STATE PROPERTIES COMMISSION

47 Trinity Avenue, S.W., Suite G02 Atlanta, Georgia 30334

POLICY

TITLE: SPC 09 – Transaction Management: Administrative Space, Solicitation and Selection

ADOPTED: May 09, 2013

REVISED:

1. Definitions

(a) State Properties Commission (SPC): The agency responsible for optimizing occupancy of state owned and leased real property. SPC administers the process to support agency program requirements that upholds the highest and best use of the State's portfolio assets.

(b) Intergovernmental Agreements: Any rental or lease agreement with a City/County or other governmental entity.

(c) Agency: The State entity that will be the end user of the space. SPC shall be the tenant and assign the space to the State entity.

2. Purpose

The purpose of this Administrative Space, Solicitation and Selection Policy ("Policy") is to establish a process for obtaining administrative space that ensures the selection of cost effective, modern, safe, production-oriented work environments that meet the current and future needs of the State and its agencies.

SPC will obtain administrative space in accordance with this Policy and related Standard Operating Procedures (SOP) unless expressly exempted by other provisions of this Policy or by express authorization by the Executive Director or the Board. No proceeding under this Policy, in SPC's sole discretion, will be voided because of a minor technical failure of compliance that SPC determines does not harm the substantive rights of SPC or any other party or otherwise does not adversely affect the integrity of SPC's selection process.

3. Policy Statements

(a) Agreements: In general, SPC, pursuant to this Policy, will contract for the use of administrative space for a term of one (1) year or less through an annual rental agreement which may include up to eight (8) renewal options; or, for a term of more than one (1) year through a multiyear lease. SPC, in its

sole discretion, may also enter into the following agreements for administrative space the selection of which shall be exempt from this Policy:

i. Emergency Leases: Emergency circumstances exist where normal selection procedures cannot be utilized without detrimental effects upon the operation of SPC or SPC's customers (user agencies). The Commission or the Executive Director may determine an emergency situation.

ii. Intergovernmental Agreements.

(b) Methods of Solicitation and Selection: SPC is not required by law to use a particular solicitation and selection method for administrative space. The nature of real property transactions does not lend itself to the creation of a list of specifications which would allow a formula driven selection process. In accordance with SPC's Standard Operating Procedures, SPC, in its sole and absolute discretion, will use the following methods to solicit and select administrative space.

i. Annual Rental Agreements:

- Noncompetitive Direct Solicitation and Negotiation: SPC will directly solicit and negotiate with prospective landlords without a formal competitive process to provide administrative space that meets or surpasses SPC and Agency requirements. Although competition is not required under this process, SPC may compare offers from two or more landlords in order to obtain the most advantageous rental terms. This process may, but does not always, culminate in a contract award.

ii. Multiyear Leases:

- Request for Proposals (RFP): SPC will issue a RFP that formally seeks competitive proposals from interested landlords to provide administrative space that meets or surpasses SPC and Agency requirements. SPC will use a combination of objective and subjective criteria to evaluate proposals that offer the most advantageous lease terms. Different weights may be applied to each applicable criterion depending on SPC's and Agency's requirements for the administrative space.

  - General Evaluation Rules: SPC shall be bound by the terms of the RFP as well as the established evaluation criteria. No changes to the evaluation criteria may be made after the proposal due date and time of the RFP. Pursuant to the terms of the RFP, SPC may elect to request clarifications and/or conduct one or more rounds of discussions or negotiations to solicit improvements to proposals. If a proposal fails to meet a mandatory requirement specified in the RFP, SPC will determine if the deviation is material. A material deviation will be cause for rejection of the proposal. An immaterial deviation will be processed as if no deviation had occurred. SPC shall have the right to reject any and all proposals submitted in response to the RFP, to reject any portion thereof,

or to waive any irregularity or administrative requirement.

- Preliminary Review: SPC may conduct a preliminary review of the received proposals to determine which proposals should be submitted, as set forth in the RFP, to the evaluation committee for review. The preliminary review should eliminate the following proposals: any proposal submitted by a proposer which is currently suspended or debarred by SPC or any other governmental entity, and any proposals which are missing required documents, signatures or any other items required by the RFP to be submitted with the proposal.
- Oral Presentations and Site Visits: SPC may conduct site visits and/or request proposers to make oral presentations as permitted by the RFP.
- Contract Negotiations: If SPC is unable to reach contract terms with an apparent awardee, SPC, pursuant to the RFP, may terminate negotiations with the apparent awardee and enter into negotiations with the next highest ranked proposer, or terminate the RFP process.
- Award: Although contract terms may be reached, the final contract award is subject to Board approval. After such approval, if any, SPC may enter into a multiyear lease agreement with the apparent awardee.

