

UWF BUSINESS ENTERPRISES, INC. (BEI) POLICY

POLICY#: BEI 1.17-11/14 - amendment

EFFECTIVE DATE: November 10, 2014

POLICY/PURPOSE: BEI Unsolicited Proposal Policy
To establish a Policy that allows BEI to accept the submission of new and innovative ideas without issuing a formal solicitation.

RESPONSIBLE OFFICE: BEI and UWF Office of Business & Property Development

1. APPLICABILITY: BEI Board of Directors Unsolicited Proposal Policy

2. PURPOSE

BEI has established procurement procedures to procure goods and services required by the BEI. When an individual or entity desires to present a proposal to BEI that was not solicited by BEI, the individual or entity must submit the information as an unsolicited proposal. The purpose of this policy is to specify the means by which individuals and entities are to follow in submitting such unsolicited proposals to BEI and how BEI will respond to them.

3. DEFINITION

For purposes of this policy, an “Unsolicited Proposal” is an offer of a service or good, initiated and submitted to BEI, without solicitation from BEI, with the objective of obtaining a contract. A valid unsolicited proposal must:

- (1) Be innovative and unique
- (2) Be independently originated and developed by the proposer
- (3) Be prepared without requiring BEI supervision, endorsement, direction or direct BEI involvement
- (4) Include sufficient detail to permit a determination that BEI support could be worthwhile and the proposed work could benefit BEI in fulfilling its mission
- (5) Cannot be an advance proposal for an item, project, or material that BEI is required by law or its own internal policies to acquire through competitive means, and if found to be so at any time during the submission process, BEI maintains the right to cease discussions at its sole discretion.

- (6) Not address a previously published BEI solicitation for proposals
- (7) Represent the presentation of an idea or existing service or good, including without limitation, concepts, facilities, processes, know how, and techniques submitted to BEI without solicitation from BEI, with the proposer's objective of obtaining a contract or procurement by BEI.

4. POLICY

It is the policy of the BEI to consider new and innovative ideas.

5. RESPONSIBILITIES

A. BEI STAFF

Staff is responsible for making application requirements easily accessible to external groups and for receiving, processing, and following up in a timely manner with each proposal. BEI staff will make an initial determination of whether the proposal is complete and communicate with proposers. Staff is responsible for researching proposals when necessary and for facilitating communications with proposers. Staff may, at its sole discretion, use outside consultants as it pertains to evaluating a project in relation to financial/operational viability.

B. BEI Legal Counsel

BEI's legal counsel may, at the appropriate time, review the proposal to determine if there are any legal issues to be addressed before the review and evaluation process can proceed.

C. BEI Board of Directors

The Board of Directors is responsible for adhering to previously established board policies and resolutions related to BEI's bidding and procurement procedures.

6. REQUIRED CONTENT OF UNSOLICITED PROPOSAL

A. Basic Information

- Name, address and type of organization (i.e., business, for-profit, non-profit, educational, type of corporate entity, etc.)

- Names, telephone numbers, e-mail addresses, and web-site addresses of technical and business personnel to be contacted for evaluation purposes.
- Names and biographical information on proposer's key personnel who would be involved in a presentation, including alternates, and their related experience.
- Names of other agencies or parties receiving the proposal or funding the proposed effort.
- Period of time for which the proposal is valid (six month minimum).
- Type of contract preferred and requested terms or conditions.
- References of current and past clients, suppliers, related professionals.
- Evidence of proven track record and requisite experience in operation and management of this or similar projects.
- Express written authorization from application for BEI and/or its outside consultants and/or experts, at their sole discretion, to conduct appropriate personnel background checks including reference inquiries, criminal background, credit bureaus, etc.
- Location of sites where the proposer has already successfully implemented a similar proposal.
- Date of submission and signature of person(s) authorized to represent and contractually obligate the proposer.

B. Technical Information

- Concise description/abstract (approximately 200 words) of the proposal.
- Statement of Work that contains a complete functional description of the proposed project, including project objectives and benefits to BEI; the facilities, equipment, materials or personnel to be used for the effort; a schedule of major tasks and events to be accomplished; and a list of items to be delivered to BEI as end result of contract performance.
- Objectives of effort/activity, method of approach and extent of effort to be employed, the nature and extent of anticipated results, and how the effort supports BEI's mission.
- Benefit/risk impact to BEI in the following areas:
 - Budget
 - Customers
 - Infrastructure
- Type of support needed from BEI (e.g., facilities, equipment, materials, or personnel resources) and an estimated cost for such support from BEI.
- Description of rules, regulations, ordinances, and codes (environmental or otherwise) applicable to the proposed effort at the local, state, and federal level.

