Professional Engineering Services will be evaluated and ranked according to various criteria such as: certified minority business enterprise; past performance; willingness to meet time and budget requirements; location; recent, current, and projected workloads of the firms; and the volume of work previously awarded to each firm by the agency, 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. The agency may request, accept, and consider proposals for the compensation to be paid under the contract only during competitive negotiations.
8. The responses to the Request for Statements of Interest & Qualifications for Professional Services will be evaluated and ranked by the established Evaluation Committee. The Evaluation Committee submits ordinal rankings of firms being evaluated to the Procurement Department. If no presentations are to be made pursuant to paragraph 10 below, a submission for the Awards Committee and Chief Executive Officer approval document is prepared by the Procurement Department to deliver results of the evaluation committee's ordinal rankings of the participating responders requesting approval of ordinal rankings and authorization to conduct negotiations with top ranked firm.
9. If deemed necessary by the Evaluation Committee, the top three ranked firms may be required to give public presentations to a Selection Committee. Once the public presentations are completed, the Selection Committee submits ordinal rankings of the top



## PROCEDURES AND GUIDELINES

---

three firms to the Procurement Department. A submission for Awards Committee and Chief Executive Officer approval document is prepared by the Procurement Department to deliver results of the evaluation committee's ordinal rankings of the participating responders requesting approval of rankings and authorization to conduct negotiations with top ranked firm.

10. Upon receiving approval of ordinal rankings and authorization to begin negotiations, the Procurement Department will send letters advising respondents of the results of evaluation/selection process.
11. Under the direction of the Chief Executive Officer, the Director of Procurement along with the appropriate Senior Director will negotiate rates and charges with one or more of the respondents, beginning with the top ranked firm. In the event that only one firm is to be awarded a contract and should the agency be unable to negotiate a satisfactory contract with the firm ranked number one, at a price the agency determines to be fair, competitive and reasonable, negotiations with that firm will be formally terminated. The agency shall then undertake negotiations with the next most qualified firm or continue negotiations in accordance with ordinal rankings established until an agreement is reached.
12. Once negotiations are completed, if the contract to be awarded is less than \$500,000, the Awards Committee along with the Chief Executive Officer's concurrence will approve contract scope and negotiated fees. If the contract to be awarded is over \$500,000, the Board of Directors will approve contract scope and negotiated fees.
13. Awards for contracts for professional services less than \$500,000 will require approval by the Awards Committee and Chief Executive Officer, contracts over \$500,000 will require Board of Directors approval prior to the issuance of a Contract.

### **3-104-1 Design-Build Contracts**

Design - Build Contracts can be procured under the Competitive Proposal "Design-Build" Contract, pursuant to the procedures outlined in 287.055 (9)(c) of the Florida Statutes Consultants' Competitive Negotiations Act ("CCNA), which permits the selection of a design-build firm by the use of a Qualifications Based Selection process. The Director of Procurement may combine the design and construction phases of a capital project into a single contract. Such contract is referred to as a Design-Build contract. The Director of Procurement has the authority to determine which method of procurement fits the project based on the scope of work, funding source, project schedule, etc.

Construction activities may not begin on any portion of such projects for which the Engineering Department has not yet obtained title to the necessary rights-of-way and



## PROCEDURES AND GUIDELINES

---

easements for the construction of that portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way shall be deemed to have vested in the state when the title has been dedicated to the public or acquired by prescription.

### 3-104-2 Competitive “Design-Build” Contracts

1. JAXPORT may use a Design Criteria Professional employed by JAXPORT or a Design Criteria Professional retained by JAXPORT. If JAXPORT elects to retain the Services of a Design Criteria Professional to prepare a Design Criteria Package, then the Design Criteria Professional shall be selected and contracted with in accordance with requirements of Florida law. A design Criteria Professional, its team including; all sub consultants / subcontractors who have been selected to prepare the Design Criteria Package shall not be eligible to render Services under the Design-Build Contract executed pursuant to the Design Criteria Package. The Design Criteria Professional shall be available for consultation regarding the evaluation of proposals submitted by Design-Build Firms, for the supervision and approval of detailed working drawings of the project, and for evaluation of the compliance of the project construction with the Design Criteria Package.
2. A Design Criteria Package shall be prepared for the design and construction of the Design-Build project. The purpose of the Design Criteria Package is to furnish sufficient information as to permit the Design-Build Firms to prepare a response to the JPA’s Request for Qualifications/ Request for Proposals and/or to permit JAXPORT to enter into a negotiated Design-Build Contract. The Design Criteria Package shall specify applicable performance-based criteria for the construction project, which may include, but not limited to: Legal description for the site, survey information, space requirements, material quality standards, schematic layouts and conceptual design criteria, cost or budget estimates, design and construction schedules, site development requirements, provision for utilities, storm water retention and disposal and parking requirements.
3. The Design Criteria Package shall be sealed by the selected Design Criteria Professional.
4. The SEB Program Coordinator will be contacted for JSEB/MBE/WBE/DBE goals.
5. Legal Advertisement is placed in the Financial News and The Florida Times Union and JAXPORT’s website.
6. The Director of Procurement with input from Senior Management appoints an Evaluation Committee.



## PROCEDURES AND GUIDELINES

---

7. The Evaluation Committee should be no less than three or more than seven members. If at any time 2 or more committee members meet to discuss the evaluation of submittals, this meeting is subject to the public meeting requirements. Provisions of this law require that the meeting be open to the public, reasonably noticed and minutes taken.
8. A mandatory Pre-Proposal Meeting may be required and scheduled accordingly by the Procurement Department.
9. At the date, time and place specified in the Request for Qualifications (RFQ), a register shall be prepared that lists all responses received. Statements of Qualifications (SOQ's) received will be distributed to the Evaluation Committee. The responses to the RFQ will be evaluated and ranked in accordance with the criteria set forth in the RFQ. The evaluation criteria may include, but not be limited to, professional qualifications, availability, and past work of the firms, including the partners or members thereof.
10. After review and evaluation of the SOQ's, a shortlist of a minimum of three (3) Proposers' will be recommended and forwarded to the Director of Procurement for approval. Upon approval of the shortlist, those Proposer's will be notified and will be asked to submit a Request for Proposal based on the Schedule of Events specific to the project. If a shortlisted Proposer withdraws from consideration, after the Requests for Proposals are distributed, the JPA may continue, if at least one proposal is received.
11. Request for Proposals shall be solicited from the approved Design-Build Firms determined most qualified. The number of firms solicited shall be no less than three (3).
12. At the date, time and place specified in the Request for Proposals, a register shall be prepared that lists all proposals received. The Evaluation Committee shall review and evaluate each proposal received in accordance with the criteria set forth in the RFP. The Evaluation Committee thru the Procurement Department may request in writing additional information from any Design-Build Firm for the sole purpose of clarifying the contents of their proposal.
13. The product of the evaluation process shall be a list of the proposals from lowest to highest and confirmation that the proposals meet the requirements of the RFP.
14. The Director of Procurement shall submit the list of Design-Build Firms in rank order to the Awards Committee or the Board. Award shall be made to the Design-Build Firm submitting the lowest bid meeting or exceeding the design criteria requirements.



## PROCEDURES AND GUIDELINES

---

15. Design-Build Contracts less than \$500,000 will require approval by the Awards Committee and Chief Executive Officer, Design-Build Contracts over \$500,000 will require Board of Directors approval prior to the issuance of a Contract.

