

**ADMINISTRATIVE RULE 1
ADOPTION OF ADMINISTRATIVE RULES AND DEFINITIONS**

DATE: March 22, 2012 (NOTE: This Rule was amended by the Governing Board at this Meeting).

SCOPE:

This Administrative Rule shall apply to the Authority, its officers, employees, agents and Members of its Governing Board. In addition, this Administrative Rule shall apply to other persons who contractually agree to be bound by its terms (as in the case of vendors who contract with the Authority to provide goods or services).

AUTHORITY:

Authority for the establishment of this Administrative Rule is as follows:

Part II, Chapter 343, Florida Statutes

RULE 1: Adoption of Administrative Rules and Definitions

- 1.1. **Effective Date, Establishment, Application and Construction.** The Administrative Rules shall become effective upon adoption or such other date as may be established by the Governing Board.
 - 1.1.1 **Establishment of Rules.** The Governing Board has established the Administrative Rules, pursuant to its authority under Part II of Chapter 343 of Florida Statutes, to govern the operation of the Public Transportation System and Public Transportation Facilities, and to regulate the affairs and the conduct of the business of the Authority.
 - 1.1.2 **Application and Construction.** The Administrative Rules shall be applied in accordance with Florida law and be construed to not conflict with any ordinance, law, regulation or administrative rule of any local, state or federal government or government agency, applicable under the circumstances of such construction.
 - 1.1.3 **Adoption and Amendment.** The Administrative Rules and any amendments thereto shall be adopted by the vote of a Majority of the Members.
 - 1.1.4 **Binding Effect.** The Governing Board intends that the Administrative Rules constitute the rules of the Authority, with legally binding force and effect upon the Authority, its officers, employees, agents, and Members of its Governing Board.

- 1.2. **Definitions.** Except as otherwise expressly stated in the Administrative Rules, the following terms shall have the following meanings for the purposes of these Administrative Rules:
- 1.2.1 “**Act**” means Part II of Chapter 343 of Florida Statutes, as amended from time to time, and any successor provision thereto.
- 1.2.2 “**Administrative Rules**” or “**Rules**” means the Administrative Rules of the Authority, as adopted and as may be amended from time to time pursuant to Part II, Chapter 343, Florida Statutes.
- 1.2.3 “**Assets**” shall have the meaning set forth in **Section 4.16** of Administrative Rule 4.
- 1.2.4 “**Authority**” means the Central Florida Regional Transportation Authority, created and established pursuant to the Act.
- 1.2.5 “**Advertising Contract**” shall mean a Contract pursuant to which the Authority provides to a third party advertising on one or more properties of the Authority, in exchange for which there is paid or provided to the Authority money or other goods or benefits. The term “**Advertising Contract**” includes “**Bus Advertising Contracts.**”
- 1.2.6 “**Bid**” means a formal written price offer by a Vendor to the Authority to furnish goods or services in response to an Invitation for Bid.
- 1.2.7 “**Bidder**” means a Vendor who has submitted a Bid to the Authority.
- 1.2.8 “**Blanket Purchase Order**” means an open Purchase Order under which a Vendor agrees to provide goods or services to the Authority on a demand basis, pursuant to a Contract that has been awarded and entered into by the Authority in accordance with the Administrative Rules. Thus, the Blanket Purchase Order may not be specific but must be limited as to the aggregate dollar amount which can be ordered under said Blanket Purchase Order.
- 1.2.9 “**Bus Advertising Contract**” shall mean a Contract pursuant to which the Authority provides to a third party advertising on one or more buses of the Authority, in exchange for which there is paid or provided to the Authority money or other goods or benefits.
- 1.2.10 “**Bus Trade**” shall mean a transaction involving a Bus Advertising Contract pursuant to which the Authority provides to a third party advertising on one or more of its buses in exchange, in whole or in part, for a payment not in cash, but in kind. The payment in kind can take the form of any non-cash consideration such as services, labor, materials, advertising, etc.