At all times SPC reserves the right to cancel any solicitation or reject any and all proposals submitted in response to any solicitation document, to reject any portion thereof, or to waive any irregularity or administrative requirement.

In accordance with SPC's Standard Operating Procedures, if SPC desires to continue using administrative space at the expiration or termination of a rental or lease agreement, SPC may attempt to negotiate a new annual rental or multiyear lease agreement with the existing landlord. If an agreement cannot be reached with the existing landlord, SPC will commence, as applicable, one of the above listed methods to obtain a new agreement for administrative space.

(c) Public Notice: In general, SPC's need of a multiyear lease for administrative space, unless exempted herein, will be posted on SPC's website. SPC, at its sole discretion, may elect to conduct additional public advertisement through other websites, newspapers, and publications with statewide or local circulation.

Prior to public notice, SPC, in its sole discretion, may conduct market research through consultants, internet searches, publications, calls, or other resources, to determine if administrative space exist that may meet SPC or Agency's needs.

(d) Offeror Certification, Suspension or Debarment:

i. Agreements for administrative space shall be awarded to responsible offerors.

- Responsibility Generally Presumed. SPC may base its belief that an offeror is responsible from the offeror's signature on the "Certification Form" (where such a form is used) and/or based on an offeror's responses to the requirements of the solicitation. In order for an offeror to be deemed non-responsible, SPC will make an affirmative determination of non-responsibility.
- Investigations. SPC shall have the right, but not the obligation, to conduct investigations and other forms of due diligence into any offeror's (or potential offeror's) responsibility status at any time and for any reason. Such due diligence may include investigations into one or more of the factors listed herein.
- Failure to Provide Information. Offeror's failure to sign the Certification Form or provide information specifically requested by SPC may be grounds for a determination of non-responsibility.
- False certification or Information. False certification or information may be grounds for a non-responsibility determination and/or debarment.

ii. Causes for Debarment or Suspension: SPC may debar an offeror for any of the causes listed below:

- Violation of contract provisions of a character which is regarded to be so serious as to justify debarment action.
- In SPC's opinion, the offeror's actions amount to:
  - A deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in a contract;
  - A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts;
- Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affect contract obligations;
- Conviction under state or federal antitrust statutes arising out of the submission of bids or proposal;
- Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance in the contract or subcontract;
- Any other cause so serious and compelling as to affect responsibility as a state contractor, including debarment by another government entity; and
- Any violations of the provisions of O.C.G.A. § 45-10-20 through O.C.G.A. § 45-10-28 which govern Conflicts of Interest.

iii. Debarment or Suspension Processes and Procedures: SPC hereby adopts the Georgia State Financing and Investment Commission (GSFIC) processes and procedures for Debarment and Suspension as set forth in the GSFIC Procurement Manual.

(e) Protests: An Interested Party (as that term is defined in SPC's Protest Policy) desiring to protest, challenge or otherwise pursue a claim against any aspect of a SPC solicitation and selection of administrative space process must comply with SPC's Protest Policy.

(f) Miscellaneous:

i. Compliance with Federal Requirements: Where the solicitation and selection of administrative space involves the expenditure of federal funds, SPC shall comply with federal law and authorized regulations which apply to the expenditure.

ii. Confidentiality: All information and documentation related to SPC's solicitation and selection of administrative space, including proposals received, shall be deemed confidential in nature, and furnished only in accordance with the Georgia Open Records Act or the Federal Freedom of Information Act, or as otherwise required by law, as applicable.