### **3-104-3 Adjusted Score “Design-Build” Contracts**

1. JAXPORT may use a Design Criteria Professional employed by JAXPORT or a Design Criteria Professional retained by JAXPORT. If JAXPORT elects to retain the Services of a Design Criteria Professional to prepare a Design Criteria Package, then the Design Criteria Professional shall be selected and contracted with in accordance with requirements of Florida law. A design Criteria Professional, its team including; all sub consultants / subcontractors who have been selected to prepare the Design Criteria Package shall not be eligible to render Services under the Design-Build Contract executed pursuant to the Design Criteria Package. The Design Criteria Professional shall be available for consultation regarding the evaluation of proposals submitted by Design-Build Firms, for the supervision and approval of detailed working drawings of the project, and for evaluation of the compliance of the project Construction with the Design Criteria package.
2. A Design Criteria Package shall be prepared for the design and construction of the Design-Build project. The purpose of the Design Criteria Package is to furnish sufficient information as to permit the Design-Build Firms to prepare a response to JAXPORT’s Request for Qualifications, for Request for Project Bids, or to permit JAXPORT to enter into a negotiated Design-Build Contract. The Design Criteria Package shall specify applicable performance-based criteria for the construction project, which may include, but not limited to: Legal description for the site, survey information, space requirements, material quality standards, schematic layouts and conceptual design criteria, cost or budget estimates, design and construction schedules, site development requirements, provision for utilities, storm water retention and disposal and parking requirements.
3. The Design Criteria Package shall be sealed by the selected Design Criteria Professional.
4. The SEB Program Coordinator will be contacted for JSEB/MBE/WBE/DBE goals.
5. Legal Advertisement is placed in the Financial News and The Florida Times Union and JAXPORT’s website.
6. The Director of Procurement with input from Senior Management appoints an Evaluation Committee.



## PROCEDURES AND GUIDELINES

---

7. The Evaluation Committee should be no less than three (3) or more than five (5) members. If at any time two or more committee members meet to discuss the evaluation of submittals, this meeting is subject to the public meeting requirements. Provisions of this law require that the meeting be open to the public, reasonably noticed and minutes taken.
8. A mandatory Pre-Proposal Meeting may be required and scheduled accordingly by the Procurement Department.
9. At the date, time and place specified in the Request for Qualifications (RFQ), a register shall be prepared that lists all responses received. Statements of Qualifications (SOQ's) received will be distributed to the Evaluation Committee. The responses to the RFQ will be evaluated and ranked in accordance with the criteria set forth in the RFQ. The evaluation criteria may include, but not be limited to, professional qualifications, availability, and past work of the firms, including the partners or members thereof.
10. After review and evaluation of the SOQ's, a shortlist of a minimum of three (3) Proposers' will be recommended and forwarded to the Director of Procurement for approval. Upon approval of the shortlist, those Proposers' will be notified and will be asked to submit a Request for Proposal (RFP) based on the Schedule of Events specific to the project. If a shortlisted Proposer withdraws from consideration, after the RFP's are distributed, JAXPORT may continue, if at least one proposal is received.
11. Proposals will be segmented into two parts: Technical Proposals and Price Proposals. Technical Proposals and Price Proposals will be received by the date, time as noted in a Schedule of Events specific to the project.
12. Technical Proposals - A technical proposal will include items such as; a detailed project schedule, staffing plan, project approach, submittals timeline, permit requirements, total contract time and other data requested in response to the RFP. The package shall indicate clearly that it is the technical proposal and shall identify clearly the Firm's name, project description, or any other information required on the RFP. The Proposer should not discuss or reveal elements of the Price Proposal in the written Technical Proposal.
13. Price Proposals - Price proposals shall include a price for the services identified in the RFP of the proposed project. The package shall indicate clearly that it is the price proposal and shall identify clearly the Firm's name, project description, and any other information required. A Price Proposal shall be submitted in a separate package (with the price proposal sealed) and appropriately labeled as per Schedule of Events, listed in the RFP.





## PROCEDURES AND GUIDELINES

---

14. Upon receipt of the Technical Proposals, the Evaluation Committee will review and evaluate all Technical Proposals and if necessary, the Evaluation Committee may request a demonstration/presentation of the Technical Proposals with each Proposer separately. The purpose of the demonstration/presentation session is for the Evaluation Committee to seek clarification and ask questions, as it relates to the Technical Proposal of the Proposer. Proposers will not be permitted to ask questions of the Evaluation Committee except to clarify the meaning of a question posed by the Committee. The Evaluation Committee records the answers to the questions. The Evaluation Committee cannot comment or acknowledge the answers with a positive or negative response or talk amongst each other during the demonstration/presentation meeting.
15. Upon receipt of technical scores plus demonstration/presentation scores from the Evaluation Committee, the Director of Procurement will notify all short-listed Proposer's of the date, time, and location of the public announcement of technical/demonstration/presentation scores and opening of the Price Proposals. On the date and time for the deadline of Price Proposal submissions, a public meeting will be held, in which the Director of Procurement will announce the Evaluation Committee's Final Technical Score for each Proposer. The scores of the SOQ's will be added to the technical scores, plus the demonstration/presentation scores to equal the Final Technical Score. Following the announcement of the average Final Technical Scores, the Price Proposals will be opened and announced. Price Proposals must then be verified to ensure calculations are accurate for all line items. Once all Price Proposal calculations are verified, the Director of Procurement will tabulate the average Final Technical Scores and Price Proposal amount using the formula listed below, in order to determine the Proposer with the lowest Adjusted Score (AS).

$$\frac{\text{Price Proposal (PP)}}{\text{Final Technical Score (FTS)}} = \text{Adjusted Score (AS)}$$

16. The Director of Procurement will then publicly announce the Adjusted Scores for all Proposers. The Proposer to be recommended for award of this Project will be that Proposer whose Adjusted Score is the lowest amongst all Proposers.
17. The Director of Procurement has the right to correct any errors in the evaluation and selection process that may have been made. JAXPORT is not obligated to award the Contract and the Evaluation Committee may decide to reject all Proposals.
18. The Director of Procurement reserves the right to consider any proposals as non-responsive if any part of the Technical Proposal or Price Proposal does not meet



## PROCEDURES AND GUIDELINES

---

established requirements and criteria. Also, if the Proposed Contract Price is greater than the Maximum Allowable Contract Price, the proposals will be considered non-responsive.

19. The Director of Procurement has the right to correct any errors in the evaluation and selection process that may have been made. JAXPORT is not obligated to award the contract and the Evaluation Committee may decide to reject all proposals. If the Evaluation Committee decides not to reject all proposals, the contract will be awarded to the Proposer determined to have the lowest Adjusted Score.
20. The Director of Procurement shall submit the list of Proposers in rank order to the Awards Committee and/or the Board. Award shall be made to the Proposer whose Adjusted Score is the lowest.
21. Design-Build Contracts for less than \$500,000 will require approval by the Awards Committee and Chief Executive Officer, Design-Build Contracts over \$500,000 will require Board of Directors approval prior to the issuance of a Contract.

### **3-104-4 Post-Bid, Pre-Award Negotiated Value Engineering**

A project must have initially been publicly advertised for solicitation of bids and the bids procured pursuant to all applicable purchasing code criteria. Post-bid, pre-award negotiated value engineering shall only take place with the lowest responsive, responsible bidder for a project under consideration.

The solicited low bid amount must exceed the remaining available funds for the project development, thus not allowing the encumbrance of a project contract due to limited funding, including reasonable project contingency funds for the project at issue. Negotiated value engineering elements may include changes in construction scope, materials, schedules or any other aspect of the original scope of the project development for which the bid was procured. Proposed subcontractors performing any subcontracting work on the project at issue may not be substituted during negotiations unless the prime contractor shows inability to negotiate financial means or a capability that are in the best interest of the Authority. JAXPORT shall make the final determination on the substitution of any subcontractors. No JSEB can be substituted without the approval of the Director of the Procurement Services Department.

Post-bid, pre-award negotiated value engineering shall not alter the planned JSEB guidelines and criteria that were submitted in the original bid package. The final project award, if approved, shall be in compliance with all applicable JSEB guidelines as originally proposed.



## PROCEDURES AND GUIDELINES

---

A project award letter that is the product of post-bid, pre-award negotiated value engineering and that recommends the award of a project to the Awards Committee shall include a list detailing the results of the negotiations. This list shall include all negotiated project elements and cost as compared to the initial low bid submitted for the project.