- Potential impacts to BEI from the proposed effort regarding current and future compliance with rules, regulations, ordinances and codes at the local, state, and federal levels (environmental or otherwise).
- Description of any and all risks of the project for BEI, including impact to BEI in case of failure.
- Required permits, permissions or authority needed to implement the proposal.

C. Financial Information

- Proposed price or total estimated cost for the effort in sufficient detail for meaningful evaluation, specifying any and all cost to be borne by BEI.
- Full disclosure of liquidity/credit worthiness of proposer and ability to finance the proposed effort, including sources of funding and verification of funding capital.
- Project pro-forma financial statements for the proposal for year 1 through year 5 demonstrating future expectations of sales and earnings forecasts, expenses, cash flows, and balance sheet effects.
- Contact information and authorization for BEI and/or its outside consultants to verify financial soundness of proposing company.
- Evidence of an appropriate level of insurance or bonding coverage.

7. SUBMISSION OF UNSOLICITED PROPOSALS

Unsolicited Proposals that meet the requirements of this policy should be submitted to:

UWF Business Enterprises, Inc.
Chief Executive Officer
11000 University Parkway
Building 10 , Room 118
Pensacola, FL 32514

8. REVIEW OF UNSOLICITED PROPOSALS

Prior to initiating an evaluation of an Unsolicited Proposal, BEI staff shall determine if the Unsolicited Proposal is a complete and valid proposal as defined under Section 6 Required Content.

If an Unsolicited Proposal meets the stated requirements, staff shall acknowledge receipt of the proposal in writing within (30) thirty days and will proceed with a comprehensive evaluation of the proposal.

If an Unsolicited Proposal involves a project that is covered by the Florida Board of Governors P3 Guidelines (“the Guidelines”), BEI staff shall so advise the University and BEI and the University will review the proposal for compliance with the Guidelines.

If an Unsolicited Proposal fails to meet the stated requirements or the requirements of the Guidelines, if applicable, staff shall return the proposal with a brief explanation of how the proposal fails to meet the procedural requirements. The proposer may resubmit a completed proposal.

A. Staff Comprehensive Evaluation of Unsolicited Proposals

When performing an evaluation of an Unsolicited Proposal, BEI staff shall consider the following factors as well as any additional factors deemed appropriate at the sole discretion of BEI and its outside consultants for the specific proposal:

- Unique, innovative and meritorious methods, approaches or concepts demonstrated by the proposal;
- Potential contribution of the proposal to BEI's mission statement;
- Operational, environmental, or business impacts for BEI;
- Potential impact on BEI's budget and/or rate benefits to BEI's customers;
- Potential required investments of labor, equipment or facilities by BEI.
- Proposer's experience, including descriptions of previous projects completed or currently in operation, facilities with addresses and names of relevant contact Information, techniques, or unique combinations of these that are integral factors to achieving the proposal objectives:
- An assessment of risk, coupled with the likelihood of success

B. Board of Directors Review

When appropriate and per Board Policy, the Board of Directors will review recommendations from BEI staff in accordance with the Board's standard and customary approval processes. BEI reserves the right to implement an Unsolicited Proposal internally and without compensation to or involvement with the proposer.

9. GENERAL CONSIDERATIONS

A. No Acceptance

This Policy does not apply to, and BEI shall not accept, unsolicited proposals submitted by or on behalf of governmental entities, cooperative group contracting consortiums, or entities acting pursuant to an inter-local or inter-governmental agreement.

B. Waiver

The CEO of BEI, or his/her designee, may waive this Policy or any part hereof, if such is determined to be in the best interest of BEI.

C. Confidentiality

All materials/records submitted to BEI as part of an Unsolicited Proposal shall be considered public records under State of Florida Public Records Law, and shall not be considered confidential. Unsolicited Proposals are subject to request from members of the public for copies. No notice of such requests will be provided to unsolicited proposers.

