



# *State Road and Tollway Authority Policy*

**Policy Number:** 0003

**Executive Director:** Gena L. Evans, Ph.D.

**Title:** Procurement Policy

**Type:** Agency-wide

**Effective Date:** 8/14/2009

**Employee Signature  
Required:** No

**Scope:** All SRTA Employees

**Owner:** Procurement

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## **PURPOSE**

The purpose of this Procurement Policy (“Policy”) is to establish procedures for the procurement of goods and/or services by the State Road and Tollway Authority (“SRTA”).

## **DIRECTIVES**

Compliance with this Policy is required. However, in SRTA’s sole discretion, no proceeding under this Policy will be voided because of a minor technical failure of compliance that SRTA determines does not harm the substantive rights of SRTA or any other party or otherwise adversely affects the integrity of SRTA’s procurement process.

### ***Section 1: Methods of Procurement***

In general, SRTA shall use the following types of solicitation documents:

#### **1.1 Request for Quotations (RFQ)**

A Request for Quotations (RFQ) (also known as an ITB or IFB) is a formal solicitation method that includes a well-defined specification or scope of work and usually contains all contractual terms and conditions. Bidder exceptions to any of the RFQ specifications may be used as a basis for disqualification. The RFQ solicits sealed price quotations or bids from prospective vendors and seeks to obtain price quotes from the lowest priced responsive and responsible bidder(s); provided, however, no contract award shall be made to the bidder with the lowest cost if SRTA determines the low cost bidder cannot perform the contract requirements.

SRTA will use an RFQ if the project lends itself to the creation of a clear and accurate Statement of Work and the objective of the solicitation is to identify a vendor who can provide the required specifications at the lowest possible cost.

## **1.2 Request for Proposals (RFP)**

A Request for Proposals (RFP) is a formal solicitation method that seeks to leverage the creativity and knowledge of business organizations in order to provide a solution to a procurement need. The RFP solicits technical and sealed price proposals from prospective vendors and seeks to obtain the “best value” for the State. The RFP method does not use the cost of the project as the single determining factor, but rather uses a combination of lowest cost plus best proposed solution to determine the award.

SRTA may use an RFP where the objective of the solicitation is to identify a vendor who can offer the best possible solution to the procurement at the most reasonable cost. See Section 3.7, *Competitive Sealed Proposals*, for conditions and procedures to conduct an RFP.

## **1.3 Request for Information (RFI)**

A Request for Information (RFI) is a quasi-formal method for soliciting information from vendors who have knowledge or information about an industry, product, or service. The RFI method is not intended to result in a contract award but is designed to allow for the collection of industry information that will then be used to determine if an RFQ or RFP solicitation method is appropriate.

## **1.4 Request for Qualified Contractors (RFQC)**

An RFQC is used in cases where SRTA is attempting to find offerors with the qualifications to produce the product or service desired. Each vendor is judged on its ability to meet or surpass the required qualifications set forth in the RFQC solicitation document. This form of solicitation may, but does not always, culminate in a contract award. This form of solicitation may be used a pre-requisite to determine eligibility to respond to a subsequent RFQ or RFP.

# **Section 2: Small Purchases (Noncompetitive Procurement)**

## **2.1 Policy Statement**

If the estimated value of a needed resource is \$4,999.99 or less, the purchase may be made without competitive bidding.

## **2.2 Procedure**

In order to make the purchase, the user determines and transmits to the Authority Procurement Officer (APO) the requirements including specifications, delivery, and quantity. Although competition is not required for purchases under \$5,000.00, the APO may compare products and prices from two or more vendors prior to ordering. SRTA can purchase the item from the selected vendor through a State Purchasing Card (P-card) or a purchase order.