### **3-105 Informal Purchases**

- 1) **General.** Any contract not exceeding the dollar amount specified in the Jacksonville Port Authority's Charter, Section 15 or in any amendments to the Charter, may be made in accordance with the informal purchases procedures authorized in this Section.
- 2) **The Purchasing Agent** shall adopt operational procedures for making informal purchases. Such operational procedures shall provide for obtaining adequate and reasonable competition for the supply, service or capital goods being purchased. Further, such operational procedures shall require the preparation and maintenance of written records adequate to document the competition obtained, properly account for the funds expended, and facilitate an audit of the informal purchase made.
- 3) **Purchase Requirements** shall not be artificially divided in order to bypass the formal bid process or as to constitute an informal purchase under this Section. Issuance of multiple informal purchase orders in a total amount exceeding the formal purchase thresholds are prohibited and will be considered unauthorized purchases. If the commodities/services being purchased over the course of (1) one year are known to exceed the limit for informal purchases thresholds (\$25,000 Twenty Five Thousand for purchases of contractual services, commodities and supplies and \$50,000 Fifty Thousand for construction related professional services, professional services, construction and capital improvements, the using department must request that Purchasing procures commodities/services utilizing the formal bid process. It is improper to make multiple purchases during a short period of time from the same vendor without proper competition as required by the Procurement Code PUR-224 procedure.
- 4) **Authorized Usage.** Authorized Field Personnel may make informal purchases with proper written approval received from the Department's Director. The Purchasing Department will maintain a list of Authorized Personnel who are approved to make informal purchases. Designated Field Personnel will be involved in obtaining quotes, entering orders, soliciting vendors, receiving of goods and services and approval of invoices.
- 5) **Signing Authority.** JAXPORT employees designated to make informal purchases will be responsible for ensuring that all established JPA procedures are followed and all adequate controls are established to protect the JAXPORT's interests. The review and approval



## PROCEDURES AND GUIDELINES

---

requirements for quotes obtained will be made in accordance with the Signing Authority Matrix.

- 6) **Solicitation Procedures.** All written or telephone quotations must be used only once for each procurement cycle and quotes shall be valid for a period of 30 days, unless it is extended for not more than 90 days and documented by the company. Written Quotations must always be obtained on company's letterhead or proper document(s) issued by the company. These written quotations must be properly filled out including company name and address, date, time, description of commodities/services being quoted, and name of contact that provided the quote.
- 7) **Written Quotations** will be solicited using a Request for Quotation form. The Request for Quotation form will be prepared for the goods/services required and will reflect the quotation number, due date, JAXPORT's contact name and phone number. Whenever possible, include at least one vendor who has not been contacted recently as well as other competitive vendors, including minority vendors (JSEB, MBE, DBE's). Written Quotations must always be obtained on company's letterhead or proper document(s) issued by the company.
- 8) **Telephone Quotations** Telephone quotations will be solicited when the commodities (supplies)/services desired are easily described and easily understood by the vendors providing the quotes.
- 9) **Award for informal purchases** shall be made to the lowest responsive, responsible bidder whose quote conforms in all aspects, to the requirements set forth in the Request for Quote Form. The names of the businesses submitting quotations, and the date and amount of each quotation, shall be recorded and maintained as a public record. The Purchasing Agent will provide detailed guidance regarding, the dollar limitations for when these quotations may be obtained verbally rather than in writing and what categories of goods or services require different procedures.
- 10) **Use of Alternate Methods.** The Purchasing Agent shall adopt operational procedures for reducing the number of small, repetitive purchases, such as the use of Blanket Purchase Orders, Supply Contracts, Procurement Cards, Electronic Data Interchange (EDI) and Petty Cash.
- 11) **Exceptions to Procedures.** Informal purchases made from existing contracts of other governmental jurisdictions; (GSA, State, City of Jacksonville, JEA, JAA, JTA, DCSB, DOT), will not require the obtaining of competitive pricing. All purchases made under one of these contracts must include a copy of a valid contract number along with its most current expiration date. Purchases made using invalid contract numbers or from expired



**PROCEDURES AND GUIDELINES**

contracts will be deemed unauthorized. Purchasing will verify contract information prior to execution of purchases.

- 12) **The Purchasing Department** prior to placement of the order will review all written quotations for Supplies, Commodities and Contractual Services. Written quotations for Construction Related Professional Services, Construction or Capital Improvements obtained by Engineering and Construction Department are subject to periodic audit review by Procurement. Any orders that are placed with the vendor(s) prior to obtaining required approvals per signing authority or by the Purchasing Department will be considered Unauthorized Purchases and will be processed as such. Refer to Procedure ES 314 for disciplinary action regarding repeated violations of purchasing code.

13) **Solicitation for Quotations - Informal Purchases Only**

The procedure for obtaining quotes on contractual services (i.e. janitorial, maintenance, repairs, etc.) supplies or commodities (i.e. machine supplies, tools, parts, small equipment etc.) for less than Twenty Five Thousand (\$25,000) is hereby established as follows:

<u>Estimated Cost</u>	<u>Type of Quotation</u>	<u>Minimum Solicited</u>	<u>Type of Procurement</u>
\$0 - \$ 3,000	Telephone or Written	1-2	Commodities/Services
\$3001 - \$ 6,000	Written	2-3	Commodities/Services
\$6001 - \$12,000	Written	3-4	Commodities/Services
\$12,001 - \$25,000	Written	4-5	Commodities/Services

The procedure for obtaining quotes on construction related professional services, professional services, construction or capital improvements (i.e. building improvements, new construction, etc. for less than Fifty Thousand (\$50,000) is established as follows:

<u>Estimated Cost</u>	<u>Type of Quotation</u>	<u>Minimum Solicited</u>	<u>Type of Procurement</u>
\$0 - \$6,000	Written	1-2	Construction/Professional Svcs
\$6001 - \$12,000	Written	2-3	Construction/Professional Svcs
\$12,001 - \$25,000	Written	3-4	Construction/Professional Svcs
\$25,001 - \$50,000	Written	4-5	Construction/Professional Svcs

Written Quotations must always be obtained on company's letterhead or proper document(s) issued by the company. These written quotations must be properly filled out including company name and address, date, time, description of commodities/services being quoted, and name of contact that provided the quote. All



## PROCEDURES AND GUIDELINES

---

written quotations must only be used once for each procurement cycle and these will be valid for a period of 30 days, unless otherwise specified by the company.

Quotes by facsimile will be accepted as written documentation for all Informal Purchases, Single Source, Non-Competitive and Emergency Orders, up-to Twenty-Five Thousand (\$25,000) for informal purchases of contractual services, commodities and supplies and up-to Fifty Thousand (\$50,000) for informal purchases of construction related professional services, professional services, construction and capital improvements. The review and approval requirements for quotes obtained by the operating departments will be made in accordance with Signing Authority Matrix.

### **Solicitation Procedures - Informal Purchases Only**

- (a) Telephone quotations will be solicited when the commodities (supplies)/services desired are easily described and easily understood by the vendors providing the quotes. Quotations received must include date and time, person giving the quote, vendor name and telephone number and description of supplies/services needed. Whenever possible, include at least one new source of supply including certified minority vendors (JSBE's/MBE's/DBE's).
- (b) Written quotations will be solicited when the commodities/services/construction related professional services; construction or capital improvements are required based on the dollar thresholds stated above. Whenever possible, include at least one new source of supply including certified minority vendors (JSBE's/MBE's/DBE's).

### **Issue/Approval of MAXIMO Purchase Orders**

- (a) Purchase Orders will be entered into the MAXIMO system for purchases of commodities/services being charged to an operating g/l account made by designated personnel at the Port Central Office Building, Blount Island, Talleyrand and Dames Point Cruise Marine Terminals. All Purchase Orders will be reviewed by the Purchasing Department, in accordance with Formal/Informal Bid Thresholds, refer to Procurement Code – 3-105 Informal Purchases and Management Policy No. 51 “Delegation of Signing Authority”. Once the MAXIMO purchase order is reviewed by the Purchasing Agent, and approval is obtained by the designated user(s), the MAXIMO purchase order will be printed and will be issued to the respective supplier. A copy of MAXIMO purchase order will be sent to the Purchasing Department the same day it's issued to the vendor or no later than the next business day.

