

**HILLSBOROUGH TRANSIT AUTHORITY
POLICY MANUAL**

500: PROCUREMENT POLICIES

510: GENERAL

510.01 SCOPE AND PURPOSE

The purpose of this document is to establish policies to facilitate the orderly procurement of goods and services for HART. It is the policy of HART that the procurement of goods and services be accomplished in such a way as to ensure fair and open competition among participating vendors. It is recognized that such competition reduces the appearance of and opportunity for favoritism, inspires public confidence that contracts are awarded equitably and provides the most reasonable pricing on procurements. These policies, to the extent required by law or agreement, are intended to be consistent with the regulations of the Federal Transit Administration (“FTA”), the Florida Department of Transportation (“FDOT”) and other applicable federal and state laws. This chapter establishes the guidelines for procurement of goods and services used in the conduct of HART’s business. The CEO shall establish procedures to carry out these policies and shall have them reviewed, updated, and republished, if needed, at least annually.

Specific Authority: 163.568, F.S.

Law Implemented: 163.567(12); 163.568; 287.055, F.S.; 49 CFR Part 18

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followed up in writing and documented in the procurement record.

(d) Total cost of \$100,000 or more - Goods or services may be purchased only after the receipt of sealed bids or proposals.(5) The CEO and the CEO's designees -are authorized to execute contracts and awards.

(6) In cases where required goods or services are available only from a sole source, the circumstances shall be clearly documented in the procurement order.

(7) Exceptions to this general policy include:

- (a) Utilities that cannot be competed
- (b) Travel Advances, Reimbursements and Expenses
- (c) Dues, Subscriptions and Membership Fees
- (d) Payments to or on behalf of employees
- (e) Petty Cash Disbursements
- (f) Disbursements from Self-Insured Funds for claims handling through settlements

or final resolution.

(g) *Advertising.*— Because of the nature of advertising, it may not be possible to competitively bid such things as air time on radio or television, advertising space in newspapers and magazines or other specialty areas and meet the objectives of the advertising effort. In such cases, the CEO and the CEO's designees are authorized to execute contracts up to \$100,000 in an amount to meet the objectives of the annual Marketing Program. Contracts exceeding that

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amount must receive Board authorization prior to execution. The CEO shall report at the next regularly scheduled Board meeting on all major contracts for the purchase of media advertising for marketing campaigns.

(h) *Contract Modification.*— The CEO and the CEO's designees are authorized to execute contract modifications increasing or decreasing original contracts approved by the Board of Directors in a total accumulated amount not to exceed \$100,000 or 5%, whichever is less, unless the authorizing resolution states otherwise. Changes to contracts originally approved by the Board of Directors exceeding these limits must be approved by the Board of Directors. The CEO and the CEO's designees are authorized to issue contract modifications as may be required on contracts originally approved by the CEO and the CEO's designees without Board of Directors approval.

(i) *Emergency Procurements.*— An emergency condition is one which arises suddenly and unexpectedly and which must be addressed with such expediency to make it impractical to use the normal purchasing procedures. (e.g. fuel spill, flooding, etc.) The CEO and the CEO's designees are authorized to waive all normal purchasing procedural requirements to the extent necessary to respond to an emergency situation. The Chairman, or in his/her absence, the Vice-Chairman must be notified as soon as possible of the situation and the anticipated remedy. A report shall be made at the next regular or special meeting of the full Board detailing the emergency and related expenditures.

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(8) The CEO and the CEO's designees are authorized to negotiate and execute contracts on behalf of HART which generate revenue for HART with the exception of shelter, bench and bus advertising contracts. If the Board of Directors has established guidelines for entry into specific types of revenue generating contracts, the CEO and the CEO's designees shall negotiate all such contracts within these guidelines.