**Section 3: Competitive Procurement**

**3.1 Policy Statement**

Acquisitions or purchases made by SRTA shall be made through competitive bidding or competitive proposals unless expressly exempted from this requirement by other provisions of this Policy or by express authorization by the Executive Director or the Authority Board. The following acquisitions or purchases are hereby declared exempt:

- Purchase or acquisitions that can be made for less than \$10,000.00
- The acquisition or leasing of real property
- Sole Source purchases or Acquisitions (that meet the sole source justification requirements of this Policy)
- Personal or professional services
- Emergency purchases

SRTA has the discretion to enter into an inter-governmental agreement if the items to be acquired are available from another governmental source; in this case, competitive bidding procedures do not apply. Further, SRTA may purchase off of other governmental contracts if such are open to purchase by public authorities; in this case, competitive bidding procedures do not apply or may be satisfied by the competitive process that was followed to award such governmental contract.

**3.2 Public Notice**

1. All competitive solicitations of \$10,000.00 or more shall be posted on SRTA’s website and a notice of such solicitation may also be posted on the Georgia Procurement Registry.
2. SRTA, at its discretion, may elect to conduct additional public advertisement through a newspaper or other publication with statewide circulation; or in locations or publications that may be familiar with potential vendors for the goods or services needed.
3. The following guidelines will generally be followed by SRTA when posting competitive solicitations:

<b>Competitive Solicitations Guidelines</b>	
Solicitations valued from \$10,000.00 to \$49,999.99	Minimum of ten (10) calendar days
Solicitations valued from \$50,000.00 to \$99,999.99	Minimum of fifteen (15) calendar days
Solicitations valued from \$100,000.00 to \$249,999.99	Minimum of twenty (20) calendar days
Any solicitation valued at \$250,000.00 and above and all Construction bids	Minimum of thirty (30) calendar days

With the exception of construction bids, the Executive Director may approve the posting of a competitive solicitation for a period of time less than the guidelines stated above when sufficient evidence justifying the reduced posting time period has been established.

4. Within one day of the contract award, SRTA shall post the Contract Award on SRTA's website.

### **3.3 Informal Bids**

Faxed bids and emailed bids are permissible for purchases between \$1.00 - \$24,999.99.

### **3.4 Construction Project Bidding**

All SRTA contracts for the construction of any roads or bridges or a system of roads, bridges, and tunnels, or construction of buildings, structures, parking areas on such roads, bridges or tunnels shall be let to the reliable bidder submitting the lowest sealed bid upon plans and specifications approved by the Georgia Department of Transportation (GDOT). The procedures for letting such bids shall conform to those prescribed for GDOT in Georgia code Sections 32-2-64 through 32-2-72.

### **3.5 Formal Sealed Bids**

1. All other SRTA purchases involving expenditures of \$25,000.00 or more will be made by solicitation of sealed competitive bids or proposals. To solicit competitive sealed bids, SRTA will either (1) require the vendor to submit its bid in a sealed package or (2) utilize the Georgia Department of Administrative Services' (DOAS) eQuote, Team Georgia Marketplace™, or any other procurement tool available from DOAS which facilitates the receipt of sealed bids. Faxed bids and emailed bids will not be considered sealed bids. Sealed bids shall not be opened until after the closing date and time of the RFQ.
2. Bid Evaluation and Award
  - a. Evaluation of Bids - The contract shall be awarded to the lowest, responsive and responsible bidder whose bid meets the requirements and specifications contained in the RFQ. Unless otherwise provided for in the RFQ, award may be made by individual line item, by groups of line items, or for the aggregate total of all line items. Ordinarily, split awards will not be made unless the RFQ states such is a possibility.
  - b. Acceptability Requirements - A product acceptability evaluation may be conducted to determine whether a bidder's product is acceptable as set forth in the RFQ. Any bidder's offering that does not meet the acceptability requirements shall be rejected as non-responsive.
  - c. Alternate Bids - Alternate bids will be considered for an award, if the product meets specifications and all of the requirements of the solicitation.
  - d. Single Bid - If only one responsive and responsible bid is received in response to a RFQ, an award may be made to the single bidder if SRTA determines in writing that the price submitted is fair and reasonable.
  - e. Resolving Tie Bids - A tie bid exists when two (2) or more bidders offer, at identical prices, products that meet all specifications, terms, and conditions. In such a situation, SRTA shall consider the following in the order listed:
    - Past performance of the bidders
    - Earliest delivery date
    - Division of the order
    - Closest proximity to delivery site

- Flip of a coin

### **3.6 Reverse Auctions**

Reverse auctions may be used as a form of competitive bidding and as an alternative to sealed bidding. The reverse auction process allows the vendors to see the lowest bid but not the identities of the bidders during the bidding process. Once the reverse auction is closed, the SPD evaluates the bids and awards the contract to the lowest responsive and responsible vendor.