## PROCEDURES AND GUIDELINES

---

- (b) Accounting Manager has the authority to adjust approved Maximo purchase orders for added freight charges up to an amount not to exceed \$75.00.
- 14) **Blanket Purchase Orders.** These documents are generated by the Purchasing Agent at the request of authorized end users. This method of procurement is utilized, when there is a supply contract in place for commodities/services being charged to an operating g/l account or the Purchasing Agent determines the use of a Blanket Purchase Order is appropriate. Blanket Purchase Orders are entered on the MAXIMO system once quotes are reviewed in accordance with Formal/Informal Bid thresholds (refer to section 3-105 Informal Purchases). Blanket Purchase orders reduce the need of issuing multiple individual purchase orders for each transaction, thus saving time and cost of processing.
- 15) **Capital Purchase Orders.** These documents are generated by the Purchasing Agent at the request of authorized end user(s), when there is a continuing contract in place or a request for a Capital Purchase Order for construction related professional services, professional services, construction or capital improvements services being charged to a capital project. Once the Capital Purchase Order is prepared and reviewed by the Purchasing Agent, and proper approvals are obtained in accordance with Management Policy No. 51 "Delegation of Signing Authority", the Capital Purchase Order is then distributed to the designated end user(s), respective contractors/vendors and other applicable parties.
- 16) **Change Order Requests** - All change order requests regardless of contract type (i.e. contractual services, supplies, equipment, professional services, construction or capital projects) are subject to approval as per Delegation of Signing Authority. All change order request(s) will require a reasonable explanation as to why this action is necessary. A detailed description must be submitted in writing by the using department. Failure to complete this step may cause a delay of the change order process.
- a. Any and all increases to a formal or informal contract will require a change order, accompanied by a detailed explanation of the action being recommended.
  - b. Any and all change orders made to a contract that results from a formal award where the estimated cost thereof shall exceed (\$50,000) or 30% of the "original" award amount for Professional Services, Construction and/or Capital Improvements, must be approved by the Awards Committee or by the Board of Directors.
  - c. Any and all change orders made to a contract that results from a formal award where the estimated cost thereof shall exceed (\$25,000) or 30% of the "original" award amount for Contractual Services, Supplies, Equipment and/or Commodities, must be approved by the



## PROCEDURES AND GUIDELINES

---

Awards Committee or by the Board of Directors.

### 3-106 Single Source (Noncompetitive Purchases)

- 1) **General.** An award for a Single Source purchase shall be for a supply, service or construction item without competition when, under procedures promulgated by the Purchasing Department, or a designated Officer at or above the level of Manager, whom determines in writing that there is only one available source for the required supply, services or construction item.
  
- 2) Upon a recommendation by the designated Officer or above level of Manager and proper notice and approval under this Procurement Code, an exceptional purchase or purchase made without competition or advertisement can be made from a "Single Source". For purposes of this section, a "Single Source" shall mean a person or entity who (i) provides necessary follow-up goods and services to the Authority, such as replacement parts or warranty-related or required maintenance services for products and equipment previously purchased by the Authority that may only efficiently and effectively be provided by such a person or entity or (ii) is the only one justifiable source available to provide necessary goods and services to the Authority, such as patented and manufactured products and services offered for sale in a noncompetitive market or solely by a manufacturer's authorized dealer. Without competition or advertisement, but only after posting prior notice on Procurement's website for no less than seven (7) calendar days; a single-source purchase, if found from the relevant facts presented by the user to be sufficiently justified, may be awarded hereunder. As a condition precedent to consideration and an award hereunder, the user must submit to the Director or designee a written justification for each single-source, noncompetitive purchase, including without limitation a sufficient explanation, as determined by the Director or designee as to why only the proposed make or kind of goods or services will satisfactorily fulfill the needs of the user. A requirement for a particular good or service will not justify an award in circumstances where there is more than one potential source that can efficiently and effectively provide the same. Proposed awards made hereunder may be timely protested pursuant to the Procurement Code protest procedures.
  
- 3) The determination as to whether procurement shall be made, as a Single Source shall be approved by the Department's Director or Designee authorized to approve these type of purchases. Such determination and the basis therefore shall be in writing on form specified as "Certification as to Single Source, Non Competitive Purchases" and will be attached to the purchase document.



## PROCEDURES AND GUIDELINES

---

- 4) **Negotiation for Single Source, Non-Competitive Purchases.** The Director of Procurement may be requested to conduct negotiations, as appropriate. Individuals designated in the operational procedures, with final review by the Director of Procurement Services, if requested may conduct these negotiations.
- 5) **Record of Single Source, Non-Competitive Purchases.** A record of each Single Source Purchases shall be maintained as a public record and shall list each contractor's name, a listing of the item(s) procured, and an identifying purchase document number.
- 6) **Periodic Reviews of Single Source, Non-Competitive Purchases.** The Purchasing Department shall periodically review the records of Single Source purchases and attempt to find other sources for the goods/services required. Also, during this review the reasonableness of the prices shall be reviewed and comparable item's prices studied.
- 7) **Exceptions to required formal advertisement methods.** Procurements that meet the criteria of Single Source, Non-Competitive Purchases (3-106 par. 1) and which exceed the Informal Purchase threshold (Twenty-Five Thousand or Fifty Thousand) amount specified in JAXPORT Charter), do not have to be formally advertised as either an Invitation for Bid or a Request for Proposal. However, prior to the procurement, the designated Officer or his designee will review the specifications and determine that Single Source procurement is justified. The purchase will then be presented to the Awards Committee for a recommendation to award, in the same format and detail as other contracts awarded through formal advertisement methods.
- 8) A copy of the "Certification as to Single Source for Non-Competitive Purchases" is attached behind this standard practice which shall be completed for each appropriate procurement and attached to the purchase requisition.

### **3-106A Piggybacking Under Federal, State or City and Local Agencies Contracts**

Using Departments may request the procurement of goods and services via a process commonly known as "piggybacking", which is the utilization of approved contracts under Federal, State, City and Local Agencies. Prior to utilization, these contracts must have been competitively procured, awarded and contracted by a federal, state municipal, county or local government entity, body politic, or using agency, provided that said procurement is not otherwise prohibited by law (piggybacking via GSA may be limited to purchases related to technology pursuant to Schedule 70). In a piggybacking request for particular goods and services, said goods and services must be included and specifically referenced in the publicly and competitively procured contract being piggybacked, which contract must be in use or active at the time of piggybacking request and approval.



## PROCEDURES AND GUIDELINES

---

Approval of contracts being piggybacked must be presented to the Awards Committee and the Board of Directors based on Formal Bidding thresholds. For purchases under another agency's contract whether Federal, State, City, County or other Government contracts and agreements which exceeds \$25,000 for supplies, contractual services, capital goods and commodities or \$50,000 for professional services, construction related professional services, construction contracts and capital improvements, a recommendation for award will be prepared containing the same information as for solicited contracts.

In addition, the applicable Federal, State or City, County or other Government contracts and agreements contract information or justification for the purchase will be included. The award recommendation will be sent to the Purchasing Department for verification of the contract information. The recommendation for award will be presented to the Awards Committee or the Board if applicable, following the same procedures as for advertised contracts. After approval, Purchasing will prepare a purchase order and forward to the appropriate Director for approval.

### **3.106B E-Verify Program For Employment Verification**

In accordance with the Governor of Florida, Executive Order Number 11-02 (Verification of Employment Status), whereas, Federal law requires employers to employ only individuals eligible to work in the United States; and whereas, the Department of Homeland Security's E-Verify system allows employers to quickly verify in an efficient and cost effective manner; and upon issuance of contract agreements for state funded projects, the Procurement Department will request the Contractor to acknowledge and accept to utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the Contractor during the term of the contract. Contractors must include in all subcontracts the requirement that all subcontractors performing work or providing goods and services utilize the E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term. The Contractor further agrees to maintain records of its participation and compliance and its subcontractor's participation and compliance with the provisions of the E-Verify program, and to make such records available to JAXPORT upon request. Failure to comply with this requirement will be considered a material breach of the contract.

A copy of the "Acknowledgement and Acceptance of E-Verify Compliance" form is attached behind this standard practice which shall be completed by the Contractor for each appropriate contract.