4. Attachments

Attachment 1: Standard Operating Procedure for Annual Rental Agreements

Attachment 2: Standard Operating Procedure for Negotiating Multi-Year Lease Agreements with Existing Landlords

Attachment 3: Standard Operating Procedure for Multi-Year Leases (New Locations)

Attachment 4: Protest Policy

State Properties Commission
REAL PROPERTY • REAL SOLUTIONS

STANDARD OPERATING PROCEDURES

SPC-TM-01	Annual Rental Agreements	Effective: January 1, 2012 Revised: July 1, 2013

Definitions

(a) State Properties Commission (SPC): The agency responsible for optimizing occupancy of state owned and leased real property. SPC administers the process to support agency program requirements that upholds the highest and best use of the State's portfolio assets.

(b) Transaction Management/Leasing Division (TM/LD): This Division is responsible for the State's leased property portfolio. Services provided range from locating and procuring new locations, renewing agreements, amending existing agreements and managing the State's leased inventory in BLLIP.

(c) Space Management Division (SM): This Division provides State entities professional planning services in meeting their space needs including, but not limited to, determining square footage requirements, preparing schematic floor plans and design intent drawings to guide workspace layout.

(d) Space Action Form (SAF): This form is the initial starting point for most work projects in SM and TM/LD. It is the formal request completed by a State entity to give SPC the permission to start the process for locating new administrative space, renew an existing lease, or renegotiate, amend, and/or cancel an existing lease. This detailed form collects information such as the current lease information, the new location (preferred city and county), staffing, and type of space requested and budget restraints.

(e) Space Utilization Questionnaire (SUQ): The form is completed by the requesting state entity and accompanies the SAF when new space or increased space is requested. This form is used by SM to develop space (square footage) requirements and demands.

(f) Space Utilization Program (SUP): The resulting report derived from analyzing the data supplied from the SUQ which determines square footage requirements to guide the space layout. The report is sent to the requesting Agency for approval prior to the development of the floor plan.

(g) Building, Land & Lease Inventory of Property (BLLIP): The State's consolidated database of real property assets.

(h) Agency: The State agency that will be the end user of the space. SPC shall be the tenant and assign the space to the State agency.

(i) SPC Leasing Specialist: The single point of for all communications regarding a specific space need. This may be an SPC employee, agent or broker.

Purpose

To provide an administrative space selection process for annual rental agreements which ensures the location and selection of cost effective, modern, safe, production-oriented work environments to meet the current and future needs of the State and its agencies.

Procedure

1. The Agency must complete and transmit the SAF and SUQ to SM.
2. SM generates the SUP which must be approved by the Agency.
3. SM will seek existing State owned space that may fit the needs of the Agency.
4. If no State owned space is available, TM/LD will assign a Leasing Specialist to attempt to locate space.
5. Based on the SUP space need, the Agency requirements and the Georgia State Financing and Investment Commission (GSFIC) limitations on annual total contract value for multiyear lease, the Deputy Executive Director will determine if the need is best suited for an annual or multiyear agreement.
6. When the Deputy Executive Director determines an annual rental agreement will best meet the need of SPC and the Agency, the SPC Leasing Specialist will begin a search of potential sites. To aid the Leasing Specialist in the search he/she may post notices, use online services, communicate with brokers or landlords, or any other methods in the best interests of SPC. However, there is no obligation to provide notice.
7. Leasing Specialist will gather information about all potential sites and depending on the number of potential sites may choose to create a short list of sites.
8. Site visits may be taken by Leasing Specialist, Agency or their representatives at the sole discretion of SPC.
9. The Leasing Specialist, after discussions with the Agency will make a recommendation to the Agency. If the Agency does not agree with the Leasing Specialist recommendation, the Agency must provide detailed written justification.
10. The Executive Director or his/her designee will have final approval of the site selection if no agreement can be reached between the Leasing Specialist and the Agency.
11. Once a site is selected, the Leasing Specialist will commence final lease negotiations with the landlord using the State's approved rental agreement form.
12. The rental agreement will be executed by SPC as the tenant. The Agency will be required to execute an intergovernmental agreement (IGA) with SPC which shall bind the agency to all terms and conditions in the rental agreement.
13. The Leasing Specialist shall determine whether the variance between the Space Utilization Program (SUP) and the actual square footage outlined in the executed lease agreement is within the acceptable range outlined in the SPC Tolerance Table

(SPC 03 – Space Management: Space Standards). If it is decided that the variance is outside the range (higher or lower), then the Leasing Specialist will request from the appointing authority of the entity a written justification on agency letterhead acknowledging such exception and detailing the rationale for the same. This written justification shall become a permanent record in the lease file.