### **3.7 Competitive Sealed Proposals**

#### **1. Conditions for Use.**

The RFP should be used when the needed good/services does not lend itself to the creation of a clear and accurate list of specifications or statement of work and the objective of the solicitation is to identify the vendor who can offer the best possible solution at the most reasonable cost. The RFP seeks to identify the “best value” for the SRTA by using a combination of technical and cost factors to evaluate vendors’ proposals.

#### **2. Evaluation and Negotiations**

All proposals received by the RFP closing date and time will be evaluated in accordance with the terms and conditions set forth in the RFP. During the evaluation stage, the state entity may elect to request clarifications and/or, conduct one or more rounds of discussions or negotiations to solicit improvements to technical and/or cost proposals.

- a. **General Evaluation Rules** - SRTA shall be bound by the terms of the RFP as well as the established evaluation criteria. No changes to the evaluation criteria may be made after the closing date and time of the RFP. If a technical or cost proposal fails to meet a mandatory requirement specified in the RFP, SRTA will determine if the deviation is material. A material deviation will be cause for rejection of the proposal. An immaterial deviation will be processed as if no deviation had occurred. SRTA shall have the right to reject any and all proposals submitted in response to the RFP, to reject any portion thereof, or to waive any irregularity or administrative requirement.
- b. **Administrative Review** - The issuing officer may conduct a preliminary review of the received proposals to determine which technical proposals should be submitted to the evaluation committee for review. The administrative review should eliminate the following proposals: any proposal submitted by a vendor which is currently suspended or debarred by SRTA or DOAS, and any proposals which are missing required documents, signatures or any other item required by the RFP to be submitted with the proposal.
- c. **Oral Presentations and Site Visits** - SRTA may conduct site visits and/or request offerors make oral presentations as permitted by the RFP. The evaluation team may lower the vendor’s technical score as appropriate as a result of the evaluation team’s evaluation of the vendor’s oral presentation and/or site visit. In the event the RFP and/or SRTA’s established evaluation criteria reserves points for the oral presentation and/or site visit, then the evaluation team may increase the vendor’s technical score as appropriate based on the evaluation team’s evaluation of the vendor’s oral presentation and/or site visit. If a vendor does not attend a mandatory site meeting, then the vendor’s bid/proposal may be disqualified from consideration.
- d. **Initial Scoring of Cost/Price Proposals** - The issuing officer or his/her designee will analyze the cost proposals independently of the technical evaluation committee, but may

perform the cost evaluation concurrently with the evaluation committee's initial scoring of the technical proposals. Cost proposals and the resulting cost scores will not be shared with the technical evaluation committee until after the scoring of the technical proposals has been completed. SRTA may utilize lowest cost, lowest total cost, total cost of ownership or greatest savings to determine the best price proposal; provided, however, the state entity must abide by any statements within the RFP regarding cost evaluation. The cost proposals may be scored on an overall basis or at the category/subcategory/line level (as applicable) relative to other proposals. The vendor deemed to have the most competitive cost proposal overall, as determined by the state entity, will receive the maximum score for the cost criteria. Alternatively, in the event the cost proposal is scored at the category, subcategory or line level, SRTA may assign the maximum score per category/subcategory/line for the most competitive proposal at that level. As a general rule, other proposals will receive a percentage of the maximum score based on the percentage differential between the most competitive cost proposal and the specific proposal in question. Nothing in this subsection shall supersede any provision within the RFP regarding cost evaluations. Alternatively, SRTA may assign a cost evaluation committee to perform the functions set forth in this provision in lieu of the issuing officer.