D. Use of Ideas

BEI may use any ideas for any purpose which may be disclosed by an Unsolicited Proposal, including independently developing or acquiring products or services without the use of the unsolicited proposer. BEI may use or dispose of materials provided with an Unsolicited Proposal in any way it desires. Furthermore, BEI may choose to post the Unsolicited Proposal, including all records submitted with it in whole or in part, to solicit proposals from other entities for BEI's use in implementing the Unsolicited Proposal or any part thereof. The unsolicited proposer may bid or submit a proposal in response. The selection of the vendor will follow BEI's standard and customary procurement procedures. There shall be no guarantee that the proposer of an Unsolicited Proposal will be the vendor selected by the competitive selection process or will receive a contract with BEI. BEI may also elect to implement the Unsolicited Proposal internally, without benefit of any outside party and without going through a competitive bidding or request for proposal process.

E. Costs

All costs of an Unsolicited Proposal are the sole responsibility of the proposer. BEI will not be responsible for reimbursement of any such costs incurred by any proposer in preparing or presenting an Unsolicited Proposal.

F. Fees

BEI staff may determine that additional costs may be required in order to properly evaluate an unsolicited proposal such as the use of professional consultants and advisors. In that case, BEI staff shall request the additional amount needed in writing from the firm submitting the unsolicited proposal. The same amount shall be required from any and all other proposals received in response to the advertisement addressed in Section 10 BEI Procedures below. The Fee can be waived and/or reduced at the sole discretion of BEI. Failure to pay the fee shall result in the rejection of the proposal or suspension and then termination of the negotiations.

10. BEI PROCEDURES

A. Acceptance and negotiation of an unsolicited proposal:

- (1) Within sixty (60) days of receipt of an unsolicited proposal and before initiating a comprehensive evaluation, BEI staff shall determine if the proposal –
 - a) Is a valid unsolicited proposal, meeting the requirements of this Policy
 - b) Is related to BEI's mission;
 - c) Contains sufficient technical and cost information for evaluation; and
 - d) Has been approved by a responsible official or other representative authorized to obligate the Offeror contractually.
- (2) If the proposal(s) meets these requirements, BEI shall promptly acknowledge receipt and advertise, in a newspaper of general circulation in one or more counties in the greater Pensacola area, 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, BEI shall promptly begin to process any related unsolicited proposals received.

B. Comprehensive Evaluation

- (1) When performing a comprehensive evaluation of an unsolicited proposal, evaluators (comprised of BEI staff) shall consider the following factors, in addition to any others appropriate for the particular proposal:
 - Unique, innovative and meritorious methods, approaches, or concepts demonstrated by the proposal;

- Overall scientific, technical, or socioeconomic merits of the proposal;
 - Potential contribution of the effort to BEI's specific mission;
 - The Offeror's capabilities, related experience, facilities, techniques, or unique combinations of these that are integral factors for achieving the proposal objectives;
 - The qualifications, capabilities, and experience of the proposed principal investigator, team leader, or key personnel critical to achieving the proposal objectives; and
 - The realism of the proposed cost.
- (2) The evaluators shall notify the Board of their recommendation(s) when the evaluation is completed.
 - (3) A favorable comprehensive evaluation of an unsolicited proposal does not, in itself; justify awarding a contract without providing for full and open competition.
 - (4) BEI staff shall have at least ninety (90) days from the due date for proposals, stated in the advertisement as provided for in Section 10. A. (2) above, 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 BEI C.E.O.

C. Contract Negotiations

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

D. Proposal Selection and Contract Award

- (1) 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.

- (2) 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.

E. Rejection of Unsolicited Proposal

BEI 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:

- (1) BEI 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:
- (2) Is substantially available to BEI without restriction from another source;
- (3) Closely resembles a proposed or pending competitive acquisition requirement;
- (4) Does not relate to BEI's mission;
- (5) Does not demonstrate an innovative and unique method, approach, or concept, or is otherwise not deemed a meritorious proposal; or
- (6) Fails to meet the requirements listed herein, including but not limited to, the Fee Payment requirement and the requirements of Section 9 above.

F. Cone of Silence

- (1) Any communications between a proposer and any board member, staff member, or consultant of BEI regarding its proposal are strictly prohibited from the date on which the proposer's proposal is received by BEI 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.
- (2) The only exceptions to this are: (i) any communications with BEI's designated representative; (ii) site visits to the proposer's facilities (iii) any communications made on the record at a publicly noticed meeting of BEI, or negotiation meetings held by the BEI representative .

- (3) Any violation of the Cone of Silence requirements shall constitute grounds for immediate and permanent rejection of the proposer's proposal. At the Procurement Officer's sole discretion, it may also serve as grounds for the voiding of the resulting contract with the proposer.

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