### **3-107 Emergency Procurements**



## PROCEDURES AND GUIDELINES

---

- 1) Conditions for Use of Emergency Procurement. An emergency condition is a situation that creates a threat to public health, welfare, safety, or disruptions or stoppages of operations that could cause an economic loss to JAXPORT, its customers or tenants. The existence of such condition creates an immediate and serious need for supplies, services or construction that cannot be met through normal procurement methods and the lack of which would seriously threaten the functioning of JAXPORT, the preservation or protection of property or the health or safety of any individual.
- 2) Emergency Procurement Procedures. Emergency procurements will be made with as much competition as is practicable under the circumstances. The Chief Executive Officer or his designee will establish operational procedures for designating individuals authorized to approve emergency procurements, with final review by the Chief Executive Officer or his designee, and will have provided to them the forms required to be completed to document the emergency procurement.
- 3) Emergency Change Order Requests - All emergency change order requests regardless of contract type (i.e. contractual services, supplies, equipment, professional services, construction or capital projects) are subject to approval as per Delegation of Signing Authority (refer to Signing Authority Policy No. 51).
- 4) Emergency purchases do not need to be presented to the Awards Committee. Emergency purchases will be reported to the Board as set forth in Signing Authority Policy No. 51).
- 5) All emergency change order request(s) will require a reasonable explanation as to why this action is necessary. A detailed description must be submitted in writing by the using department. Failure to complete this step may cause a delay of the change order process. Any and all increases to an emergency contract will require a change order, accompanied by a detailed explanation of the action being recommended.

**The following procedures should be followed relative to Emergency Purchases;**

- (a) If an emergency occurs during regular business hours, the user agency shall immediately notify the Director of Procurement or his designee, who shall either authorize the user to issue an emergency purchase order.
- (b) Prior to making any emergency purchase, the Director of Procurement or the user, whichever makes the purchase, shall whenever practicable, secure competitive telephone bids and order services from the lowest responsive bidder.



## PROCEDURES AND GUIDELINES

---

- (c) Emergency Purchases up-to Twenty Five Thousand (\$25,000) for Contractual Services, Supplies, Equipment or Miscellaneous Commodities:

In all emergency purchases with a not to exceed amount of Twenty Five Thousand (\$25,000), the user must complete "Statement of Emergency" form with proper approval from Department Manager and in accordance with Formal/Informal Bid Thresholds established on section 3-104 (12). The Statement of Emergency Form must then be submitted to the Director of Procurement along with quotes received and copy of Purchase Order. The Director of Procurement will process Purchase Order for payment.

Acceptance of the explanation offered by the user as justification of emergency is at the discretion of Director of Procurement Services. Payment of Emergency Purchases will not be approved until a Statement of Emergency - Request for Emergency Procurement has been received by the Accounts Payable Department.

- (d) In all emergency purchases with a dollar amount of Twenty Five Thousand (\$25,000) or more for Contractual Services, Supplies, Equipment or Miscellaneous Commodities or emergency purchases with a dollar amount over Fifty Thousand (\$50,000) for Construction Related Professional Services, Construction or Capital Projects and prior to ordering the required services, the user must complete an "Statement of Emergency" form which must then be submitted to the Director of Procurement along copy of Purchase Order. The Director of Procurement will review emergency statement and will obtain proper approval in accordance with Delegation of Signing Authority Matrix. Once the emergency is approved, the Director of Procurement or Director of Procurement will order services and will process Purchase Order for payment.
- 4) **Record of Emergency Procurement.** A record of each emergency procurement shall be maintained by the Purchasing Department as a public record and shall list each contractor's name, a listing of the item(s) procured, and identifying purchase document number.
- 5) **Reviews of Emergency Procurement.** Once a quarter, the Chief Executive Officer or his designee shall review the records of emergency procurements to ensure that there is no misuse of the method and if misuse is determined to be evident, will ensure that corrective action is taken.
- 6) **Exceptions to required formal advertisement methods.** Procurements that meet the criteria of Emergency Procurement (3-107, Par. 1) and which exceed the small purchase



## PROCEDURES AND GUIDELINES

---

threshold (amount specified in JAXPORT charter), do not have to be formally advertised as either an Invitation for Bid or a Request for Proposal. However, preferable before or as soon as possible after an emergency procurement, the Chief Executive Officer will be provided with all the details on the purchase. After reviewing the circumstances, the Chief Executive Officer will present the emergency purchase to the Board of Directors for their information.

### **3-108 Cancellation of Invitations for Bids or Requests for Proposals**

- 1) **Prior to Opening.** Invitation for Bids, Request for Proposals, or other solicitation may be cancelled and all bids or proposals may be rejected, as may be specified in the solicitation, when it is for good cause and in the best interests of JAXPORT. The reasons therefore shall be made part of the contract file. EACH SOLICITATION ISSUED BY JAXPORT SHALL STATE THAT THE SOLICITATION MAY BE CANCELLED AND THAT ANY BID OR PROPOSAL MAY BE REJECTED IN WHOLE OR IN PART FOR GOOD CAUSE WHEN IN THE BEST INTERESTS OF THE JACKSONVILLE PORT AUTHORITY. Notice of cancellation shall be sent to all businesses solicited. The notice shall identify the solicitation, explain the reason for cancellation, and where appropriate, explain that an opportunity will be given to compete on any re-solicitation or any future procurement of similar items.
  
- 2) **After Opening.** After opening, but prior to award, any or all bids or proposals may be rejected in whole or in part when the Purchasing Agent determines in writing that such action is in the best interests of JAXPORT for reasons including, but not limited to:
  - (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 JAXPORT;
  - (d) Prices exceed available funds and it would not be appropriate to adjust quantities to come within the available funds;
  - (e) All otherwise acceptable bids or proposals received are at clearly unreasonable prices; or
  - (f) There is reason to believe that the bids or proposals may not have been independently arrived at in open competition, may have been collusive, or may have been submitted in bad faith.



## PROCEDURES AND GUIDELINES

---

A notice of cancellation should be sent to all businesses that submitted bids or proposals, and it shall conform to Paragraph 1 above.

### 3-109 Rejection of Individual Bids or Proposals

- 1) **Notice in Solicitation.** Each solicitation issued by JAXPORT shall provide that any bid or proposal may be rejected in whole or in part when in the best interests of the Jacksonville Port Authority as provided in this Code.
  
- 2) **Reasons for Rejection**
  - (a) **Bids.** As used in this section, “bid” means any bid submitted in competitive sealed bidding or in the second phase of multi-step sealed bidding and includes submissions under Section 3-104 (Informal purchases ) if no changes in offers are allowed after submission. Reasons for rejecting a bid include, but are not limited to:
    1. The business that submitted the bid is non-responsible as determined under Section 3-109.
    2. The bid is not responsive, that is, it does not conform in all material respects to the Invitation for Bids; or
    3. The supply, service or construction item offered in the bid is unacceptable by reason of its failure to meet the requirements of the specifications or permissible alternatives or other acceptability criteria set forth in the Invitation for Bids.
  
  - (b) **Proposals.** As used in this subsection, “proposal” means any offer submitted in response to any solicitation, including an offer under Section 3-104 (Informal purchases), except a bid as defined above. Unless the solicitation states otherwise, proposals need not be unconditionally accepted without alteration or correction, and JAXPORT’s stated requirements may be revised or clarified after proposals are submitted. This flexibility must be considered in determining whether reasons exist for rejecting all or any part of a proposal. Reasons for rejecting proposals include, but are not limited to:



## PROCEDURES AND GUIDELINES

---

1. The business that submitted the proposal is non-responsible as determined under Section 3-109 of this Code;
  2. The proposal ultimately (that is, after any opportunity has passed for altering or clarifying the proposal) fails to meet the announced requirements in some material respect; or
  3. The proposed price is clearly unreasonable.
- 3) **Notice of Rejection.** Upon request, unsuccessful bidders or offerors shall be advised of the reasons therefore.

### **3-110 Disposition of Bids or Proposals**

When bids or proposals are rejected or a solicitation cancelled after bids or proposals are received, the bids or proposals which have been opened shall be retained in the procurement file, or if unopened, returned to the bidders or offerors upon request, or otherwise disposed of.

### **3-111 Single Bid or Proposal Received**

In an instance where only one bid or proposal is received, the Purchasing Agent will make a written determination as to whether the offeror is responsible and responsive, and will attempt to obtain comparative pricing either from previous contracts or from industry publications. If it is determined that no advantage would be obtained by re-soliciting, the Purchasing Agent will negotiate with the one bidder or proposer as if they were a single source and provide the Chief Executive Officer with a written summary of the solicitation process, with a recommendation that the contract be awarded.