- e. Total Combined Score - As a general rule, each vendor's initial technical score and cost score will be combined to create a total score; provided, however, nothing in this subsection shall supersede any provision within the RFP regarding the calculation of total scores, including but not limited to the weighting of scores.
- f. Contract Negotiations - In the event that SRTA permitted vendors to submit exceptions to SRTA's proposed contract and the vendor(s) identified for contract award have submitted contract exceptions, such contract exceptions must be resolved prior to contract execution. In the event that SRTA is unable to reach agreement as to contract terms with a particular vendor, the vendor will be ineligible for contract award and SRTA may award to the next best ranked vendor.
- g. Award Process

Contract award, if any, shall be made to the responsible vendor(s) whose proposal(s) conforms to the RFP and is determined to be the most advantageous to SRTA utilizing the established evaluation criteria. The contract file shall contain the basis on which the award is made. Public notice of the results of the RFP process must be provided in accordance with Section 3.2.4.

## ***Section 4: Clarifications, Discussions and Negotiations***

Clarifications, Discussions and Negotiations may be conducted on any SRTA procurement in accordance with the following:

### **4.1 Clarifications**

During the procurement process, SRTA may seek Clarifications with any offeror at any time.

### **4.2 Discussions**

SRTA may conduct Discussions collectively or one-on-one with offerors who are deemed qualified based on criteria set forth in the solicitation document. SRTA may engage in one or

more rounds of discussions for the purposes of: (i) gaining a better understanding of offeror's proposed solution, (ii) communicating SRTA's needs or concerns, or (iii) communicating revisions and/or best and final offers for technical and/or cost proposal(s).

In conducting Discussions, there shall be no disclosure to an offeror of any information contained in competing offerors' proposals (technical or price) except the disclosure of information derived from the proposals may be disclosed as follows: if the solicitation document contains a provision notifying offerors that SRTA may use a process of allowing multiple revisions to price proposals to establish the final price proposal, SRTA is authorized to disclose information derived from (but not contained in) the proposals to competing offerors such as overall rankings and overall scores for the purpose of soliciting ongoing revisions to price proposals.

### **4.3 Negotiations**

SRTA may conduct Negotiations with offerors who are deemed qualified and reasonably susceptible for award based on criteria set forth in the solicitation document. SRTA may engage in one or more rounds of Negotiations.

In conducting Negotiations, there shall be no disclosure to an offeror of any information contained in competing offerors' proposals (technical or price) except the disclosure of information derived from the proposals may be disclosed as follows: if the solicitation document contains a provision notifying offerors that SRTA may use a process of allowing multiple revisions to price proposals to establish the final price proposal, SRTA is authorized to disclose information derived from (but not contained in) the proposals to competing offerors such as overall rankings and overall scores for the purpose of soliciting ongoing revisions to price proposals.

SRTA will identify which offerors shall participate in the Negotiations in one of the following ways:

1. Identify in the solicitation document the methodology that will be used to identify offerors that may participate in Negotiations. This may include, but is not necessarily limited to, a methodology that establishes a competitive range based on offerors' rankings following proposal evaluations.
2. Identify in an addendum to the solicitation document the methodology that will be used to identify offerors that may participate in Negotiations.
3. Negotiate with all responsive responsible offerors following bid/proposal evaluations.

Identified offerors will be notified in writing (i) that SRTA is initiating Negotiations; (ii) the general purpose and scope of the Negotiations; (iii) the anticipated schedule for the Negotiations; and (iv) the procedures to be followed for those Negotiations. This information may be provided in a single or separate document(s).

SRTA may issue additional information and/or instructions to offerors participating in Negotiations as needed. Negotiations may be completed after a single round, or may be done in several rounds as determined by SRTA's negotiation team.

After the Negotiations, participating offerors may be asked to submit supplemental proposals defining the revisions that are a result of Negotiations. Any request for supplemental proposals will be directed in writing to all offerors participating in the Negotiations, and will provide details concerning the format and due date for the supplemental proposals. SRTA may in its sole discretion terminate Negotiations and/or the solicitation at any time.