(9) HART is authorized to participate as a full member in the Hillsborough County Purchasing Council and the Florida Public Transportation Association Financial Corporation (FPTAFC), which includes issuing bids on behalf of the Purchasing Council or FPTAFC as well as purchasing off their contracts. If it is in HART's best interest to do so, it may participate in or purchase from any outstanding bid issued from another governmental agency in lieu of issuing its own solicitation for bids or proposals. All such purchases do not require prior approval from the Board of Directors so long as funds are available in HART's adopted budget.

(10) HART may procure insurance through Request for Proposal, Request for Quote or negotiation.

Specific Authority: 120.52(1)(b), 163.568 FS.

Law Implemented: 120.53(1)(a), 163.567(12); 163.568, F.S.; FTA Circular 4220.1F (6/19/03)

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520.02 INVENTORY REPLENISHMENT AND OTHER ROUTINE ACQUISITIONS

(1) Replenishment Of Items Carried In The Computerized Inventory

(a) On a weekly (seven (7) day work order input) basis, the automated inventory re-order listing shall be run by the Procurement Department, (Procurement). A copy of this report shall be furnished to the Inventory Control Supervisor.

(b) The Inventory Control Supervisor shall review the re-order listing to determine appropriateness of minimum/maximum levels for those items listed and make appropriate changes. The Inventory Control Supervisor shall also indicate, at this time, any special handling/delivery requirements within the supplied re-order listing.

(c) Procurement shall expeditiously obtain pricing from vendors known to supply items which are contained within that re-order listing. After the pricing process has been completed purchase orders will be issued. The status of items that are not received within thirty (30) days of issuance of the purchase order will be reviewed by Procurement. Items which may indicate a further delay in shipping will be reviewed with the Inventory Control Supervisor as required.

(d) Requisitions for fuel, which are originated by the Storeroom Personnel, will be forwarded to Procurement for the acquisition of weekly fuel supplies. The requisition shall identify the fuel tank number and the desired delivery date. A Purchasing Agent will issue purchase orders for all fuel requirements for the following week to the current awarded fuel vendor.

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 ACQUISITIONS (cont'd)**

(2) Non-Inventory Purchases

(a) When a department initiates a purchase request, it will prepare the necessary specifications, if applicable, and submit them together with a requisition approved by the department director or his designee.

(b) Procurement will review the specifications for clarity and completeness.

(c) At this time, Procurement will decide, based on the estimated dollar amount of the purchase, which purchasing method will be utilized.

Specific Authority: 120.52(1)(b); 163.568 (2)(k) F.S.

Law Implemented: 163.568, F.S.

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520.03 PROCUREMENT OF CONTRACTUAL SERVICES

- (1) The requisitioning department shall prepare necessary specifications and submit them to Procurement together with a purchase requisition approved by the department director.
- (2) Procurement will review the specifications for clarity and completeness.
- (3) Procurement plans and schedules key events and dates for the invitation for bids review and issuance, legal advertising the pre-bid conference, if applicable, the bid opening, evaluation, Board of Director approval, if applicable, and the preparation of the purchase order and/or contract.
- (4) Procurement reviews the specifications with the requisitioning department head to ensure a clear understanding of the scope of work or services to be performed and prepares the invitation for bids and bidders' mailing list.
- (5) The bid package is submitted to the requisitioning department for approval. Other HART personnel with an interest will be given a bid package for review of their specific section.
- (6) A notification of bid issuance is mailed to all vendors on HART's vendor list.
- (7) Procurement issues bid packages to all vendors on the bidders mailing list, and those who respond to legal advertisements and notification of bid issuance letters.
- (8) A pre-bid conference with vendors may be necessary, depending on the complexity of the specifications or the scope of work to be performed. If changes are made to the specifications, the requisitioning Department must prepare an addendum and issue it through Procurement to all vendors who have received an invitation for bid.

