

SFRTA Unsolicited Proposal Policy

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I. Definition

An unsolicited proposal is a written proposal for a new or innovative idea that is submitted to SFRTA on the initiative of the offeror for the purpose of obtaining a contract or other agreement with SFRTA, and that is not in response to a request for proposal, invitation to bid or any other SFRTA-initiated solicitation or program. All unsolicited proposals are subject to approval by the SFRTA Governing Board (the "Board"). As the term is used herein, it shall also refer to any proposals submitted in response to the advertisement referenced in Section V.1(b) of this Policy. The term "proposal" is also used herein to reference an unsolicited proposal.

II. Policy

It is the policy of the SFRTA to accept the submission of new and innovative ideas.

Unsolicited proposals allow unique and innovative ideas or approaches that have been developed to be made available for use in accomplishment of the SFRTA mission. Unsolicited proposals are offered with the intent that SFRTA may enter into a contract with the offeror for research and development, new services, land development or other efforts supporting the SFRTA mission, and often represent a substantial investment of time and effort by the offeror.

A valid unsolicited proposal must:

1. Be innovative and unique;
2. Be independently originated and developed by the offeror;
3. Be prepared without SFRTA supervision, endorsement, direction, or direct SFRTA involvement, except for preliminary meetings with SFRTA staff for informational purposes and/or requests for information; and
4. Include sufficient detail to permit a determination that SFRTA support could be worthwhile and the proposed work could benefit the agency's mission responsibilities.

All unsolicited proposals will be treated as public records, in accordance with Florida Statutes, and will be made available to the public upon request.

III. Content of Unsolicited Proposals

Unsolicited proposals should contain the following information to permit consideration in an objective and timely manner:

1. Basic information:
 - (a) Offeror's name and address and type of organization; e.g., profit, non-profit, educational, small business;
 - (b) Names and telephone numbers of technical and business personnel to be contacted for evaluation or negotiation purposes;

- (c) Identification of proprietary data to be used only for evaluation purposes;
- (d) Names of other Federal, State, or local agencies or parties receiving the proposal or funding the proposed effort;
- (e) Date of submission; and
- (f) Signature of a person authorized to represent and contractually obligate the offeror.

2. Information Required

- (a) Concise title and abstract (approximately 200 words) of the proposed effort;
- (b) A reasonably complete discussion stating the objectives of the effort or activity, the method of approach and extent of effort to be employed, the nature and extent of the anticipated results, and the manner in which the work will help to support accomplishment of SFRTA's mission;
- (c) Names and biographical information on the offeror's key personnel who would be involved, including alternates; and
- (d) Type of support needed, if any, from the SFRTA; e.g., facilities, equipment, materials, financial or personnel resources.

3. Fee

(a) An initial fee of \$5,000 payable to the "South Florida Regional Transportation Authority" must accompany an unsolicited proposal or proposal submitted in response to the advertisement addressed in Section V.1(b) of this Policy ("Initial Payment"). Proposals submitted without the Initial Payment shall not be accepted. The fee may be waived or reduced by the Board. Unsolicited proposals submitted by governmental entities shall be exempt from the payment of any fees.

(b) Payment shall be made by cash, cashier's check, or any other non-cancelable instrument. Personal checks will not be accepted.

(c) If a proposal is selected as the successful proposal by the Board, the proposer shall provide SFRTA, within five (5) working days following the selection, a check in the amount of twenty thousand and no/100 Dollars (\$20,000.00) (collectively, together with the \$5,000.00 payment provided with the proposal, subsequently referred to as the "Initial Payment").

(c) If the Initial Payment is not sufficient to pay SFRTA's costs of evaluating the unsolicited proposal or negotiating a contract with the successful proposer, SFRTA shall request in writing additional amounts required based on good faith efforts to estimate these additional amounts. The proposer submitting the proposal shall pay the requested additional fee within thirty (30) days. Failure to pay any additional fees shall result in the proposal being rejected or the

negotiations being suspended or terminated.

(d) SFRTA shall refund any Initial Payment, or subsequent additional fees, in excess of the costs of evaluating the proposal and negotiating the contract after the evaluation and/or negotiation is complete.

(e) The fee requirement can be waived if it conflicts with federal requirements or can be reduced by the Board in the event the Board determines that the estimated cost of evaluation and/or negotiation will be less than the Initial Payment.

(f) Unsolicited proposals valued at \$100,000 or less shall be exempt from the Initial Payment requirement in Section III.3(a) and 3(c). However, the SFRTA Executive Director or his/her designee shall have the authority to require an initial payment (in an amount not to exceed the Initial Payment amounts provided herein) and/or a subsequent fee be paid by the proposer in the event that the staff time devoted to the unsolicited proposal, or outside consulting costs, is/are substantial, as determined solely by the SFRTA Executive Director or his/her designee.