### **3-112 No Bids or Proposals Received**

In an instance where no bids or proposals are submitted, the Purchasing Agent will contact any businesses that received a solicitation and attempt to determine if there is a need to modify the specifications. If there is no response or there is no advantage to re-bidding, the Purchasing Agent will notify the appropriate using department and obtain technical assistance to change the scope of work or the specifications, if possible, to promote competition.

### **3-113 Exceptions to Required Formal Advertisement Methods**

Procurements that meet the criteria of Single Source, Non-Competitive Purchases (3-106) and/or Emergency Procurement (3-107), and which exceed the Small Purchase threshold, do not have to be formally advertised as either an Invitation for Bid or a Request for Proposal, with procedures



## PROCEDURES AND GUIDELINES

---

to be followed detailed in 3-106, Paragraph 5, and 3-107, Paragraph 5. The only other exception to the required formal advertisement methods is in the instance where another governmental agency (City, State or Authority for example) has obtained competitive bids for the same product or service where the contract language allows piggybacking. In this instance, the Chief Executive Officer or his designee may determine that it is in the best interests of JAXPORT to contact the company receiving the award and determine if they are willing to offer the same prices and terms to JAXPORT. If the company is agreeable, the purchase will be presented to the Awards Committee for a recommendation for award in the same format and detail as other contracts awarded through formal advertising methods. Use of this method does not eliminate the requirement to ensure that the prices are competitive, based on past experience and other information available.

### **3-114 Procurement Cards**

- 1) The Chief Executive Officer or his designee may approve the use of procurement charge cards for the purchase of goods and/or services. The maximum dollar amount purchased with a procurement card will not exceed the dollar amount designated in Article 3-105, Informal Purchases.
- 2) Each JAXPORT employee issued a procurement card will have a maximum purchase authorization as approved in the Delegation of Signing Authority.
- 3) The Purchasing Agent will periodically review purchases made with procurement cards to insure compliance with small purchase procedures as specified in Article 3-105.
- 4) The Director of Finance will process procurement card monthly invoices in a timely manner and maintain the appropriate financial records.
- 5) The Purchasing Agent will provide training for all users of JAXPORT procurement cards.

### **3-115 Electronic Procurement (e-procurement)**

- 1) JAXPORT will seek to increase utilization of e-procurement/e-commerce in the purchase of goods and services.
- 2) Formal RFP's shall, when feasible, be available to vendors over the Internet.
- 3) The Purchasing Agent will seek to increase the number of small purchase e-procurements.
- 4) The Purchasing Agent will maintain a library of e-catalogs for use in purchase of goods.
- 5) The use of the Internet to seek and receive quotes for informal purchases is encouraged. Vendor adds and payment requirements remain the same as for a non e-procurement purchase.
- 6) When seeking new vendors or with current vendors, the Purchasing Agent will seek to increase e-procurement through a B2B (Business to Business) environment.

### **3-116 Protest Procedures for Formal Bids**





## PROCEDURES AND GUIDELINES

---

**Purpose and Scope** - In accordance with the procedure contained herein, any person or entity that is adversely affected by the decision or an intended decision concerning a solicitation, solicitation documents, award, or any other process or procedure prescribed in the JAXPORT's Procurement Code SOP-1215, and who has standing to protest said decision or intended decision under Florida law (the "Protestant"), must timely file a written Notice of Protest seeking to challenge the decision or intended decision. The issue(s) raised and the information contained in the Notice to Protest and any supplemental documentation filed in accordance with this procedure, must clearly identify and explain the factual and legal basis for any relief sought, and shall be the only issue(s) and information the Protestant may present for consideration before the Procurement Appeals Board (PAB).

Therefore, an administrative procedure is established herein, to review protests of solicitations or award of contracts. All solicitation documents will contain the procedures to be followed by an individual wishing to protest or appeal any part of the solicitation process or an award of a contract.

**Definitions** - For the purpose of these Bid Protest Procedures, the following definitions are provided:

- (a) "Competitive Solicitation" or "Solicitation" shall include without limitation an invitation to bid, competitive sealed proposal(s), request for proposals and/or qualifications.
- (b) "Posting" means the notification of solicitations, decisions on solicitations, intended decisions, or other matters relating to procurement by placing the same on a bulletin board(s) designated by the Procurement Department for this purpose at [www.jaxport.com/about-jaxport/corporate-information/projects-for-bid](http://www.jaxport.com/about-jaxport/corporate-information/projects-for-bid), or as may be consistent with the JAXPORT's Procurement Code SOP-1215
- (c) "Exceptional Purchase" means any purchase excepted by law or rule from the requirements for competitive solicitation, including without limitation, purchases pursuant to the JAXPORT's Procurement Code SOP-1215
- (d) "Electronic Transfer" is limited solely to facsimile transmissions that appear legible on paper at the place of filing.
- (e) "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.
- (f) "Procurement Process" has the same meaning as "contract solicitation or award process."



## PROCEDURES AND GUIDELINES

---

### Timely Notice of Protest

(a) Recommendations of Award and/or Bid Rejection. A Protestant shall have 48 hours 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 a Procurement Department recommended award of an exceptional purchase or an award or recommended conclusion to any bid or proposal solicitation process, including without limitation: (i) a recommendation to reject a bid or proposal; (ii) a contract award; or (iii) the short-listing of bidders or proposers.

(b) Bid/Proposal Specifications and/or Requirements. A 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: (i) the basis for making the award in question; (ii) evaluation criteria; (iii) equipment, product, or material specifications; (iv) proposed project schedules; (v) statements regarding participation goals or other equal opportunity measures; or (vi) other general solicitation or reject requirements.

(c) Computation of Time. The computation of the time limitations or periods contained herein shall be governed by and shall be pursuant to SOP-1215 Procurement Code for the Jacksonville Port Authority. 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.

(d) Form and Content of the Notice of Protest. A written Notice of protest shall: (i) be addressed to the Director of Procurement; (ii) 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; (iii) state the timeliness of the protest (iv) state Protestant's legal standing to protest; and (v) clearly state with particularity the issue(s), material fact(s) and legal authority upon which the protest is based.

**Request for Extension to File Supplemental Protest Documentation.** At the time of filing a Notice of Protest hereunder, a Protestant may request an extension of three (3) business days after the date its Notice of Protest is timely received, in which to provide supplemental protest documentation. Failure to request an extension or to timely submit the supplemental protest documentation shall constitute a waiver any right to the same. No supplemental documentation will be accepted after the extension period.



## PROCEDURES AND GUIDELINES

---

**Delivery.** The timely filing of a Notice of Protest shall be accomplished when said notice is actually received by the Procurement Department 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 2831 Talleyrand, Avenue, Jacksonville, FL 32202 or by electronic transfer via facsimile to (904) 357-3077. The responsibility and burden of proof that its Notice of Protest has been timely and properly received shall rest with the Protester, regardless as to the method of delivery employed.

**Authority to Resolve, Deny and/or Reject a Protest(s).** The Director of Procurement shall have the authority, prior to the commencement of an action in front of the Procurement Appeals Board, to resolve, deny and/or reject a protest(s), when it is determined that the protest is clearly erroneous, arbitrary, fraudulent, frivolous and without merit to have a formal protest hearing scheduled in front of the PAB. This authority shall be exercised in accordance with formal protest procedures prescribed in the JAXPORT's Procurement Code SOP-1215 and with the advice and counsel of the Office of the General Counsel.

All parties involved in the solicitation process will be notified in writing by the Procurement Department, after a decision to resolve, deny and/or reject a protest has been rendered by the Director of Procurement, unless otherwise the protest is accepted by the Authority and is scheduled to be heard by the designated PAB.

**Process.** All protests or appeals must be in writing, addressed to the Director of Procurement, and filed within the time described in paragraph (a) or (b), as applicable, of the section entitled "Timely Notice of Protest" above. Upon receipt of a timely filed written Notice of Protest, the Director of Procurement will acknowledge, by certified letter, the receipt of an appeal. The Director of Procurement will send a copy of the protest to the Chief Executive Officer, who will appoint individuals to review the protest. The Procurement Appeals Board (PAB) will consist of three members appointed by the Chief Executive Officer who will also name the person to serve as chair. The PAB may not include any members of the Evaluation Committee or Awards Committee that were involved in the appeal action.