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- (9) Bids are received, logged and stored as directed by Procurement in a secure area until bid opening.
- (10) Bids are publicly opened at the specified time and place.
- (11) Bids are evaluated for responsiveness and responsibility then specification compliance is documented by the appropriate department. In cases when low bid received does not meet supplied specifications, requisitioning department shall supply the purchasing agent with documentation indicating differences between item specified and item bid by vendor.
- (12) The requisitioning department director shall recommend award to low responsive and responsible bidder.
- (13) The CEO then executes the bid award.
- (14) Utilizing the requisition submitted by requisitioning Department, the purchasing agent shall prepare a purchase order to the successful vendor in accordance with terms and conditions of bid.
- (15) A bid tabulation will be prepared by Procurement. The bid tabulation will be posted at HART's Procurement office and a copy will be mailed to all vendors who submitted bids.
- (16) Copies of the bid, purchase order, and other pertinent documentation shall be filed in the capital grant file, and a copy of the purchase order shall be forwarded to the requisitioning department for their records.

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520.03 PROCUREMENT OF CONTRACTUAL SERVICES (cont'd)

Specific Authority: 120.52(1)(b); 163.568(2)(k) FS.

Law Implemented: 163.568, FS.

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520.04 PROCUREMENT UNDER EMERGENCY CONDITIONS

- (1) The requisitioning department, after obtaining necessary approvals, should contact Procurement when an emergency condition exists.
- (2) The requisitioning department must provide Procurement with the following information: the nature and type of the item(s) to be purchased, and the vendor from whom the supply or service can be obtained.
- (3) Procurement, immediately after receiving this information, may purchase the supply or service or delegate to the requisitioning department the responsibility for purchasing the supply or service. In the latter case, Procurement will issue a purchase order number to the requisitioning department.
- (4) If the emergency exists after normal working hours, the requisitioning department may proceed with the purchase and inform Procurement on the next working day.
- (5) Immediately following the purchase, the requisitioning department shall prepare a purchase requisition and obtain all necessary approvals. This shall include the department director's approval for items under \$2,500.00, and the CEO's approval on items over \$2,500.00.
- (6) Procurement will issue a confirmation purchase order.

Specific Authority: 120.52(1)(b), 163.568 (2)(k) FS.

Law Implemented: 163.568 FS.

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520.05 RECORDS MAINTENANCE

HART shall maintain sufficient records of procurement to detail the significant history of procurement and in compliance with Florida Statutes 119.041 and other applicable federal and state laws. The records shall include those items required by FTA in Section 7i, FTA Circular 4220.1F. This circular is available from the Federal Transit Administration, U.S. Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590.

Specific Authority: 163.568, F.S.
Law Implemented: 163.565 et seq., 119.04, FS., FTA Circular 4220.1F

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520.06 PURCHASE OR LEASE

HART may procure goods and services through either purchase or lease in accordance with 49 C.F.R. Part 18, "Uniform Federal Requirements for Grants and Cooperative Agreements to State and Local Governments", 53 Federal Register 8034, et seq. 49 C.F.R. Parts 18 and 630, and all amendments and successors thereto, are hereby incorporated by this rule and made a part of the Rules of HART. These regulations are available from the Government Printing Office, c/o Superintendent of Documents, Washington, D.C. 20402.

Specific Authority: 163.568, F.S.; 163.568(2)(k), F.S.
Law Implemented: 163.565 et seq. F.S.; 49 C.F.R. Part 18 and 630

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520.07 BUY AMERICA COMPLIANCE

HART shall comply with the currently applicable Buy America requirements in FTA-funded projects to the extent required at the time, such as of Section 165 of the Surface Transportation Assistance Act of 1982, Section 337 of the Surface Transportation and Uniform Relocation Assistance Act of 1987, and FTA's Buy America regulations at 49 C.F.R. Part 660 and Part 661 and as required in 49 U.S.C. 5323(j). The regulations of the Surface Transportation Assistance Act of 1982, the Surface Transportation and Uniform Relocation Assistance Act of 1987, C.F.R., and U.S.C. with respect to Buy America requirements are hereby incorporated by this rule and made a part of the rules of HART. These regulations are available from the United States Government Printing Office, in care of Superintendent of Documents, Washington, D.C. 20402.

