

**REQUEST FOR PROPOSALS
FOR
CONSULTING SERVICES
FOR THE PREPARATION OF
A REGIONAL SOLID WASTE AND RECYCLING
MASTER PLAN**

**SOLID WASTE DISPOSAL AND
RECYCLABLE MATERIALS PROCESSING AUTHORITY
OF BROWARD COUNTY, FLORIDA**

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The Solid Waste Disposal and Recyclable Materials Processing Authority of Broward County, Florida (“Authority”) is currently soliciting this Request for Proposals (“RFP”), for consulting firms to prepare a Regional Solid Waste and Recycling Master Plan (“Master Plan”).

A. GENERAL

The purpose of the Master Plan is to provide the Authority with detailed recommendations concerning operations, facilities (including facility type, size, placement, etc.), and funding needed to create a regional solid waste and recycling system (“System”) that is environmentally sustainable, transparent, innovative, and economically efficient in its approach to disposal, reduction, reuse, and recycling of the waste generated across Broward County, Florida (“County”).

Formal sealed proposals will be accepted no later than the **written date and time indicated “Submittal Deadline”** unless otherwise indicated by addenda.

Interested proposers must submit sealed proposal packages by mail or in person to:

**Solid Waste Disposal and Recyclable
Materials Processing Authority of Broward County, Florida
Governmental Center, Suite 122
115 South Andrews Avenue
Fort Lauderdale, Florida 33301**

To be eligible for selection consideration, a submittal package must contain all documentation detailed in Section C, Evaluation Criteria and Section D, “Instructions to Vendors – RFP”. Proposers must submit fifteen (15) original printed package and one (1) electronic copy provided by email attachment, three (3) flash drives, or cloud storage link. The printed document shall be enclosed

in a sealed envelope/box and be plainly marked on the upper left-hand corner with the name and address of the Consultant and bear the following title: **Solid Waste Disposal and Recyclable Materials Processing Authority of Broward County “RFP – CONSULTING SERVICES FOR THE PREPARATION OF A REGIONAL SOLID WASTE AND RECYCLING MASTER PLAN.”**

The electronic copy should be identical to the original printed package in natively converted PDF format and include “RFP – Regional Solid Waste and Recycling Master Plan” in the document title. If any discrepancies, the hardcopy submittal prevails. Emailed copy or cloud link should be sent to [Provide Email Address]. Flash drives should be submitted with sealed hard copies.

All costs of preparation of Proposal Documents will be borne by the Proposer.

It is the sole responsibility of proposing firms to ensure that their submittal is received in a timely manner. Any proposal package submitted past the Submittal Deadline and/or submitted to other locations or offices shall be deemed non-responsive and will be rejected.

Questions and Answers: The Authority provides a specified time for Vendors to ask questions and seek clarification regarding the requirements of the solicitation. All questions or clarification inquiries must be submitted through **Periscope S2G** by the date and time referenced in the solicitation document (including any addenda). The Authority will respond to all questions via **Periscope S2G**. [how long a time period for questions]

CCNA: Pursuant to Section 287.055, Florida Statutes, Consultants’ Competitive Negotiation Act (CCNA) applies to this procurement. In a CCNA solicitation, price will not be considered in the final evaluation and ranking of the qualified firms. Agreement is anticipated to be negotiated based on either a maximum not-to-exceed or lump-sum basis, depending on the Authority’s best interest.

County/State License Requirements: In order to be considered a responsible Vendor for the scope of work set forth in this solicitation, the Vendor must possess a specified license at the time of submittal. Refer to Section D, Instructions to Vendors, 2. Responsibility, d. Licensing.

In accordance with Section 287.05701, Florida Statutes, the Authority may not request documentation or consider a vendor’s social, political, or ideological interests when determining if the vendor is a responsible vendor or give preference to a vendor based on the vendor’s social, political, or ideological interests.

Review of Master Plan recommendations: Recommendations provided by the successful Vendor will be reviewed by the Authority and, upon approval, could result in subsequent competitive procurements for future implementation. The Authority reserves the right to review those future

procurements, on a case-by-case basis, for potential conflicts in interest with the awarded Master Plan Vendor, and if a conflict is determined to exist, in the sole judgement of the Authority, the Authority may prohibit the awarded Master Plan Vendor from proposing on such procurements in the future.