#### **4.4 Negotiations in Lieu of New Procurement**

If after evaluation and obtaining clarification of a bid or proposal SRTA determines that a bid or proposal is unreasonable or unacceptable, or is noncompetitive, or the low bid or highest scoring proposal exceeds available funds, SRTA will determine in writing whether time or other circumstances will permit the delay required to re-solicit competitive bids or proposals. If SRTA determines that the circumstances are such that the procurement cannot be delayed, a contract may be negotiated provided that each responsible bidder or offeror who submitted a bid or proposal under the original solicitation is notified of the determination and is given a reasonable opportunity to negotiate.

In cases where the bid/proposals received are noncompetitive or the low bid or highest scoring proposal exceeds available funds, the negotiated prices shall be lower than the lowest rejected bid/proposal of any responsible bidder/offeror under the original solicitation.

## ***Section 5: Other Types of Procurements***

### **5.1 Sole Source**

1. Definition. Sole source acquisition means a contract for the purchase of supplies and/or services that is entered into after soliciting and negotiating with only one source. Sole source acquisition shall not include any of the following; however SRTA may acquire goods or services through these sources:
  - a. Purchases from existing SRTA, DOAS, or other statewide contracts,
  - b. Approved “piggybacking” purchases,
  - c. Contracts for services performed by non-profit entities,
  - d. Intergovernmental agreements,
  - e. Purchases which, either by policy, statute or other regulation, are exempt from competitive solicitation, and/or
  - f. Any contract resulting from a competitive solicitation conducted in accordance with the provisions of this Policy even if only one responsive and responsible bid/proposal is received.
2. Policy Statement. For contracts with a value of \$10,000.00 or more, sole source acquisitions are prohibited unless SRTA establishes justification why the needed supplies and/or services should not be procured through open competition. Some examples in which a sole source acquisition could be acceptable are:

- a. When only the proposed source can furnish the services because of its previous State government or SRTA experience and having an alternative source duplicating these capabilities would result in excessive cost to SRTA. (Excessive cost should be quantified.)
  - b. When only one (1) supplier can satisfy the technical requirements because of unique technical competence or expertise. (Technical requirements must be valid and verifiable.)
  - c. The item does not satisfy the requirements for Sole Source, but the use of any other manufacturer's product would result in excessive cost to SRTA. (Excessive cost should be quantified.)
  - d. When only one (1) source possesses patents or exclusive rights to manufacture or to furnish the item or service.
  - e. Other extenuating circumstances or considerations include, as applicable, adverse impacts on SRTA of not using the proposed source, and other considerations not previously stated.
3. Process. The APO must complete the following steps prior to finalizing a sole source acquisition.
- a. Conduct Market Research. To determine the appropriateness of a sole source acquisition, research must be conducted to determine if other products or service providers exist and can satisfy procurement requirements. Research resources include: Thomas Register, industry organizations, Internet searches, consultant reviews, Requests for Information, Buyers Laboratory, advertisements, or industrial publications.
  - b. Prepare Sole Source Justification. If the APO determines the needed good or service should be procured as a sole source acquisition, the APO must complete the Sole Source Justification Form.

## **5.2 Emergency Purchases**

Emergency circumstances exist where normal purchasing procedures cannot be utilized without extremely detrimental effects upon the operation of SRTA and or SRTA's customers. The purchase order should provide documentation as to the circumstances surrounding the emergency and should clearly state "emergency purchase" on the face of the purchase order (PO).

## **5.3 Purchase of Used Equipment**

When purchasing used equipment, the APO should determine if the equipment is suitable for intended use and is as economical to use as new equipment. The APO should conduct reasonable due diligence to determine if there is a market availability to obtain the same or similar goods at a price comparable to that for the known used commodity. If the APO determines that no comparable market exists and/or there are no other vendors to supply this equipment as a used commodity for a comparable price, then the APO shall prepare a PO with all documentation of findings attached, process the PO as a Sole Source Procurement, and maintain a copy of the documents in the contract file.