Specific Authority: 120.52(1)(b); 163.568, F.S.

Law Implemented: 163.565 et. Seq., F.S.; 49 CFR Part 660 and 661; 49 U.S.C. 5323(j)

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520.08 CONFLICT OF INTEREST


(1) HART recognizes that conflicts of interest may arise and that HART shall address potential and actual conflict of interest situations that may arise in the course of its business activities; and to help to provide guidelines to avoid, neutralize or mitigate conflicts or the appearance of conflicts that may arise.

(2) HART shall not knowingly issue a purchase order or execute a contract when a conflict of interest is evident. In cases where the conflict is not clear, the matter will be referred to HART's legal counsel and where appropriate, the State Ethics Commission.

(3) It is expressly prohibited that any member of the Board of Directors or any employee or agent of HART to receive any personal benefit or profit from any contract or purchase made by HART.

(4) No member of the Board of Directors, employee or agent of HART shall participate in the selection, award or administration of a contract if a conflict of interest either real or apparent is involved. In cases where the existence of a conflict is not clear, the matter will be referred to HART's legal counsel and where appropriate, the State Ethics Commission. Such a conflict would arise when a Board member, employee or agent of an organization that employs, or is about to employ any of the above, has a financial or other interest in the firm selected for award.

(5) HART shall not enter into any contract in which any Board member, employee or agent has, during his tenure or for two-years thereafter, any material interest either direct or indirect. If any such present or former Board member, employee or agent involuntarily acquires or had acquired prior to the beginning of his tenure any such interest and if such interest is immediately disclosed to HART, HART may waive this prohibition provided that any such present Board

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520.08 CONFLICT OF INTEREST (cont'd)

member, employee or agent shall not participate in any action by HART relating to such contract.

Specific Authority: 120.52(1)(b); 163.568(2)(k), F.S.

Law Implemented: 112.311 et seq. F.S.

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520.09 PROHIBITED SITUATIONS

(1) No employee, officer or agent of HART shall participate in the selection, or in the award or administration of a contract, if a conflict of interest, real or apparent, would be involved. No employee, officer or agent of HART, or members of their families shall benefit directly or indirectly from the sale, disposition, leasing or acquisition of HART property. A conflict of interest would arise when:

- (a) the employee, officer or agent,
- (b) any member of his immediate family,
- (c) his or her partner,
- (d) an organization that employs or is about to employ any of the above, or
- (e) any other person, business or organization with whom the employee or any

member of an employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the sale, disposition, lease or acquisition, or has a financial or other interest pertaining to an award, or the sale or leasing of, or acquisition or disposition of HART property.

(2) An exception to the foregoing is when an employee, members of his family, an officer or agent can bid on used office equipment or vehicles past life-span when submitting bids according to competitive bid process, provided he adheres to the following underlying principles or guidelines:

- (a) preventing the existence of conflicting roles that might bias HART's judgment;
- (b) preventing unfair competitive advantage; and

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(c) not knowingly using confidential information for actual or anticipated gain.

(3) **Gifts Or Gratuities**

(a) HART's officers, agents, Board members and employees are expected to impartially deal with vendors and the public in the best interest of HART; therefore, employees shall not solicit and are prohibited from accepting personal gifts or gratuities from visitors, organizations or vendors

(b) HART's officers, agents, Board members and employees are bound by HART's Ethics and Code of Conduct Policy and Section 112.313(2), Florida Statutes.


(4) **Using Privileged Information In An Advantageous And Improper Way.**— HART's officers, agents, Board members and employees may not, to gain any personal and improper advantage, use nor furnish to anyone any information not available to the general public that was obtained as a result of association with HART.

(5) Nothing hereinabove stated is intended to conflict with any administrative rules of the Commission on Ethics or the Department of Administration.

Specific Authority: 120.52(1)(b); 163.568(2)(k), F.S.