B. SCOPE OF WORK

[INSERT SCOPE OF WORK]

C. EVALUATION CRITERIA

1. Ability of Professional Personnel: (Maximum 35 Points)

a: Describe the qualifications and relevant experience of the Vendor's Project Manager and all key staff, including subconsultants, ("Project Team") that are intended to be assigned to this project. Include resumes for the Project Manager and all key staff described, including location of their office.

b: Further describe Vendor's proposed Project Team, if any, and their experience as it directly relates to Master Plan preparation. Include specific project examples and the role(s) played. Indicate whether Vendor, or any of the subconsultants in the Project Team is a certified minority business enterprise.

c: Provide an organizational chart of the Project Team and identify individuals with Professional Licensure.

2. Project Approach: (Maximum 25 Points)

a: Describe the Vendor's approach and understanding of the project scope, including willingness and ability to complete the project within 18 months of a notice to proceed.

b: Describe the specific approach for providing a planning document with recommendations for solid waste and recycling improvements for the current condition and for the future years 5, 10, and 20-year intervals.

c: Describe potential impediments to addressing solid waste and recycling efforts including, among other things, facility capacity, limitation in processing throughput, funding, availability of suitable land, and transportation logistics.

d: Describe the approach to using local tipping fees, processing fees, market prices for recovered materials, and additional funding sources that could be utilized to fund the construction, operation, and maintenance of the System.

e: Describe Vendor's approach to developing a comprehensive Capital Improvement Plan (CIP) that will identify the needs for inspections, upgrades, and replacement of existing assets.

3. Past Performance: (Maximum 35 Points)

a: Describe the prime Vendor's experience on projects of similar size, nature, scope and duration, involving preparation of a regional solid waste and recycling master plans. For each project described, identify the prime Vendor's role (ex. prime consultant or subconsultant) and the Vendor's participation (ex. discipline, expertise, and/or work element). Include description of satisfactory completion, both on time and within budget, for projects completed within the past ten years. Provide projects with references.

Vendors should provide references for similar work performed to show evidence of qualifications and previous experience on the **Vendor Reference Form included as Exhibit "B"** attached hereto.

b: Describe any proposed subconsultants' experience on a minimum of two projects of a similar nature to their intended participation scope and duration for the past five years. For each project listed, identify the subconsultants' role as a prime consultant or as a subconsultant and identify their involvement on a project in terms of discipline, expertise, and work element.

4. Workload of the Firm: (Maximum Points 5)

For the Vendor only (not any subconsultants), list all completed and active projects that Vendor has managed within the past ten years. In addition, list all projected projects that Vendor will be working on in the near future. Projected projects will be defined as a project(s) that Vendor is awarded a contract but the Notice to Proceed has not been issued. Identify any projects that Vendor worked on concurrently. Describe Vendor's approach in managing these projects. Were there or will there be any challenges for any of the listed projects? If so, describe how Vendor dealt or will deal with the projects' challenges.

D. INSTRUCTIONS TO VENDORS

Vendors are instructed to read and follow the instructions carefully, as any misinterpretation or failure to comply with instructions may lead to a Vendor's submittal being rejected.

1. Responsiveness Criteria:

A Responsive (Vendor) means a vendor who submits a response to a solicitation that is determined meets all requirements of the solicitation.

The required information and applicable forms must be submitted with solicitation response, in hard copy and electronically by email attachment, flash drive or cloud link by the solicitation's due date and time. Failure to timely submit may result in Vendor being deemed non-responsive. The Authority reserves the right to waive minor technicalities or irregularities as is in the best interest of the Authority.

Below are standard responsiveness criteria.

a. Forms

Submit all applicable Forms attached as Exhibits to this RFP.

b. Addenda

The Authority reserves the right to amend this solicitation prior to the due date and time specified in the solicitation. Any change(s) to this solicitation will be conveyed through the written addenda process. Only written addenda will be binding. Vendor must follow the instructions carefully and submit the required information and applicable forms, or acknowledge addendum, in the hard copy of the proposal and electronically. It is the Vendor's sole responsibility to monitor the solicitation for any changing information, prior to submitting their solicitation response.

2. Responsibility Criteria:

A Responsible (Vendor) means a vendor who is determined to have the capability in all respects to perform fully the requirements of a solicitation, as well as the integrity and reliability that will ensure good faith performance.

When making determinations of responsibility, the Authority, its Executive Committee or an Evaluation Committee (selected by the Executive Committee) may request additional information from any vendor on matters that may affect a vendor's responsibility. The failure of a vendor to provide information requested by may result in a determination of non-responsibility. In addition, a vendor may submit information regarding its responsibility; provided, however, that such information shall not be considered if it contradicts or materially alters the information provided by the vendor in its original response to the solicitation. Failure to provide any of this required

information and in the manner required may result in a recommendation by the Executive Committee or an Evaluation Committee that the Vendor is non-responsible.