- 1.2.11 “**Bylaws**” means the rules set forth in Administrative Rule 2, adopted by the Governing Board to regulate the affairs and the conduct of business of the Authority.
- 1.2.12 “**Change Order**” means a modification to an existing Contract. For such Change Order to be valid, it must be in writing signed by the parties to that Contract to be bound, and must be approved by the appropriate process under this Rule.
- 1.2.13 “**Chief Administrative Officer**” or “**CAO**” means the officer responsible for the administrative management of the Authority.
- 1.2.14 “**Chief Executive Officer**” or “**CEO**” or means the highest administrative official and chief executive officer of the Authority.
- 1.2.15 “**Chief Financial Officer**” or “**CFO**” means the officer responsible for the financial management of the Authority, and is designated as such.
- 1.2.16 “**Chief Of Staff**” means the officer responsible for coordinating the activities of the Senior Staff and the Executive Staff of the Authority, and is designated as such.
- 1.2.17 “**Chief Operating Officer**” or “**COO**” means the officer responsible for the general operations of the Authority, and is designated as such.
- 1.2.18 “**Commuter Railroad**” shall have the meaning set forth in the Act.
- 1.2.19 “**Consultants Competitive Negotiation Act**” shall have the meaning set forth in **Section 4.6.6** of Administrative Rule 4.
- 1.2.20 “**Contract**” or “**Agreement**” means any agreement relating to the purchase or sale of goods, supplies, services, or other matters to or by the Authority, and includes, without limitation, contracts for a fixed price, cost, cost plus a fixed fee, incentive contracts, contracts providing for the issuance of job or task orders and leases, letter contracts. It also includes by way of example Purchase Orders and Change Orders with respect to any of the foregoing.
- 1.2.21 “**Contractor**” means any Vendor having a Contract with the Authority.
- 1.2.22 “**Debarment**” means a disqualification of a Vendor to receive and participate in Invitations to Bid or Requests for Proposals or the award of Contracts by the Authority for a specified period of time pursuant to **Section 4.14.3** of Administrative Rule 4.
- 1.2.23 “**Direct Pay**” means a check request submitted to the Finance Department of the Authority for purchases of items described in **Section 4.3.2(C)** of Administrative Rule 4, and items below the dollar threshold identified in the Finance Policy and Procedure.

- 1.2.24 “**Director of Procurement**” means any person designated as the Director of Procurement by the Chief Executive Officer. The Director of Procurement shall be in charge of the Procurement Department and shall be authorized to enter into, execute, and administer Contracts on behalf of the Authority within the authority granted the Director of Procurement under the Administrative Rules.
- 1.2.25 “**Disadvantaged Business Enterprise**” or “**DBE**” means a Vendor for which the gross revenues or number of employees averaged over the past years, inclusive of affiliates as defined by 13 C.F.R.121.103, (i) does not exceed the size standards as defined pursuant to Section 3 of the Small Business Act and for which the personal net worth of each owner (excluding primary residence and interest in Business) does not exceed the amount set forth from time to time in said Act, (ii) does not exceed the amount set forth from time to time in said Act for the average annual receipts over the firm’s previous three (3) fiscal years and (iii) meets all criteria established in 49 C.F.R. Part 26 Sub Part D Certification Standards, as amended or supplemented, or any successor provision.
- 1.2.26 “**Emergency**” shall be the existence of a condition or conditions which, in the context of the public service provided by the Authority, would affect or could reasonably be expected to either (i) affect the public health and safety, or (ii) have an immediate, adverse and material effect on the Authority, its business, operations or property, as reasonably determined by any member of the Governing Board, the Chief Executive Officer, or in the absence of the Chief Executive Officer, any other Senior Officer, as further defined in **Section 4.4.7** of Administrative Rule 4.
- 1.2.27 “**Executive Officer**” means Department Chief, Deputy Department Chief, and any other officer serving in a position designated by the Governing Board as an Executive Officer position, each to be appointed to such position by the Chief Executive Officer, pursuant to the Administrative Rules.
- 1.2.28 “**FDOT**” shall mean the Florida Department of Transportation.
- 1.2.29 “**FTA**” shall mean the U.S. Department of Transportation Federal Transit Administration.
- 1.2.30 “**Finance Policy and Procedure**” means the policy and procedure established from time to time by the Finance Department of the Authority.
- 1.2.31 “**Financially Exigent Agreement**” means an agreement entered into or renewed in accordance with **Section 4.4.13** of Administrative Rule 4.
- 1.2.32 “**Financially Exigent Situation**” means a situation whereby a grant or other funding device to or for the benefit of the Authority will terminate or whereby the Authority will otherwise suffer a financial loss or opportunistic loss.