Law Implemented: 112.311 et seq.; 112.313, F.S.

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520.10 DISADVANTAGED BUSINESS ENTERPRISES

HART follows the requirement set forth in 49 CFR Part 26.3 and as such 49 CFR Part 26 applies to HART. HART's DBE Program and goals are updated routinely to maintain compliance with such requirements and all amendments or successors thereto.

Specific Authority: 120.52(1)(b); 163.568(2)(k), F.S.

Law Implemented: 49 CFR Part 26

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**530.01 HART ADOPTS THE PROVISIONS OF THE BROOKS ACT AND
THE FLORIDA CONSULTANTS' COMPETITIVE NEGOTIATION
ACT**

To the extent not in conflict with current FTA procedures, HART shall follow the procedures set forth in the Brooks Act, codified as 40 USC 541 et seq. and the procedures set forth in the Consultants' Competitive Negotiation Act, codified as Section 287.055, Florida Statutes only to the extent required by law or agreement. This Florida Act is a part of the Florida Statutes, copies of which are for sale by Statutory Revision Division of the Joint Legislative Management Committee, Room 612, Claude Pepper Building, Tallahassee, Florida 32399-1400.

Specific Authority: 120.52(1)(b); 163.568, F.S.
Law Implemented: 40 USC 541 et. Seq.; 287.055, F.S.

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530.02 SOLICITATION OR AWARDS IN VIOLATION OF LAW, RULES, OR REGULATIONS

(1) **Prior To Bid Opening Or Closing Date For Receipt Of Proposals.**— If, prior to bid opening or the closing date for receipt of proposals, the Procurement Officer of HART, after consulting with HART's CEO or the designee thereof and HART's legal counsel, determines that a solicitation is in violation of or not consistent with FTA procedures or administrative proceedings, Federal law, state law, or member county or city law or ordinance, or HART policy and procedures, then the solicitation shall be canceled or revised to comply or be consistent with applicable rules proceedings, or law.

(2) **Prior To Award.**— If, after bid opening or the closing date for receipt of proposals, the Procurement Officer of HART, after consulting with HART's CEO or the designee thereof and HART's legal counsel, determines that a solicitation is in violation of or not consistent with FTA procedures or administrative proceedings, Federal law, state law, or member county or city law or ordinance, or HART policy and procedures, then the solicitation of the proposed award shall be canceled.

(3) **After Award.**— If, after an award has been perfected or issued, the Procurement Officer of HART, after consulting with HART's CEO or the designee thereof and HART's legal counsel, determines that a solicitation is in violation of or not consistent with FTA procedures or administrative proceedings, Federal law, state law, or member county or city law or ordinance, or HART policy and procedures, action shall be taken as required by the provisions of the regulation, rule, procedure, proceeding, law or ordinance violated, or if no specific action is required, then:

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530.02 SOLICITATION OR AWARDS IN VIOLATION OF LAW, RULES, OR REGULATIONS (cont'd)

(a) If the person awarded the contract has not acted fraudulently, in bad faith, or in violation of HART rules:


1. The contract may be ratified and affirmed, provided it is determined that doing so is in the best interest of HART; or
2. The contract may be terminated and the person awarded the contract shall be compensated for the actual expenses reasonably incurred under the contract, plus a reasonable profit, prior to the termination.

(b) If the person awarded the contract has acted fraudulently, in bad faith, or in violation of HART rules, the contract shall be declared null and void or voidable, if such action is in the best interest of HART. In the event of a dispute, regarding the nature of or the characterization of the awarded person's conduct, the prevailing party shall be entitled to attorney's fees and court costs, related to the litigation of said dispute.

Specific Authority: 120.52(1)(b), 163.568(2)(k), F.S.

Law Implemented: 120.53(1)(a); 163.568(2), FS.