#### **5.4 Professional Services**

SRTA shall acquire professional services in accordance with the procurement and public notice requirements set forth in Chapter 22 of Title 50 of the Official Code of Georgia Annotated (O.C.G.A. 50-22-1 *et seq.*)

#### **5.5 Personal Services**

Personal Services (i.e. services requested of a specific individual or individuals) shall not be governed by this Policy.

#### **5.6 Acquisition or Lease of Real Property**

Because of the unique nature of land, the acquisition or lease of real property shall not be governed by this Policy.

### **Section 6: Miscellaneous**

#### **6.1 Purchasing Cards**

The State of Georgia Purchasing Card (P-Card) is a charge card designed to enable authorized, full-time State of Georgia employees to make small value purchases of supplies, materials, equipment, and services for State business use. The program streamlines payments by eliminating the administrative burdens and costs associated with traditional methods of payment.

SRTA shall adopt and adhere to this Statewide Purchasing Card Policy to the extent SRTA uses P-Cards issued by DOAS.

**Use of the Purchasing Card for Personal Purchases Prohibited.** Under no circumstances is a cardholder permitted to use the P-Card for personal purchases. Using the P-Card for personal purchases may result in disciplinary action, up to and including termination from SRTA employment and criminal prosecution.

#### **6.2 Right to Inspect Plant**

By submitting a bid or proposal to SRTA, the bidder/offeror agrees to permit SRTA the right of inspection at the bidder's/offeror's plant or warehouse. Upon request, the bidder/offeror shall provide all reasonable facilities and assistance for the safety and convenience of SRTA's appointed representative in the performance of such inspection.

#### **6.3 Right to Examine Records**

SRTA shall have the right to examine, inspect and audit the records of bidder/proposer as they pertain to their contract with SRTA for a period of 3 years after the termination of their contract with SRTA.

#### **6.4 Cancellation of Requests for Quotes or Requests for Proposals**

An RFQ or RFP or other solicitation may be canceled, or any or all bids may be rejected in whole or in part as may be specified in the solicitation and which is in the best interests of SRTA.

Further, if at any time it is found that the integrity of the process has been compromised or that errors have occurred, the solicitation may be canceled

#### **6.5 Rejection of Bids/Proposals**

SRTA reserves the right to reject any and all bids/proposals submitted in response to any solicitation document, to reject any portion thereof, or to waive any irregularity or administrative requirement.

#### **6.6 Compliance with Federal Requirements**

Where the procurement involves the expenditure of federal funds, SRTA shall comply with federal law and authorized regulations which apply to the procurement.

#### **6.7 Confidentiality**

All information and documentation relative to development of a contractual document for a proposed procurement shall be deemed confidential in nature. Such material shall remain confidential until successful completion or cancellation of the applicable procurement process. All proposals or bids received shall be deemed confidential in nature until successful completion or cancellation of the applicable procurement process.

After a notice of award is posted, all material in the file, except information exempted by state or federal law from disclosure, shall be open to interested persons during normal office hours, and may be hand copied or copies shall be furnished in accordance with the Georgia Open Records Act or the Federal Freedom of Information Act, as applicable.

### ***Section 7: Offeror Responsibility, Suspension or Debarment***

#### **7.1 Offeror Responsibility**

Purchases shall be made from and contracts shall be awarded to responsible offerors.

1. Responsibility Generally Presumed. SRTA may base its belief that an offeror is responsible on responses provided on the offeror's "Statement of Responsibility Certification Form" (where such a form is used) and/or based on an offeror's responses to the requirements of the solicitation document. In order for an offeror to be deemed non-responsible, the contracting officer must make an affirmative determination of non-responsibility.
2. Investigations. SRTA shall have the right, but not the obligation, to conduct investigations and other forms of due diligence into any offeror's (or potential offeror's) responsibility status at any time and for any reason. Such due diligence may include investigations into one or more of the factors listed in Section 7.1.3 below.
3. Factors Affecting Responsibility. Areas affecting an offeror's responsibility may include, but are not limited to one or more of the following criteria:
  - a. Whether offeror has adequate financial resources to perform the contract, or the ability to obtain them. This includes, but is not limited to, the ability to obtain required bonds (if any) and insurance from sureties and insurance companies authorized to do business in Georgia.