- 1.2.33 “**Fiscal Year**” means October 1 through September 30.
- 1.2.34 “**Fuel Contract**” means a Contract pursuant to which the Authority purchases fuel for its ongoing operations.
- 1.2.35 “**General Provisions Documents**” has the meaning set forth in **Section 4.10** of Administrative Rule 4.
- 1.2.36 “**General Manager**” or “**GM**” means the general manager of the Authority, as appointed by the Board of Directors and who will be responsible for assisting the CEO in the oversight of the daily activities of the Authority.
- 1.2.37 “**Governing Board**” or “**Board**” means the governing body of the Authority created and established, and vested with the legal authority to govern and manage the Authority, pursuant to the Act.
- 1.2.38 “**Gratuity**” means any gift, favor, reward, loan, meal, or other item(s) of monetary value tendered to a Member, officer or employee by any source other than the Authority.
- 1.2.39 “**Invitation for Bid**” or “**IFB**” means a solicitation by the Authority for a Procurement and shall include all documents attached or incorporated by reference utilized within such solicitation.
- 1.2.40 “**Major Contract**” shall mean any Contract other than a Minor Contract. Specifically, by way of illustration, a Major Contract includes any Contract which has a value in excess of \$150,000.00 or which has a term, including options, of more than 5 years, or is not in the approved budget for the Authority. For determining the value of the Contract, the value of all Options provided for in the Contract shall be considered and included at the time the Contract is proposed to be entered into with the Authority.
- 1.2.41 “**Material Interest**” means direct or indirect ownership of more than five percent (5%) of the total assets or capital stock of any business entity.
- 1.2.42 “**Member**” or “**Members**” mean the individual, or any two or more thereof, appointed to and serving on the Governing Board pursuant to the Act.
- 1.2.43 “**Minor Contract**” shall mean a Contract which (i) has a value of \$150,000.00 or less, (ii) is in the approved budget for the Authority, and (iii) has a term, including options, of not more than five (5) years. In determining value, the value of all Options provided for in the Contract shall be considered and included at the time the Contract is proposed to be entered into with the Authority.
- 1.2.44 “**Micropurchase(s)**” means a Simplified Acquisition Procurement that is for \$2,500.00 or less. The foregoing amount of \$2,500.00 is the amount

set forth in applicable Federal guidelines for procurements by the Federal government and the foregoing amount shall be adjusted from time to time, without any further action by the Governing Board, to equal the amount set forth from time to time under said Federal guidelines.

- 1.2.45 “**Option(s)**” means in the context of any Contract, the right or option of the Authority to extend the term of that Contract for an additional period as provided for in the Contract.
- 1.2.46 “**Person**” means an individual, partnership, corporation, limited liability company, association, joint stock company, trust, firm, joint venture, or unincorporated organization.
- 1.2.47 “**Personal Property**” shall have the meaning set forth in **Section 4.16** of Administrative Rule 4.
- 1.2.48 “**Piggybacking**” or “**Piggyback Contract**” shall have the meaning set forth in **Section 4.3.2(G)** of Administrative Rule 4.
- 1.2.49 “**Policies and/or Procedures**” shall mean policies and/or procedures established and/or approved by the Chief Executive Officer which are primarily administrative in nature and intended to establish policies and procedures regarding the internal operations of the Authority, as provided in **Section 2.6** of Administrative Rule 2.
- 1.2.50 “**Post**” means to display a recommendation of award of a Contract on the Authority website (or any other website; provided that the Authority’s website contains a hyperlink to such other website) or on a bulletin board designated for such postings located in the Authority facility, or to provide to a Bidder or Proposer actual notice of a recommendation of award of a Contract. The terms “**Post**” and “**Posting**” shall have correlative meanings. The Posting will occur upon said display on the Authority web site or bulletin board or when the Bidder or Proposal receives said actual notice or is actually aware of the recommendation by the Authority or, if applicable, the committee making said recommendation.
- 1.2.51 “**Procurement Department**” means the applicable department of the Authority responsible for the administration of Procurements and the Procurement process and Contracts on behalf of the Authority.
- 1.2.52 “**Procurement(s)**” means the buying, purchasing, renting, leasing or otherwise obtaining of any supplies, services, construction or any other item(s). It also includes all functions that pertain to the obtaining of any supplies, services, construction or any other item(s), including description of requirements, selection and solicitation of sources, preparation and award of contracts and all phases of contract administration.
- 1.2.53 “**Project Contingency**” means the amount set forth as the amount of the contingency in any Contract, plus (i) any savings derived as a result of the

direct purchase of materials by the Authority, and (ii) any savings derived as a result of costs transferred from other line items within the project budget.