Below are standard responsibility criteria.

a. Litigation History

- i. All Vendors are required to disclose to the Authority all “material” cases filed, pending, or resolved during the last three (3) years prior to the solicitation response due date, whether such cases were brought by or against the Vendor, any parent or subsidiary of the Vendor, or any predecessor organization. Additionally, all Vendors are required to disclose to the Authority all “material” cases filed, pending, or resolved against any principal of Vendor, regardless of whether the principal was associated with Vendor at the time of the “material” cases against the principal, during the last three (3) years prior to the solicitation response.

A case is considered to be “material” if it relates, in whole or in part, to any of the following:

- a) A similar type of work that the vendor is seeking to perform for the Authority under the current solicitation;
 - b) An allegation of fraud, negligence, error or omissions, or malpractice against the vendor or any of its principals or agents who would be performing work under the current solicitation;
 - c) A vendor’s default, termination, suspension, failure to perform, or improper performance in connection with any contract;
 - d) The financial condition of the vendor, including any bankruptcy petition (voluntary and involuntary) or receivership; or
 - e) A criminal proceeding or hearing concerning business-related offenses in which the vendor or its principals (including officers) were/are defendants.
- ii. For each material case, the Vendor is required to provide all information identified in the **Litigation History Form attached hereto as Exhibit “D”**. Additionally, the Vendor shall provide a copy of any judgment or settlement of any material case during the last three (3) years prior to the solicitation response. Redactions of any confidential portions of the settlement agreement are only permitted upon a certification by the Vendor that all redactions are required under the express terms of a pre-

existing confidentiality agreement or provision.

- iii. The Authority will consider a Vendor's litigation history information in its review and determination of responsibility.
- iv. If the Vendor is a joint venture, the information provided should encompass the joint venture and each of the entities forming the joint venture.
- v. Failure to disclose any material case, including all requested information in connection with each such case may result in the Vendor being deemed non-responsive.

b. Financial Information

- i. All Vendors are required to submit the Vendor's financial statements by the due date and time specified in the solicitation, to demonstrate the Vendor's financial capabilities.
- ii. Each Vendor shall submit its most recent two years of financial statements for review. Financial statements are not required to be audited financial statements. The annual financial statements shall be in the form of:
 - a) Balance sheets, income statements and annual reports; or
 - b) Tax returns; or
 - c) SEC filings.

If tax returns are submitted, ensure it does not include any personal information (as defined under Section 501.171, Florida Statutes), such as social security numbers, bank account or credit card numbers, or any personal pin numbers. If any personal information data is part of financial statements, redact information prior to submitting a response to the Authority.

- iii. If a Vendor has been in business for less than the number of years of required financial statements, then the Vendor must disclose all years that the Vendor has been in business, including any partial year-to-date financial statements.
- iv. Any claim of confidentiality on financial statements should be asserted at the time of submittal. Refer to Standard Instructions to Vendors, Confidential Material/Public Records and Exemptions for instructions on submitting confidential financial statements. The Vendor's failure to

provide the information as instructed may lead to the information becoming public.

- v. Although the review of a Vendor's financial information is an issue of responsibility, the failure to either provide the financial documentation or correctly assert confidentiality claim pursuant to the Florida Public Records Law and the solicitation requirements (Confidential Material/ Public Records and Exemptions section) may result in a recommendation of non-responsiveness.

c. Authority to Conduct Business in Florida

- i. A Vendor must have the authority to transact business in the State of Florida and be in good standing with the Florida Secretary of State. For further information, contact the Florida Department of State, Division of Corporations.
- ii. The Authority will review the Vendor's business status based on the information submitted in the **Vendor Questionnaire and Standard Certifications attached as Exhibit "A"** to this RFP.
- iii. It is the Vendor's sole responsibility to comply with all state and local business requirements.
- iv. Vendor should list its active Florida Department of State Division of Corporations Document Number (or Registration No. for fictitious names) in the **Vendor Questionnaire and Standard Certifications attached as Exhibit "A"**.
- v. If a Vendor is an out-of-state or foreign corporation or partnership, the Vendor must obtain the authority to transact business in the State of Florida or show evidence of application for the authority to transact business in the State of Florida, upon request of the Authority.
- vi. A Vendor that is not in good standing with the Florida Secretary of State at the time of a submission to this solicitation may be deemed non-responsible.
- vii. If successful in obtaining a contract award under this solicitation, the Vendor must remain in good standing throughout the contractual period of performance.