STANDARD OPERATING PROCEDURES

SPC-TM-02	Negotiating Multi-Year Lease Agreements with Existing Landlords	Effective: May 9, 2013

Definitions

(a) State Properties Commission (SPC): The agency responsible for optimizing occupancy of state owned and leased real property. SPC administers the process to support agency program requirements that upholds the highest and best use of the State's portfolio assets.

(b) Transaction Management/Leasing Division (TM/LD): This Division is responsible for the State's leased property portfolio. Services provided range from locating and procuring new locations, renewing agreements, amending existing agreements and managing the State's leased inventory in BLLIP.

(c) Market Survey: A report generated by the Leasing Specialist to aid SPC in understanding the market for space in the desired area. The survey will generally identify availability, location, quality and cost of space in the survey area.

(d) Agency: The State agency that will be the end user of the space. SPC shall be the tenant and assign the space to the State agency.

(e) SPC Leasing Specialist: The single point of for all communications regarding a specific space need. This may be an SPC employee, agent or broker.

Purpose

To provide SPC with the ability to negotiate with and existing landlord without going through a competitive selection process for a multiyear lease agreement to provide the Agency with a timely, cost effective work environments that continues to meet the current and future needs of the State and its agencies.

Procedure

1. Leasing Specialist will conduct a market survey to determine the availability of alternative space and to establish a range of market rents for negotiating purposes.
2. The Leasing Specialist may attempt to negotiate a multiyear lease with the existing landlord if:
    a. A multiyear lease is requested in writing by the Agency.
    b. The total contract value of the new lease will not exceed the annual cap set by Georgia State Financing and Investment Commission (GSFIC).

c. The space meets the current and future needs of the Agency.

d. The Agency and space meet the criteria for a multiyear lease.

3. The Leasing Specialist will provide a state lease template for review and redline by the landlord.

4. The Leasing Specialist will seek an agreement on a lease or terms in a letter of intent (LOI) for consideration by the Board.

5. If an agreement cannot be reached with the existing landlord, SPC may choose to seek a new location for a multiyear lease in accordance with SPC's Standard Operating Procedures for seeking a new multiyear lease.

6. Once approved by the Board, the lease will be executed by SPC as the tenant. The Agency will be required to execute an intergovernmental agreement (IGA) with SPC which shall bind the agency to all terms and conditions in the rental agreement.

Note: Exploration of a new lease agreement with an existing landlord may be initiated through a request from the Agency to SPC or directly by SPC.

STANDARD OPERATING PROCEDURES

SPC-TM-03	Multi-Year Leases New Locations)	Effective: May 9, 2013

Definitions

(a) State Properties Commission (SPC): The agency responsible for optimizing occupancy of state owned and leased real property. SPC administers the process to support agency program requirements that upholds the highest and best use of the State's portfolio assets.

(b) Transaction Management/Leasing Division (TM/LD): This Division is responsible for the State's leased property portfolio. Services provided range from locating and procuring new locations, renewing agreements, amending existing agreements and managing the State's leased inventory in BLLIP.

(c) Space Management Division (SM): This Division provides State entities professional planning services in meeting their space needs including, but not limited to, determining square footage requirements, preparing schematic floor plans and design intent drawings to guide workspace layout.

(d) Space Action Form (SAF): This form is the initial starting point for most work projects in SM and TM/LD. It is the formal request completed by a State entity to give SPC the permission to start the process for locating new space, renew an existing lease, or renegotiate, amend, and/or cancel an existing lease. This detailed form collects information such as the current lease information, the new location (preferred city and county), staffing, and type of space requested and budget restraints.

(e) Space Utilization Questionnaire (SUQ): The form is completed by the requesting state entity and accompanies the SAF when new space or increased space is requested. This form is used by SM to develop space (square footage) requirements and demands.

(f) Space Utilization Program (SUP): The resulting report derived from analyzing the data supplied from the SUQ which determines square footage requirements to guide the space layout. The report is sent to the requesting Agency for approval prior to the development of the floor plan.

(g) Building, Land & Lease Inventory of Property (BLLIP): The State's consolidated database of real property assets.

(h) Agency: The State agency that will be the end user of the space. SPC shall be the tenant and assign the space to the State agency.