- b. Whether offeror is able to comply with the contract requirements, considering the firm's other business obligations.
  - c. Whether offeror is registered to do business in the State of Georgia and is listed as "ACTIVE/COMPLIANCE" with the Office of the Georgia Secretary of State.
  - d. Whether offeror is not presently debarred or suspended from bidding by any Federal or State governmental entity;
  - e. Whether offeror has within a three year period preceding the applicable solicitation document been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - f. Whether offeror is presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated above.
  - g. Whether offeror has had a contract terminated for default in the last 3 years.
  - h. Whether offeror is currently under investigation for any possible breach of contract, or fraud or allegations of criminal activity related to the types of goods and/or services requested within the solicitation document. (And if yes, the circumstances, nature and magnitude of such investigation shall be considered in any possible non-responsibility determination).
  - i. Whether offeror has a satisfactory performance record.
  - j. Whether offeror has a satisfactory record of integrity and business ethics.
  - k. Whether offeror has satisfactory organization, experience, accounting and operational controls, and managerial and technical skills.
4. Failure to Provide Information. Offeror's failure to provide information specifically requested by the contracting officer may be grounds for a determination of non-responsibility.
  5. False certification or Information. False certification or information may be grounds for a non-responsibility determination and/or debarment.
  6. Determination of Non-Responsibility Required. If an offeror who otherwise would have been awarded a contract is found non-responsible, a determination of non-responsibility setting forth the reasons for the finding of non-responsibility shall be prepared by the contracting officer. Notice to the non-responsible offeror shall be mailed no later than two business days after the determination of non-responsibility is made and must inform the offeror of the right to protest the determination. Any dispute of a non-responsibility determination must be made via a protest filed in strict accordance with SRTA's Protest Policy.

## **7.2 Causes for Debarment or Suspension**

SRTA may debar a vendor/contractor for any of the causes listed below:

1. Violation of contract provisions of a character which is regarded to be so serious as to justify debarment action.
2. In SRTA's opinion, the vendor's/contractor's actions amount to:

- a. A deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract;
- b. A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts;
3. Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a state vendor;
4. Conviction under state or federal antitrust statutes arising out of the submission of bids or proposal;
5. Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance in the contract or subcontract;
6. Any other cause so serious and compelling as to affect responsibility as a state vendor, including debarment by another government entity; and
7. Any violations of the provisions of O.C.G.A. Sections 45-10-20 through O.C.G.A. Sections 45-10-28 which govern Conflicts of Interest.

## **7.2 Debarment or Suspension Processes and Procedures**

SRTA hereby adopts DOAS State Purchasing processes and procedures for Debarment and Suspension as set forth in the Georgia Procurement Manual.

## **Section 8: Protests**

An Interested Party (as that term is defined in the Protest Policy No. 0020) desiring to protest, challenge or otherwise pursue a claim against any aspect of a SRTA procurement must comply with SRTA's Protest Policy (SRTA Policy No. 0020).

## **DEFINITIONS**

*APO or Authority Procurement Officer.* The SRTA representative who is designated as the contracting officer or purchasing official for a SRTA solicitation.

*Clarifications.* Limited exchanges between SRTA and offerors that may occur at any time during the procurement process in order to clarify SRTA's understanding of offeror's position, proposal, bid or other information.

*Competition.* The process followed by SRTA to solicit offers from multiple suppliers to provide specified goods or services. The process must be conducted in a manner that attempts to ensure that all qualified suppliers who are willing to submit offers are treated equitably and are not placed at a disadvantage with respect to the process outcome.