d. License Requirements

- i. Vendor should submit satisfactory proof of licensing with its submittal. If not provided with the submittal, the Vendor must submit such proof within three (3) business days of the Authority's request. Vendors may be deemed non-responsive for failure to fully comply within the stated timeframes.
- ii. To be considered a responsible and responsive Vendor for the scope of work set forth in this solicitation, Vendor must possess one of the following licenses (including any State registration) at the time of submittal. Any certificate of competency that meets or exceeds the licensing requirements specified herein, as determined in the sole and absolute discretion of the Authority, will be considered responsible and responsive to the licensing requirements of this solicitation.

STATE OF FLORIDA: PROFESSIONAL ENGINEER

All work performed for this solicitation must be performed by a licensed contractor or subcontractor.

e. Insurance Requirements

The **Insurance Requirement Form attached as Exhibit "C"** to this RFP reflects the insurance requirements deemed necessary for this project. While it is not necessary to have this level of insurance in effect at the time of solicitation response, all Vendors are required to either submit insurance certificates indicating that the Vendor currently carries the level insurance coverages or submit a letter from the insurance carrier indicating Vendor can obtain the required insurance coverages.

3. Vendor Questionnaire and Standard Certifications

Vendors are required to submit detailed information on their firm and certify the below requirements. Refer to the **Vendor Questionnaire and Standard Certification attached as Exhibit "A"** to this RFP and submit as instructed.

- a. Non-Collusion Certification
- b. Public Entities Crimes Certification
- c. Scrutinized Companies List Certification

4. Standard Agreement Language Requirements

The acceptance of or any exceptions taken to the terms and conditions of the Authority's Agreement shall be considered a part of a Vendor's solicitation response and will be considered by the Authority, its Executive Committee and Evaluation Committee.

- a. The applicable Form of Agreement terms and conditions for this solicitation are attached to this RFP as Exhibit "E".
- b. Vendors are required to review the applicable terms and conditions and submit the **Form of Agreement and Agreement Exception Form attached as Exhibit "E"** to this RFP. The completed form should be submitted with the solicitation response. If not submitted with solicitation response, it shall be deemed an affirmation by the Vendor that it accepts the contract terms and conditions stated in the solicitation.
- c. If exceptions are taken, the Vendor must specifically identify each term and condition with which it is taking an exception. Any exception not specifically listed is deemed waived. Simply identifying a section or article number is not sufficient to state an exception. Provide either a redlined version of the specific change(s) or specific proposed alternative language. Additionally, a brief justification specifically addressing each provision to which an exception is taken should be provided.
- d. Submission of any exceptions to the Agreement does not denote acceptance by the Authority. Furthermore, taking exceptions to the Authority's terms and conditions may be viewed unfavorably by the Authority, the Executive

Committee or the Evaluation Committee and ultimately may impact the overall evaluation of a Vendor's submittal.

5. Cone of Silence

- a.** The Authority has adopted the following Cone of Silence requirements with respect to this RFP. The Cone of Silence prohibits all communications, oral or written, relating to a competitive solicitation among vendors/vendor representatives, Authority members and members of the Authority's Technical Advisory Committee ("TAC") while the Cone is in effect. Additionally, communication is permitted at pre-bid conferences and negotiation meetings, as applicable.
- b.** The Cone of Silence begins upon RFP advertisement. The Cone of Silence terminates when the solicitation is awarded, all responses are rejected, or the Authority takes other action which ends the solicitation.
- c.** Any violations of the Code of Silence at the sole discretion of the Authority may void an award of this competitive solicitation.

6. Evaluation Criteria

- a.** The [Executive Committee or Evaluation Committee] will evaluate Vendors as per the **Evaluation Criteria** set forth in Section C hereof. The Authority reserves the right to obtain additional information from a Vendor.
- b.** The Authority is not required to request, consider, or analyze Vendor's Evaluation Criteria responses received after the solicitation response due date; however, the Authority reserves the right to obtain clarifying information from a Vendor in writing for the [Executive Committee or Evaluation Committee].
- c.** The following shall apply:
 - i.** The Chair of the Executive Committee may recommend to the [Executive Committee or Evaluation Committee] to short list the most qualified firms prior to the Final Evaluation.
 - ii.** The Evaluation Criteria identifies points available; a total of 100 points is available.