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530.03 DEBARMENT

(1) Decisions of HART to debar a contractor or vendor for cause from consideration for the award of HART contracts and for the supply of materials on HART contracts shall be made in accordance with the provisions of this rule. The debarment shall be for a period of not more than three (3) years. The causes for debarment include but are not limited to:

(a) Conviction within the last ten (10) years for commission of a criminal offense in obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;

(b) Conviction within the last ten (10) years under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business honesty which affects responsibility as a HART contractor or vendor;

(c) Conviction within the last ten (10) years under state or federal antitrust statutes arising out of the submission of bids or proposals;

(d) Violation of contract provisions, as set forth below, of a character which is regarded by HART to be so serious as to justify debarment action:

1. Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or

2. Failure to perform or unsatisfactory performance in accordance with the terms of one (1) or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor or vendor shall not be considered to be a basis for debarment;

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(e) The contractor's or vendor's name appears on the convicted vendor list of the Department of General Services. Debarment shall be for the period the contractor's or vendor's name appears on the convicted vendor list;

(f) The contractor or vendor, or its representative, has been or is likely to be a party or witness adverse to the interests of HART in a pending administrative or judicial proceeding, and such participation adversely affected or is likely to adversely affect the interests of HART;

(g) Any other cause HART determines to be so serious and compelling as to affect responsibility as a HART contractor or vendor. HART may consider debarment by another governmental entity for any cause listed in this rule as evidence of capability.

(2) A contractor or vendor may at any time file a request with HART for reconsideration of a decision concerning debarment based upon changed circumstances. The request shall be in writing to the CEO or the designee thereof and shall state the specific grounds upon which the request is based, including the changed circumstances upon which reconsideration is sought.

(3) Decisions concerning debarment and reconsideration of debarment shall be made by the CEO or the designee thereof, except as provided below. The CEO or the designee thereof shall mail notice of any decision concerning debarment by the U.S. Mail to the contractor or vendor, and the notice shall be presumed to be received on the fifth calendar day after mailing. Any contractor or vendor who fails to file a petition requesting a hearing within twenty-one (21) days of receipt of written notice of the decision shall have waived his right to request a hearing. If no petition complying with the requirements of this rule is filed, the decision of the CEO or the designee thereof shall be final. Final agency action on proceedings for determination of

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substantial interests, shall be by the CEO or the designee thereof if a petition complying with the requirements of this rule is filed.

Specific Authority: 120.52(1)(b), 163.568(2)(K), F.S.
Law Implemented: 120.53(1)(a), FS.; FTA Circular 4220.1F

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540.01 BID PROTEST

(1) These rules provide for the speedy resolution of protests arising from the procurement process. Contracts not subject to competitive bidding or contracts awarded pursuant to an emergency declaration or other emergency procedure, are not subject to these bid protest rules. HART reserves the right to waive any minor bid informalities or irregularities which do not go to the heart of the bid or prejudice other bidders, or to reject any and all bids submitted. Conditional bids or those which take exception to the specifications may be considered non-responsive and may be rejected.

(2) Protests.

(a) Any person adversely affected by a bid solicitation shall file a notice of protest, in writing, prior to the date on which bids are to be received and shall file a formal written protest within ten days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based.

(b) Any person adversely affected by the decision of HART or its management to award a contract or to reject all bids shall file a notice of protest, in writing, within 72 hours after the posting of the bid tabulations or within 72 hours after receipt of the notice of award is made to the participating bidders, whichever occurs first, and shall file a formal written protest within ten days after filing the notice of protest. The formal written protest shall state with particularity the facts and the law upon which the protest is based.

(c) All notices of protest and formal protest shall be filed with the CEO or the CEO's designee for the Hillsborough Transit Authority at HART's office located at 1201 E. 7th Avenue, Tampa, FL 33605. Filing is completed upon receipt by the CEO or the designee thereof.

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(d) A protest is not timely filed unless both the notice of protest and the formal protest are received by the CEO or the designee thereof of HART within the required time limits.

(e) A written notice of protest which is filed by 5:00 p.m., on the date on which the 72 hours expires, shall be timely.

