

<p><b>POLICY</b> <b>Number:</b> POL-2016-002-PUR-3</p>		<p><b>Effective:</b> November 16, 2016 <b>Revision:</b> N/A</p>
<p><b>Section:</b> How We Work</p>	<p><b>Establishment of a Limited Communications Period With Respect to Procurement Procedures</b></p>	<p>Supersedes and replaces Policy 2011-02 Approved 7/20/11</p>

**I. PURPOSE**

Canaveral Port Authority (“CPA”) recognizes the value and importance of insuring the proper and fair evaluation of submittals responsive to procurements issued by CPA. In order to provide for such fair evaluation, CPA hereby establishes strict parameters with respect to ex parte communications during the procurement process.

**II. POLICY**

A. Limited Communications Period shall mean a prohibition on any communication regarding a particular Request for Proposal (RFP), Request for Qualification (RFQ), Request for Letters of Interest (RLI), Invitations to Bid (ITB) or other formal competitive solicitation (collectively referred to herein as “Competitive Solicitations”) between:

1. Any person who seeks an award therefrom, including a potential vendor or vendor representative, and
2. Any CPA employee, and any non-employee appointed as a voting selection committee member to evaluate or recommend selection in such procurement process.

For purposes of this Policy, vendor representative means an employee, partner, officer, or director of a potential vendor, or consultant, lobbyist, or actual potential subcontractor or sub-consultant of a vendor.

B. A Limited Communication Period shall be applicable to each Competitive Solicitation upon the issuance of the applicable Competitive Solicitation. Public notice of the Limited Communications Period shall be included in any Competitive Solicitation.

C. The Limited Communications Period shall terminate at the time CPA awards or approves a contract, votes to reject all bids or responses, or otherwise takes action which ends the solicitation. If the Board refers the item back to CPA staff for further review, the Limited Communications Period shall remain in effect until an award is made, a contract is approved, or the Board takes any other action which ends the solicitation.

D. Nothing contained herein shall prohibit any potential vendor, vendor representative, principals, lobbyists or agents:

1. From participating in pre-bid conferences, participating in formal presentations or oral interviews as required by the selection committee or participating in duly noticed selection committee meetings;
2. From communicating with the Board of Commissioners during a duly noticed public meeting or by communicating with an individual Commissioner or CPA Chief Executive Officer (or his designee), provided that each Commissioner shall decide in his or her discretion whether to

engage in such communication. Written communication should be encouraged and may be requested by an individual Commissioner, and shall be distributed to all other Commissioners and the CEO; or

3. From communication verbally or in writing with the CPA Director of Procurement or designated procurement representative ("Designated Procurement Representative") for the limited purpose of seeking clarification or additional information. No oral representations, clarifications, or changes made to the written specifications by the Designated Procurement Representative shall be binding unless such clarifications or changes are provided to bidders/proposers in written format. All written information shall be provided to the members of the applicable selection committee, including any response thereto.

- E. Penalties. A violation of, or failure to comply with this Policy may subject the offender to disqualification from consideration of an award of a Competitive Solicitation or other competitive solicitation, termination of contracts, or suspension or debarment.








### **III. APPLICABILITY**

This Policy applies to all CPA employees, Commissioners and all vendors participating in formal Competitive Solicitations with the CPA.

### **IV. RESPONSIBILITIES**

The Director of Procurement has the responsibility for maintaining and updating this Policy.

**\*Approval Page**

Name	Title	Signature	Date
Karen Pappas	Director of Procurement (Document Creator)		11/4/16
Karen Pappas	Director of Procurement (Functional Area Director)		11/4/16
Craig Langley	General Counsel (Legal Representative)		11/14/16
George P. Kistner III, CPE	Records Manager (Document Control & Compliance Representative)		11/15/16
Harold Bistline	<sup>^</sup> Port Attorney (Commission Legal If Applicable)		12/8/16
Captain John W. Murray	Canaveral Port Authority Executive Director/CEO		11/15/16
	Canaveral Port Authority Commission Chairman		11/16/16

\*If Document Creator and/or Functional Area Director are also a part of the normal review process, a second signature is not required

<sup>^</sup> In cases where policy will have Commissioner implications, Port Attorney must sign-off on policy.

## Revision History Page

Revision	Effective Date	Changes Made (initial release, *minor amendment, revision, policy review w/revision, **policy review w/o revision)	Briefly explain the purpose/reason for revision
0	November 16, 2016	Initial Release	Policy Creation

\*If change is minor amendment, then only the Records Manager is required to review and sign.  
**Minor Amendment: Any change to an existing document that is limited to a clerical or grammatical change or correction that does not change the intent, scope, application or meaning of the document.**

\*\*If no change to policy, Records Manager is required to verify and sign.

Records Manager	Date