- iii. After completion of scoring, the Authority may negotiate pricing as in its best interest.

7. Presentations

Vendors that are determined to be both responsive and responsible to the requirements of the solicitation and/or shortlisted (if applicable) [will/may] have an opportunity to make an oral presentation to the [Executive Committee/Evaluation Committee] on the Vendor's approach to this project and the Vendor's ability to perform. The Executive Committee may provide a list of subject matter for the presentation. All Vendor's will have equal time to present but the question-and-answer time may vary.

In accordance with Section 286.0113 of the Florida Statutes, and the direction of the Authority, presentations during Executive Committee Meetings are closed. Only the Executive Committee members, Authority staff and the vendor and their team scheduled for that presentation will be present in the meeting during the presentation and subsequent question and answer period. Subconsultants partnering with multiple prime vendors may only be present during one presentation/question and answer session.

8. Committee Appointment

[The Executive Committee shall serve as the Evaluation Committee of the Authority] or [the Executive Committee may select an Evaluation Committee].

9. Committee Questions, Requests for Clarification, Additional Information

- a. At any committee meeting, the Committee members may ask questions, request clarification, or require additional information of any Vendor's submittal or proposal. It is highly recommended Vendors attend to answer any committee questions (if requested), including a Vendor representative that has the authority to bind.
- b. Vendor's answers may impact evaluation (and scoring, if applicable). Upon written request to the Chair prior to the meeting, a conference call number will be made available for Vendor participation via teleconference. Only Vendors that are found to be both responsive and responsible to the requirements of the solicitation and/or shortlisted (if applicable) are requested to participate in a final (or presentation) Evaluation Committee meeting.

10. Vendor Questions

The Authority provides a specified time for Vendors to ask questions and seek clarification regarding solicitation requirements. All questions or clarification inquiries must be submitted electronically through **Periscope S2G** by the Question & Answer due date and time specified in the solicitation document (including any addenda). The Authority will respond to questions electronically through **Periscope S2G**.

11. Confidential Material/ Public Records and Exemptions

- a.** The Authority is a public agency subject to Chapter 119, Florida Statutes. Upon receipt, all submittals become "public records" and shall be subject to public disclosure consistent with Chapter 119, Florida Statutes. Submittals may be included in a public records request response unless there is a declaration of "confidentiality" pursuant to the public records law and in accordance with the procedures in this section.
- b.** Any confidential material(s) the Vendor asserts is exempt from public disclosure under Florida Statutes must be labeled as "Confidential" and marked with the specific statute and subsection asserting exemption from Public Records. Electronic media, including flash drives, must also comply with this requirement and separate any files claimed to be confidential.
- c.** Any materials that the Vendor claims to be confidential and exempt from public records must be marked and separated from the hardcopy submittal. If the Vendor does not comply with these instructions, the Vendor's claim for confidentiality will be deemed as waived.
- d.** Submitting confidential material may impact full discussion of your submittal by the Evaluation Committee because the Committee will be unable to discuss the details contained in the documents cloaked as confidential at the publicly noticed Evaluation Committee meeting.

12. Copyrighted Materials

Copyrighted material is not exempt from the Public Records Law, Chapter 119, Florida Statutes. Submission of copyrighted material in response to any solicitation will constitute a license and permission for the Authority to use, reproduce, and publish (including both hard copy and electronic copies) as reasonably necessary for the evaluation of the solicitation response by the Authority and agents, as well as to make the materials available for inspection or production pursuant to Public Records Law, Chapter 119, Florida Statutes.

13. Posting of Solicitation Results and Recommendations

The Broward League of Cities website is the location for the Authority’s posting of recommendation for award and rankings. It is the obligation of each Vendor to monitor the website in order to obtain complete and timely information.

14. Review and Evaluation of Responses

An [Evaluation Committee, which may be the Executive Committee] of the Authority, is responsible for recommending the most qualified Vendor(s). The process for this procurement may proceed in the following manner:

- a.** The Broward League of Cities staff will deliver the solicitation submittals to Chair of the Executive Committee. [The Chair may request the Technical Advisory Committee (“TAC”) to review the proposals and provide a summary of responses for the Executive Committee prior to the ranking.]
- b.** The Executive Committee, with assistance of the information from the TAC and the Authority’s General Counsel, shall determine whether vendors who have submitted responsive submissions are responsible. Notwithstanding the foregoing, the Executive Committee shall have the ultimate authority to determine whether vendors who have submitted responsive submissions are responsible. When making determinations of responsibility, the Executive Committee may request additional information from any vendor on matters that may affect a vendor’s responsibility. The failure of a vendor to provide information requested by the Authority may result in a determination of non-responsibility. In

addition, a vendor may submit information regarding its responsibility; provided, however, that such information shall not be considered if it contradicts or materially alters the information provided by the vendor in its original response to the solicitation.