*Competitive Range.* The range of all of the most highly rated offers, as determined by the evaluation committee. The range shall be used to determine the optimal best value solutions to address requirements of the solicitation document.

*Contract Award.* SRTA's written notice of award of a contract to the successful offeror in a particular SRTA procurement.

*Contracting Officer.* The individual authorized to manage a particular SRTA procurement and to issue a Contract Award with respect thereto, as set forth in the applicable Solicitation Documents for such procurement.

*Discussions.* Exchanges between SRTA and offerors to address issues of past performance, to enhance SRTA's understanding of offers, to allow reasonable interpretation of the offer, or to facilitate SRTA's evaluation process.

*Emergency.* Unforeseen cause(s), including delay by contractors, delay in transportation, breakdown in machinery, unanticipated volume of work, or upon the declaration of a state of emergency by the Governor or the Department of Administrative Services or any other applicable entity of the state, SRTA shall have power to purchase in the open market any necessary supplies, materials, services, or equipment for immediate delivery without complying with competitive procurement requirements contained within this Policy.

*Goods.* Any commodities including equipment, materials, or supplies.

*Negotiations.* Exchanges in either a competitive or one-on-one environment between SRTA and offerors that are undertaken with the intent of allowing offerors to revise their offers. Revisions may apply to price, schedule, technical requirements, or other terms of the proposed contract. Negotiations are specific to each offer and shall be conducted to maximize SRTA's ability to obtain best value based on the evaluation factors set forth in the solicitation. SRTA may also give evaluation credit for technical solutions exceeding mandatory minimums or negotiate with offerors for increased performance beyond mandatory minimums.

*Offer.* A bid or proposal submitted in response to any solicitation document.

*Offeror.* An entity that submits a bid or proposal in response to a SRTA solicitation document. A "responsible offeror" is one that SRTA believes has the capability in all respects to perform fully the contract requirements and the business integrity to justify a public contract award.

*Price.* The amount paid by SRTA to a vendor for a good or service.

*Procurement.* The acquisition of goods and/or services.

*Services.* The process of providing services requiring specialized knowledge, experience, expertise, professional qualifications, or similar capabilities for any aspect of information technology including, but not limited to, work or task performance, review, analysis, and advice in formulating or implementing improvements in programs or services.

*Solicitation Document.* Any written or electronic ITB, IFB, RFQ, RFQC, RFP, Solution-Based Solicitation, Government-Vendor Partnership, Request for Information (RFI) document or other acquisition documents expressly used by SRTA to invite offers or request information regarding the acquisition of goods and/or services.

*Solicitation Response.* The document submitted by an offeror as a bid, response, offer or proposal in response to a Solicitation Document.

*Solicitation Response Date.* With respect to each Solicitation Document issued in connection with a particular SRTA procurement, the date designated by the SRTA for filing the Solicitation Response with the contracting officer, as set forth in the applicable Solicitation Document for such procurement.

*Total Cost of Ownership.* A method by which SRTA can use to determine a best price proposal. This method contemplates summarizing all purchase, operating, and related costs for a product or service.


<i>Revision Number</i>	<i>Revision Date</i>	<i>Policy Owner</i>	<i>Executive Director</i>
Original	February 11, 2004	Contracting and Procurement	Douglas R. Hooker
1	August 14, 2009	Procurement	Gena L. Evans, Ph.D.

## REFERENCES


The following documents are referenced in the document. If the **Attached** column is marked “Yes” for a reference, then that document (with author, revision date and number) is part of this policy. If the column is marked “No”, the document is referenced only and is not part of this policy.

<i>Document Name</i>	<i>Attached</i>	<i>Details of Attachment</i>
SRTA Policy No. 0020 -- Protest Policy and Procedure	No	
O.C.G.A. Section 32-10-60 <i>et seq.</i>	No	
O.C.G.A. Section 50-22-1 <i>et seq.</i>	No	
Georgia Procurement Manual	No	

## APPROVALS

  
 \_\_\_\_\_  
 Treasurer

8/14/09  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Executive Director

8/14/09  
 \_\_\_\_\_  
 Date