The Secretary to the Board of Directors or his/her designee will serve as Secretary to the PAB and will schedule the Protest Hearing meeting and will notify the Protester and any other individuals considered necessary of the date, time, and place of the scheduled PAB meeting. The PAB chair will notify the Director of Procurement if the award of a contract must be delayed until completion of the appeal process. The PAB meeting will be held in accordance with the Florida Government in the Sunshine Law to include proper notice and meeting minutes.

### **Protest Hearing Rules and Procedures.**



## PROCEDURES AND GUIDELINES

---

(a) Protest Hearings hereunder shall be heard before the PAB, and shall begin with a general statement of the rules and procedures prescribed herein by a representative of the PAB, followed by a general statement of the facts by a representative of the Procurement Department. Representatives of the Protestant, limited solely to its owners, officers, employees, and/or legal counsel, will then be required to present its case based solely on the issue(s) and information contained in the Notice of Protest and any timely submitted supplemental protest documentation. 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 the Procurement Department and other governmental representatives. The Protestant must establish by the preponderance of the evidence that the protest should be granted based upon the law, facts, and information presented. The PAB is entitled to ask questions of any party at any time during the hearing.

(b) For hearings hereunder, the formal rules of evidence pursuant to the Florida Evidence Code may be relaxed at the sole discretion of the presiding chairperson of the PAB. Hearsay evidence may be admissible and used to supplement or explain other evidence.

(c) Unless otherwise provided by the Procurement Code the burden of proof shall rest with the Protestant. The standard of proof for proceedings hereunder shall be whether a Procurement Department recommendation or intended decision in question was clearly erroneous, arbitrary or capricious, fraudulent, or otherwise without any basis on 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.

(d) A majority vote of the PAB shall be required to recommend the granting or denial of a protest hereunder. A recommendation by the PAB concerning action to be taken on the protest, along with any other relevant information, will be forwarded to the Chief Executive Officer for final resolution, and the decision of the Chief Executive Officer shall represent final agency action. The minutes of the PAB will be retained by the Secretary to the PAB, and a written notice of the decision of the PAB will be filed in the contract file.

All parties involved in the Protest Hearing will be notified in writing by the Procurement Department after a decision is rendered by the Chief Executive Officer, and/or his/her designee.

### ARTICLE 4 SPECIFICATIONS Part A - Definition



## PROCEDURES AND GUIDELINES

---

### 4-101 Definition

Specifications. Specifications refer to any description of the physical, functional, or performance characteristics, or of the nature of a supply, service, or construction item. A specification includes, as appropriate, requirements for inspecting, testing, or preparing a supply, service, or construction item for delivery. Unless the context requires otherwise, the terms “specification” and “purchase description” are used interchangeable throughout this Code.

### Part B - General Provisions

#### 4-201 General Purpose and Policies

- 1) Purpose. The purpose of a specification is to serve as a basis for obtaining a supply, service, or construction item adequate and suitable for the Jacksonville Port Authority’s needs in a cost effective manner, taking into account to the extent practicable, the costs of ownership and operation as well as initial acquisition costs. It is the policy of JAXPORT that specifications permit maximum practicable competition consistent with this purpose. Specifications shall be drafted with the objective of clearly describing JAXPORT’s requirements.
- 2) Use of Functional or Performance Descriptions. Specifications shall, to the extent practicable, emphasize functional or performance criteria while limiting design or other detailed physical descriptions to those necessary to meet the needs of JAXPORT. To facilitate the use of such criteria, using agencies shall endeavor to include as a part of their purchase requisitions the principal functional or performance needs to be met. It is recognized, however, that the preference for use of functional or performance specifications is primarily applicable to the procurement of supplies and services. Such preference is often not practicable in construction, apart from the procurement of supply type items for a construction project.
- 3) Preference for Commercially Available Products. It is the general policy of JAXPORT to procure standard commercial products whenever practicable. In developing specifications, accepted commercial standards shall be used and unique requirements shall be avoided, to the extent practicable.

#### 4-202 Relationship with Using Agencies

The Purchasing Agent shall obtain expert advice and assistance from personnel of the using agencies in the development of specifications and will as much as practicable, review specifications with using agencies prior to any solicitation.



## PROCEDURES AND GUIDELINES

---

### **4-203 Authority to Contract for Specifications**

When a written determination is made by the Purchasing Agent that there will be no substantial conflict of interest involved and it is otherwise in the best interest of JAXPORT, a contract to prepare specifications for JAXPORT use in procurement of supplies or services may be entered into provided the Purchasing Agent retains the authority to finally approve the specifications.

### **4-204 Maximum Practicable Competition**

All specifications shall be drafted so as to promote overall economy for the purposes intended and encourage competition in satisfying JAXPORT's needs and shall not be unduly restrictive. This policy applies to all specifications, including but not limited to those prepared for JAXPORT architects, engineers, designers and draftsmen.

### **4-205 Non-restrictive Requirement**

All specifications shall be written in such a manner as to describe the requirements to be met, without having the effect of exclusively requiring a proprietary supply, service, or construction item, or procurement from a single source, unless no other manner of description will suffice. In that event, a written determination shall be made that it is not practicable to use a less restrictive specification.

### **4-206 Procedures for Development of Specifications**

- 1) Specification of Alternates May Be Included. A specification may provide alternate descriptions of supplies, services or construction items where two or more design, functional or performance criteria will satisfactorily meet JAXPORT's requirements.
- 2) Contractual Terms Not to be Included. To the extent feasible, a specification shall not include any solicitation or contract term or condition such as a requirement for time or place of bid opening, time of delivery, payment, liquidated damages or qualifications of bidders.
- 3) Use of Existing Specifications. If a specification for a common or general use item or a qualified products list has been developed for a particular supply, service, or construction item, it shall be used unless the Purchasing Agent makes a written determination that its use is not in JAXPORT's best interest and that another specification shall be used.

## PROCEDURES AND GUIDELINES

---

4) Periodic Review of Specifications. The Purchasing Agent should provide for the periodic review of specifications to determine whether any existing specification needs revision, or a new specification is needed to reflect changes in:

- (a) The state-of-the-art;
- (b) The characteristics of the available supplies, services, construction items; or
- (c) Needs of the using agency

### Part C - Types of Specifications

#### 4-301 Common or General Use Items

A specification for common or general use shall, to the extent practicable, be prepared to be utilized when:

- (a) A supply, service, or construction item is used in common by several using agencies or used repeatedly by one using agency, and the characteristics of the supply, service, or construction item, as commercially produced or provided, remain relatively stable while the frequency or volume of procurement is significant;
- (b) JAXPORT's recurring needs require uniquely designed or specially produced items; or
- (c) The Purchasing Agent finds it to be in JAXPORT's best interest.

#### 4-302 Qualified Products List

- 1) **Definition.** A qualified products list means an approved list of supplies, services, or construction items described by model or catalogue numbers, which prior to competitive solicitation, JAXPORT has determined will meet the applicable specification requirements.
- 2) **Use.** A qualified products list may be developed by the Purchasing Agent when testing or examination of the supplies or construction items prior to issuance of the solicitation is desirable or necessary in order to best satisfy the JAXPORT's requirements.
- 3) **Solicitation.** When developing a qualified product list, a representative group of potential suppliers shall be solicited in writing to submit products for testing and



## PROCEDURES AND GUIDELINES

---

examination to determine acceptability for inclusion on a qualified product list. Any potential supplier, even though not solicited, may offer its products for consideration.

- 4) **Testing.** Inclusion on qualified products list shall be based on results of tests or examinations conducted in accordance with prior published requirements.
- 5) **Final Approval, Revisions and Cancellation.** The final approval of, revisions to and cancellation of qualified product lists shall be made only upon approval of the Purchasing Agent or the designee of the Purchasing Agent.