- 1.2.54 “**Proposal**” or “**Response**” means a document submitted by and executed by a Vendor to the Authority in response to a Request for Proposal or Request for Information, which if accepted by the Authority would represent a binding obligation to the Vendor.
- 1.2.55 “**Proposer**” means a Vendor who has submitted a Proposal to the Authority.
- 1.2.56 “**Public Transportation**,” “**Public Transportation Facilities**” and “**Public Transportation System**” each shall have the meaning set forth in the Act.
- 1.2.57 “**Purchase Order**” means the Authority’s document used to authorize a purchase transaction with a Vendor.
- 1.2.58 “**Purchasing Card Program**” shall mean the Micropurchase procedure or program undertaken by the Authority to process low dollar purchases of services and goods which utilize a purchasing card, as provided and set forth in **Section 4.7** of Administrative Rule 4.
- 1.2.59 “**Relative**” means any individual defined as a relative under Section 112.312, Florida Statutes, or its successor provision.
- 1.2.60 “**Request for Information**” or “**RFI**” means a solicitation for response from interested and prospective Vendors to provide information to determine specifications, qualifications and/or capabilities to satisfy a need of the Authority, and in which the successful Vendor may be given latitude in order to develop a product and/or service, which will fulfill said need.
- 1.2.61 “**Request for Proposal**” or “**RFP**” means a solicitation for Proposals to provide goods and/or services to the Authority, which is awarded by selection criteria to be established at the discretion of the Authority.
- 1.2.62 “**Request for Quotation**” or “**RFQ**” means an informal request either oral or written for a price Proposal from interested or prospective Vendors for specific goods and/or services.
- 1.2.63 “**Requisition**” or “**Work Order Form**” means an internal document generated by the Authority’s originating department and forwarded to the Purchasing and Contracts Division for the Division to initiate a Procurement process for goods or services.
- 1.2.64 “**Responsible**,” when used in the context of a Bidder or Proposer, means a Person who has, in the sole discretion of the Authority or, if applicable,

the Source Evaluation Committee or Procurement/Contracts Manager, the capability to perform the Contract requirements, and the tenacity, perseverance, experience, integrity, ability, reliability, capacity, facilities, equipment, financial resources and credit, which will assure good faith performance.

- 1.2.65 “**Responsive**” when used in the context of a Bidder or Proposer means a Person who has submitted a completed Bid or Proposal and complied with the requirements of the specific Procurement, as determined by the Authority in its discretion.
- 1.2.66 “**Revenue Contract**” means a Contract for which the Authority shall receive compensation or benefit (e.g., monetary, in trade or exchange, or otherwise) and includes, for example, a Bus Advertising Contract.
- 1.2.67 “**Senior Officer**” shall mean the General Manager, Chief Administrative Officer, Chief Financial Officer, Chief Operating Officer, and Chief of Staff, and such other officers of the Authority as may be designated from time to time by the Governing Board. When the context applies, the term “**Senior Officer**” shall also include the Chief Executive Officer.
- 1.2.68 “**Senior Staff**” shall mean all the Senior Officers of the Authority (which includes the CEO).
- 1.2.69 “**Short-Term Bus Service Agreement**” means an agreement entered into in accordance with **Section 4.4.12** of Administrative Rule 4.
- 1.2.70 “**Simplified Acquisition Procurement**” means the Procurement process that is for \$50,000.00 or less, that meets the requirements set forth in **Subsection 4.4.10** of Administrative Rule 4. The Simplified Acquisition Procurement may be further subdivided into other parts such as, for example, Micropurchase program or the Purchasing Card Program.
- 1.2.71 “**Sole Source Procurement**” shall mean a Procurement that is obtained by the Authority without competitive bidding and through a single or sole source which meets the requirements of **Section 4.3.4** of Administrative Rule 4.
- 1.2.72 “**Source Evaluation Committee**” or “**SEC**” means a committee established by the Purchasing and Contracts Division to evaluate Bids and/or Proposals and to make recommendations as to whether and to whom a Contract should be awarded based upon such Bids and/or Proposals.
- 1.2.73 “**Statement of Responsibility**” shall have the meaning set forth in **Section 4.4.5** of Administrative Rule 4.
- 1.2.74 “**Suspension**” means the disqualification of a Person to participate in any Procurement or the award of a Contract by the Authority for a period

determined by the Authority, not to exceed three (3) years pursuant to the Administrative Rule.

- 1.2.75 “**Trade**” shall mean a transaction involving an Advertising Contract pursuant to which the Authority provides to a third party advertising on one or more of its properties in exchange, in whole or in part, for a payment not in cash, but in kind. The payment in kind can take the form of any non-cash consideration such as services, labor, materials, advertising, etc.
- 1.2.76 “**Vendor**” means an actual or potential supplier of a good and/or service to the Authority.
- 1.2.77 “**Vendor List**” means the compilation by the Authority by category of goods and/or services of the names and addresses of those appropriate suppliers of goods and/or services that have indicated an interest in doing business with the Authority.

I hereby certify that the foregoing Administrative Rule 1 was adopted by the Governing Board of the Authority at its duly called meeting on March 22, 2012.


Deborah Morrow, Assistant Secretary