15. Vendor Protest

The Authority has adopted the following procedural requirements that apply to this solicitation if any Vendor intends to protest this solicitation or an award of a contract.

- a.** Any written protest concerning the specifications or requirements of this solicitation (or of any addenda thereto) must be received by Weiss Serota Helfman Cole + Bierman, P.L. Attention: Jamie A. Cole, the General Counsel of the Authority (“General Counsel”) within five (5) business days after the applicable solicitation (or addenda) is posted.
- b.** Any written protest concerning a proposed ranking must be received by the General Counsel within five (5) business days after the proposed ranking is posted on the Broward League of Cities website.
- c.** Failure to file a written protest so that it is received by the General Counsel within the timeframes set forth in this section shall constitute a waiver of the right to protest. A protest submitted to anyone other than the General Counsel shall not be a valid protest.
- d.** A protest must state the grounds on which it is based and must include all information and materials that the protestor wishes the Authority to consider in addressing the protest. Any ground not raised in a written protest shall be deemed waived. No information or materials submitted by a protestor after the protest is filed may be considered as part of the protest, unless such subsequent submittal is requested or consented to in writing by the General Counsel. Notwithstanding the above, if a protestor filed a timely protest and made a public records request to the General Counsel before the deadline for filing the protest, the protestor may utilize any public records received in response to the public records request as evidence in support of the grounds stated in the protest, provided the protestor files a supplement to the protest within 48 hours after receipt of the records responsive to

the public records request. To be deemed validly filed, any such supplement must specifically identify the information contained within the produced public records that provides the evidence in support of the specific ground(s) stated in the protest. A public records request by the protestor shall not extend the deadline for filing a protest.

- e. The General Counsel shall have the authority to resolve any protest by mutual agreement of the protestor. If the protest is not resolved, the General Counsel shall, after consultation with the Chair, issue a written decision on the protest within thirty (30) days after receipt; provided, however, that the General Counsel may, due to extenuating circumstances, extend the time to issue a decision by providing written notice of the extension to the protestor. Any such extensions shall be for the least amount of time practicable, and the notice of extension shall state the basis therefore and the new deadline for issuing the written decision. The written decision shall state the basis for the decision and inform the protestor of its appeal rights and appeal bond requirement. A copy of the General Counsel's written decision shall be promptly provided to the protestor by email to the email addresses provided in the protest.

16. Appeal

- a. The protestor may appeal the General Counsel's denial of the protest with respect to the proposed award of this solicitation or award of the contract.
- b. The appeal must be received by the General Counsel within five (5) business days after the date of the determination by the General Counsel.
- c. Except as otherwise provided by law, the filing of an appeal is an administrative remedy that must be exhausted prior to the filing of any civil action against the Authority concerning any subject matter that, had an appeal been filed, could have been addressed as part of the appeal.
- d. Any appeal will be heard by the Executive Committee of the Authority.

17. Rejection of Responses

The Chair of the Executive Committee may reject all response to the solicitation, even when only one response is received, if the Chair determines that doing so would be in the best interest of the Authority.

18. Negotiations

Once a ranking has been determined to be final by the Executive Committee, the Authority shall commence negotiations with the top-ranked Vendor. If the negotiations do not result in a mutually satisfactory agreement within a reasonable amount of time, as determined by the Chair, then the Chair may terminate negotiations with the applicable vendor and commence negotiations with the next-ranked vendor(s) until a successful negotiation has taken place as to be determined in the best interest of the Authority.

19. Proposal Documents

All Vendor's Proposals, including exhibits and certifications ("Proposal Documents") shall become the property of the Authority and will not be returned to vendors except submittals that are not received by the Submittal Deadline, which shall be rejected and returned unopened to those vendors. The Proposal Documents are a public record, and portions thereof may remain confidential, if marked, and only to the extent specifically exempted by Florida Public Records Law.

Neither the Authority, the Executive Committee, the Evaluation Committee, staff, representatives, consultants, agents nor attorneys will be liable for any claims or damages resulting from the solicitation, collection, review or evaluation of Proposal Documents or submittals related to this RFP.

[END OF RFP MAIN DOCUMENT]