IV. Supporting Information

1. Financial plan that includes in sufficient detail for meaningful evaluation: (a) proposed price or total estimated cost for the effort; and (b) identifies all required funding sources and timing of funding ;
2. Period of time for which the proposal is valid (a 6-month minimum is suggested);
3. Type of contract preferred;
4. Proposed duration of effort;
5. Brief description of the organization, previous experience, relevant past performance, and facilities to be used;
6. Other statements, if applicable, about organizational conflicts of interest, security clearances, and environmental impacts; and
7. The names and telephone numbers of any SFRTA points of contact (whether staff or outside consultants) already contacted regarding the unsolicited proposal.

V. SFRTA Procedures

1. Acceptance and negotiation of an unsolicited proposal:
 - (a) Within sixty (60) days of receipt of an unsolicited proposal and before initiating a comprehensive evaluation, SFRTA staff shall determine if the proposal –
 - (1) Is a valid unsolicited proposal, meeting the requirements of this Policy

- (2) Is related to SFRTA's mission;
 - (3) Contains sufficient technical and cost information for evaluation;
and
 - (4) Has been approved by a responsible official or other representative authorized to obligate the offeror contractually.
- (b) If the proposal(s) meets these requirements, SFRTA shall promptly acknowledge receipt and advertise, in a newspaper of general circulation in one or more counties in SFRTA's service territory, its receipt of the proposal and solicitation for receipt of any additional proposals. Additional proposals are due within thirty (30) days of the publication date of the advertisement or the date stated in the advertisement, whichever is later. Following the due date for proposals, SFRTA shall promptly begin to process any related unsolicited proposals received.

2. Comprehensive Evaluation:

- (a) When performing a comprehensive evaluation of an unsolicited proposal, evaluators (comprised of SFRTA staff) shall consider the following factors, in addition to any others appropriate for the particular proposal:
- (1) Unique, innovative and meritorious methods, approaches, or concepts demonstrated by the proposal;
 - (2) Overall scientific, technical, or socioeconomic merits of the proposal;
 - (3) Potential contribution of the effort to SFRTA's specific mission;
 - (4) The offeror's capabilities, related experience, facilities, techniques, or unique combinations of these that are integral factors for achieving the proposal objectives;
 - (5) The qualifications, capabilities, and experience of the proposed principal investigator, team leader, or key personnel critical to achieving the proposal objectives; and
 - (6) The realism of the proposed cost.
- (b) The evaluators shall notify the Board of their recommendation(s) when the evaluation is completed.
- (c) A favorable comprehensive evaluation of an unsolicited proposal does not, in itself, justify awarding a contract without providing for full and open competition.
- (d) SFRTA staff shall have at least ninety (90) days from the due date for proposals stated in the advertisement provided for in IV.1.(b) to complete its comprehensive evaluation and provide its recommendation to the

Board. When deemed necessary due to the complexity of the issues or other special circumstances, this timeframe may be extended by the SFRTA Executive Director.

3. Contract negotiations:

- (a) SFRTA may commence negotiations on a sole source basis when an unsolicited proposal has received a favorable comprehensive evaluation by SFRTA staff and has been endorsed and approved by the Board and the requirements for a sole-source procurement in accordance with SFRTA's Procurement Policy and procedures have been met.

4. Proposal Selection and Contract Award:

- (a) The selection of a successful proposal and/or award and execution of any contract or agreement relating to an unsolicited proposal is subject to approval by the Board.
- (b) If an unsolicited proposal involves the use of any federal funds or land procured using federal funds, in whole or in part, the award and execution of any contract or agreement relating to the unsolicited proposal is contingent upon it satisfying any applicable federal requirements, which in the case of a conflict with the provisions of this policy shall prevail), and the federal agency's approval.

5. Rejection of Unsolicited Proposal

SFRTA shall return an unsolicited proposal to the offeror at any time, citing reasons, when it is determined that the proposal or the proposal's subject matter:

- (a) Is substantially available to SFRTA without restriction from another source;
- (b) Closely resembles a proposed or pending competitive acquisition requirement;
- (c) Does not relate to SFRTA's mission;
- (d) Does not demonstrate an innovative and unique method, approach, or concept, or is otherwise not deemed a meritorious proposal; or
- (e) Fails to meet the requirements listed herein, including but not limited to, the Initial Payment requirement and the requirements of Section V.4(b).

6. Cone of Silence.

- (a) Any communications between a proposer and any board member, staff member, or consultant of SFRTA regarding its proposal are strictly prohibited from the date on which the proposer's proposal is received by SFRTA or the date of advertisement (whichever is earlier) through the date of contract award. If multiple unsolicited proposals are received prior

to advertisement, the cone of silence shall apply to each proposer as of the date of proposal submittal.

- (b) The only exceptions to this are: (i) any communications with the Procurement Director or SFRTA's designated point of contact; (ii) site visits to the proposer's facilities (iii) any communications made on the record at a publicly noticed meeting of SFRTA, or (iv) negotiation meetings held by the Procurement Director.
- (c) Any violation of the Cone of Silence requirements shall constitute grounds for immediate and permanent rejection of the proposer's proposal. At the Procurement Director's sole discretion, it may also serve as grounds for the voiding of the resulting contract with the proposer.