### 4-303 Brand Name or Equal Specification

- 1) **Definition.** Brand name or equal means a specification which uses one or more manufacturers' names or catalogue numbers to describe the standard of quality, performance, and other characteristics needed to meet JAXPORT's requirements, and which provides for the submission of equivalent products.
- 2) **Use.** Brand name or equal specifications may be used when the Purchasing Agent determines in writing that:
  - (a) No other design or performance specification or qualified products list is available;
  - (b) Time does not permit the preparation of another form of purchase description;
  - (c) The nature of the product or JAXPORT's requirements makes use of a brand name or equal specification suitable for the procurement; or
  - (d) Use of a brand name or equal specification is in JAXPORT's best interest.
- 3) **Designation of Several Brand Names.** Brand name or equal specifications shall seek to designate three, or as many different brands as are practicable, as "or equal" references and shall further state that substantially equivalent products to those designated will be considered for award.
- 4) **Required Characteristics.** Unless the Purchasing Agent determines in writing that the essential characteristics of the brand names included in the specification are commonly known in the industry or trade, brand name or equal specifications shall include a description of the particular design, functional, or performance characteristics which are required.
- 5) **Nonrestrictive Use of Brand Name or Equal Specifications.** Where a brand name or equal specification is used in a solicitation, the solicitation shall contain explanatory language that





## PROCEDURES AND GUIDELINES

---

the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition.

### 4-304 Brand Name Specification

- 1) **Definition.** Brand name specification means it is limited to one or more items by manufacturers' names or catalogue numbers.
- 2) **Use.** Because the use of a brand name specification is restrictive of product competition, it may be used only when the Purchasing Agent makes a written determination that only the identified brand name item or items will satisfy the JAXPORT's needs.
- 3) **Competition.** The Purchasing Agent shall seek to identify sources from which the designated brand name items or items can be obtained and shall solicit such sources to achieve whatever degree of price competition is practicable. If only one source can supply the requirement, the procurement shall be made under Section 3-106 (Single Source, Non-Competitive Purchases).

### 4-305 Standardization of Supplies, Equipment and Services

- 1) **Definition.** The process of developing standards by means of which a large variety of similar items, products or services are reduced to a minimal variety that meets all usage requirements. Inventory costs and investment costs usually are reduced in the process,
- 2) **Use.** With the advice of using departments and subject to the approval of the Advisory Committee on Standardization, the Procurement Department shall formulate and adopt standards for the acquisition of supplies, equipment and services required by the using departments of the Authority. Using Departments and Procurement shall cooperate fully so that the Authority may obtain the maximum advantages afforded by standardization methods and process being implemented.
- 3) **Criteria for Standardization**
  1. Reduction of makes, models, sizes, varieties of supplies, equipment and services consistent with the successful operation of the Authority
  2. Maintain competition to the maximum extent possible
  3. Demonstrate cost effectiveness, as applicable, associated with proposed actions
  4. Demonstrate other direct cost benefits such as decreased training requirements, elimination of duplications and compatibility with other systems
- 4) **The duties of the Director of Procurement**



## PROCEDURES AND GUIDELINES

---

1. Establish as required, an Advisory Standardization Committee, in accordance with rules promulgated on this procedure
  2. Serve or appoint a designee, as Chairman of the Advisory Standardization Committee
  3. Provide the Advisory Standardization Committee with guidance and direction as may be necessary from time to time
  4. Attend Standardization Committee meetings as required by the Chairman of the Committee and make recommendations in all standardization requests to be considered by the Committee
  5. Provide Administrative services for all standardization actions submitted for approval by the Advisory Standardization Committee
- 5) **The duties of the Advisory Committee on Standardization are to:**
1. Analyze recommendations for repetitive purchases of supplies, equipment and services common to the needs of the departments of the Authority
  2. Adopt as standards the minimum number of qualities, quantities, sizes and varieties of supplies and equipment consistent with the successful operation of the Authority
  3. To the maximum extent possible, adopt standard specifications that are compatible with other systems for the Authority or other governmental jurisdictions and nationally organized standardizing bodies
  4. Assist the using department and the Director of Procurement, in preparing written specifications for supplies, equipment and services common to the needs of the departments of the Authority
  5. Conduct studies of estimated requirements for supplies, equipment and services and recommend to the Director of Procurement such rules governing estimated needs as well as best implement central purchasing without burdening the using departments
  6. Recommend to the Director of Procurement changes or improvements to the Standardization Process
  7. The Director of Procurement is authorized to approve standardization of supplies, equipment and services on behalf of the Authority
- 6) **The duties of the Using Departments**
1. Develop and forward to the Procurement Department requirements for standardization action in accordance with criteria above
  2. Recommendations for standardization will be submitted through the Procurement Department as deemed necessary
  3. Assist the Advisory Committee with studies and justification for standardization of services or supplies



## PROCEDURES AND GUIDELINES

---

4. Attend meetings as requested by the Advisory to discuss recommendations for all standardization requests to be considered by the Committee

### ARTICLE 5 - SUPPLY MANAGEMENT

#### 5-101 Definitions of Terms Used in This Article

- 1) Supplies - Tangible personal property owned by the Jacksonville Port Authority, as well as expendable supplies with an acquisition cost less than \$5,000 or with an expected useful life less than three years.
- 2) Tangible personal property - also referred to as non-expendable supplies, are furniture, fixtures, equipment of other property of a non-consumable nature, the value of which is \$5,000 or more, and a normal expected life of three years or more.
- 3) Excess supplies - includes both expendable and non-expendable supplies having a remaining useful life but which are no longer required by the using department in possession of the item.
- 4) Surplus supplies - includes both expendable and non-expandable supplies that are no longer of any use to JAXPORT. This includes obsolete items, scrap materials, items with no economic life remaining and items damaged beyond economic feasibility to repair.

#### 5-102 General Supervision

The Chief Executive Officer or his designee shall have general supervision of the management of supplies during their entire life cycle. The objectives of supply management include preventing waste, continuing utilization of supplies, and obtaining a fair return of value upon disposal of supplies. In order to achieve these objectives, sound inspection, testing, warehousing, and inventory practices are called for, and effective means of transferring and disposing of property shall be utilized.

#### 5-103 Quality Assurance, Inspection, and Testing

The Chief Executive Officer or his designee shall take such steps as are deemed desirable to ascertain or verify that supplies, services or construction items procured by JAXPORT conform to specifications. In performing this duty, the Chief Executive Officer may authorize operating departments to establish inspection and testing facilities, enter into arrangements for the joint or cooperative use of laboratories and inspection and testing facilities, and contract with others for inspection or testing work as needed.



## PROCEDURES AND GUIDELINES

---

### **5-104 Inventory Management**

The Chief Executive Officer or his designee shall have general supervision of all inventories of all supplies, whether warehoused or in use, belonging to JAXPORT. This responsibility shall not, however, relieve any department of accountability for supplies under their control. All warehouses and similar storage areas shall be inventoried at least twice per year. The Chief Executive Officer or his designee shall have general supervision of the determination of appropriate stock levels and economic order quantities for all inventories belonging to JAXPORT.

### **5-105 Warehousing and Storage**

The Chief Executive Officer or his designee shall exercise general supervision of any receiving, storage, and distribution facilities maintained and operated by JAXPORT.

### **5-106 Authorization to Dispose of Tangible Personal Property**

No JAXPORT employee shall transfer, sell, trade in or otherwise dispose of tangible personal property owned by JAXPORT without the written authorizations required in Procedure PUR 225.

### **5-107 Report of Supplies**

All Jacksonville Port Authority departments shall complete the appropriate forms contained in Procedure PUR 225 in order to report on excess and surplus supplies. The department preparing the report may suggest a method of disposal and/or a preferred price to be realized from disposition, but the final authority for method and price realized is the Chief Executive Officer or his designee.

### **5-108 Disposition of Surplus Supplies**

Surplus supplies, after authorization by the Chief Executive Officer or his designee on Form 220B, will be disposed of in accordance with the procedures contained in Procedure PUR 225.

## **FORMS**

### **1) [Statement of Emergency - Request for Emergency Procurement Form - Effective Date: 10-15-14](#)**



## PROCEDURES AND GUIDELINES

---

- 2) **Certification as to Single Source - Non Competitive Purchases Form - Effective Date: 07-01-17**
- 3) **Acknowledgement and Acceptance of E-Verify Compliance Form – Effective Date: 10-15-14**
- 4) **Capital Construction Checklist Form - Effective Date: 10-15-14**

**Effective Dates:** PUR224 – 9/27/2003; 2/22/2005; 6/15/2005; 10/1/2006; 7/17/2007; 10/1/2007; 3/10/2008;  
10/15/2010

SOP1215 – 1/1/2015, 4/27/2016, 7/1/2017, 8/7/2017