(f) In computing the time in which to file a notice of protest or formal protest, the day of the event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or holiday when HART's offices are closed, in which event the period shall run until 5:00 p.m. of the next day that is neither a Saturday, Sunday, nor holiday

(3) Suspension Of Bidding Process.

(a) Upon receipt of the formal written protest which has been timely filed, the bid solicitation or contract award process shall be stayed until the subject of the protest is resolved by final agency action, unless HART's CEO or the designee thereof sets forth in writing particular facts and circumstances which require the continuance of the bid solicitation process or the contract award process without delay in order to avoid an immediate and serious danger to the public health, safety, or welfare.

(b) Notice that a bid solicitation has been stayed shall be given by U.S. Mail or hand delivery to all to whom bid proposals have been supplied.

(c) Upon receipt of a timely formal protest of an intended bid award decision or an intended decision to reject all bids, notice shall be given by U.S. Mail or hand delivery to all bidders for that contract.

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500: PROCUREMENT POLICIES

540: BID PROTEST

540.01 BID PROTEST (cont'd)


(4) Resolution Of Protest.

(a) Upon written request of the protester or on its own initiative, HART shall provide an opportunity for the protester to meet with the CEO or the designee thereof of HART designee to resolve the protest by mutual agreement, within seven days, excluding Saturday, Sunday, and legal holidays, of receipt of a formal written protest.

(b) If the subject of a protest is not resolved by mutual agreement and the protest withdrawn within seven days, excluding Saturday, Sunday, and legal holidays, of receipt of the formal written protest or within 48 hours of the meeting between the CEO or designee and the protester, whichever is later, and if there is no disputed issue of material fact, an informal proceeding shall be conducted pursuant to Section 120.57(2), Florida Statutes. The Board of Directors, or an appointed committee thereof, shall conduct the informal hearing.

(c) If the subject of a protest is not resolved by mutual agreement and the protest withdrawn within seven days, excluding Saturday, Sunday, and legal holidays, of receipt of the formal written protest or within 48 hours of the meeting between the CEO or designee and the protester, whichever is later, and if there is a disputed issue of material fact, the protest shall be referred to the Division of Administrative Hearings for proceedings consistent with Section 120.57(1), Florida Statutes.

(d) If the contract is being awarded subject to the provisions of Section 120.53(5), Florida Statutes, upon receipt of the protest, the Division of Administrative Hearings shall expedite the hearing and assign a hearing officer who shall conduct a hearing within 15 days of the receipt of the formal protest by the Division and render a recommended order within 30 days

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500: PROCUREMENT POLICIES

540: BID PROTEST


540.01 BID PROTEST (cont'd)

after the hearing or within 30 days after receipt of the hearing transcript by the hearing officer, which ever is later. The provisions of this paragraph may be waived upon stipulation by all parties.

Specific Authority: 120.52(1)(b); 163.568(2)(k), F.S.

Law Implemented: 120 et. seq.; 120.53(5); 120.57(1); 120.57(2), F.S.

EFFECTIVE DATE FOR REVISION: 11/02/2009

HART Clerk: 

**HILLSBOROUGH TRANSIT AUTHORITY
POLICY MANUAL**

500: PROCUREMENT POLICIES

550: FIXED ASSETS

550.01 DISPOSAL OF FIXED ASSETS

HART uses the following methods for disposal, including but not limited to, competitive sale, auction or scrap designed to generate the best return for HART, transfer to another transit property following FTA guidelines, or transfer to another governmental agency or any entity approved by the Board. Disposal decisions shall be based on the condition and useful life of the item. Board approval is required for real property, buildings, vehicles, other major equipment or any items whose original purchase was awarded by the Board. The CEO's approval is required for the disposal of all other assets of HART.

Specific Authority: 120.52(1)(b); 163.568(2)(k), F.S.

Law Implemented: 163.568, F.S.

EFFECTIVE DATE FOR REVISION: 11/22/2009

HART Clerk: 