

Division I: General Provisions

Section 10.35 Title

The provisions of this Article shall be known and cited as the “Lobbying Blackout Policy”.

Section 10.36 Authority

10.36.1 In accordance with Section 348.754(2)(m), Florida Statutes, the Central Florida Expressway Authority (“CFX”) is authorized to “. . . do everything necessary or convenient for the conduct of its business and the general welfare of the authority, in order to comply with [Chapter 348.754, Part III, Florida Statutes] or any other law.”

Section 10.37 Statement of Policy

10.37.1 The Governing Board (“Board”) of CFX hereby establishes this Lobbying Blackout Policy for the purpose of protecting the transparency, fairness, and integrity of CFX’s procurement of goods and services.

Section 10.38 Definitions

- 10.38.1 Unless otherwise expressly provided in this Article, the definitions found throughout Articles 1 and 2 of this Chapter are hereby incorporated into this Article.
- 10.38.2 Wherever used in this Article, the following terms shall have the following meanings indicated, unless context provides otherwise, and such meanings will apply to both the singular and plural thereof:
- (A) “Lobbyist” shall mean any person (e.g., individual, entity, legal counsel, etc.) who, on behalf of and for the benefit of themselves, their employer, principal, client, or any other person, engages in Lobbying activities with the intent of influencing CFX’s decision related to an ongoing or pending Formal Procurement.
 - (B) “Lobby” shall mean communicating in any manner (e.g., oral, writing, etc.) by a Lobbyist with CFX Board Members, Chief Officers, employees, and/or Selection Committee members directly or indirectly in connection with any Formal Procurement in an effort to influence the decision of such Board Members, Chief Officers, employees, and/or Selection Committee members in connection with said such Procurement.
 - (C) “Selection Committee” shall mean the committee established pursuant to the Procurement Procedures Manual, and/or other applicable law or regulation, for the purposes of:
 - (1) Evaluating the Solicitation Responses received by CFX in response to a Procurement Solicitation; and

- (2) Based on such evaluation, recommending to the Procurement Director, or the designee thereof: (a) the shortlisting of certain Respondents; and/or (b) the award of a contract to the highest ranked Respondent (or, in the case of multiple awards, Respondents).

Section 10.39 Prohibition of Lobbying

- 10.39.1 No Contractor or Respondent may engage in any effort, either directly or indirectly, to Lobby or in any manner influence the actions of any CFX Board Member, Chief Officer, employee, and/or any Selection Committee member in respect to a pending award of contract for which a Procurement Solicitation was issued, except as set forth in **Section 10.40: Exceptions to Policy** below.
- 10.39.2 Any attempt by any Contractor or Respondent to communicate with any CFX Board Member, Chief Officer, employee, and/or any Selection Committee member in connection with any pending award of a contract for which a Procurement Solicitation has been issued shall, unless otherwise excepted herein, be considered a violation of this Article, and may be punishable by such Contractor or Respondent being suspended from being able to compete in any CFX Procurement Solicitation for no less than 2 years.

Section 10.40 Exceptions to Policy

- 10.40.1 The above Prohibition of Lobbying shall not apply in the following instances:
- (A) Any communication expressly permitted in the procurement process for the Procurement Solicitation in question, such as communicating with the CFX employee who has been identified in the applicable Solicitation Documents as being the person to contact in connection with said Procurement Solicitation.
 - (B) Any communication that occurs on the record at a public meeting held in compliance with Section 286.011, Florida Statutes.
 - (C) Any communication expressly required or strictly necessary to submit a protest in compliance with the requirements of **Article 2: Protest Resolution Policy** of this Chapter.

Section 10.41 Publication for Procurement Solicitations

- 10.41.1 A copy of this Article will be posted on the CFX website (<https://www.cfxway.com>) and referenced within all Solicitation Documents that are generated and distributed by the CFX.

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