(i) SPC Leasing Specialist: The single point of for all communications regarding a specific space need. This may be an SPC employee, agent or broker.

(j) Market Survey: A report generated by the Leasing Specialist to aid SPC in understanding the market for space in the desired area. The survey will generally identify availability, location, quality and cost of space in the survey area.

Purpose

To provide an administrative space selection process for multiyear lease agreements which ensures the location and selection of cost effective, modern, safe, production-oriented work environments to meet the current and future needs of the State and its agencies.

Procedure

1. The Agency must complete and transmit the SAF and SUQ to SM.
2. SM generates the SUP which must be approved by the Agency.
3. SM will seek existing State owned space that may fit the needs of the Agency.
4. If no State owned space is available, TM/LD will assign a Leasing Specialist to attempt to locate space.
5. Based on the SUP space need, the Agency requirements and the Georgia State Financing and Investment Commission (GSFIC) limitations on annual total contract value for multiyear lease, the Deputy Executive Director will determine if the need is best suited for an annual or multiyear agreement.
6. When the Deputy Executive Director determines a multiyear lease agreement will best meet the need of SPC and the Agency, the SPC Leasing Specialist will meet with the Agency meet to gather information for a request for proposals (RFP).
7. The Leasing Specialist will conduct a market survey to determine if the RFP needs to include build-to-suit options.
8. SPC will post a Public Notice (PN) including the RFP on SPC's website. The length of the desired term will depend on size of the space, tenant improvements required, Agency requirements, and GSFIC limits on overall contract value for multiyear leasing. PN directs all to the Leasing Specialist who will serve as the single point of contact for all communications.
9. The Leasing Specialist must document all communications.
10. When a Selection Committee (SC) is used to score and rank proposals:
    a. Each member of the SC will be required to sign a non-disclosure and no conflict of interest statement.
    b. If the apparent awardee as selected by the SC, cannot reach an agreement with SPC, SPC may terminate negotiations and enter into negotiations with the next highest ranked proposer or terminate the process entirely.
11. If approved in accordance with SPC by-laws, the lease will be executed by SPC. The Agency will be required to execute an intergovernmental agreement (IGA).

STATE PROPERTIES COMMISSION

47 Trinity Avenue, S.W., Suite G02 Atlanta, Georgia 30334

POLICY

TITLE: SPC 10 – Transaction Management: Protest Policy

ADOPTED: May 9, 2013

REVISED:

1. Definitions

(a) Executive Director: The Executive Director of SPC, or his or her designee.

(b) Interested Party: A person or entity that proposes to provide administrative space to SPC, or bids to acquire real property from SPC pursuant to a request for proposals or an invitation for bids.

(c) Contract: Any agreement whereby SPC agrees to rent or lease administrative space or sell real property to an Interested Party pursuant to a request for proposals or an invitation for bids.

(d) Board: The governing board of the State Properties Commission.

2. Purpose

The purpose of this Protest Policy and Procedure ("Policy") is to establish mandatory administrative procedures for the filing, administration, and adjudication of any protest, challenge or claim against any aspect of the State Properties Commission's ("SPC") competitive solicitation and selection process for administrative space, invitations to bid for the acquisition of real property, or contract award.

3. Policy Statement

(a) Applicability of Policy: This Policy shall apply to and govern all disputes, complaints and protests of any kind, whether at law or in equity, arising out of or relating to a solicitation for a Contract, and a decision to award a Contract.

(b) Filing of a Protest: Any Interested Party may protest a solicitation or the proposed award of a Contract to another Interested Party or SPC's decision to award a Contract to another Interested Party. The protest shall be in writing, shall be filed with the Executive Director at the SPC Office and shall include the following information:

(i) The name, address and telephone number of the protesting Interested Party;

(ii) The signature of the protesting Interested Party or its authorized representative;

(iii) Identification of the solicitation or contract number;

(iv) A statement of the legal and factual grounds surrounding the protest, including copies of all relevant supporting documentation; and

(v) The specific form of relief requested.

(c) Time for filing protest concerning a Contract.

(i) Protests concerning a solicitation:

- Protests based upon a solicitation that are apparent before the closing date for receipt of initial proposals or bids shall be filed no later than five (5) days before the closing date for receipt of initial proposals or bid opening. Protests based upon an amendment to any solicitation, or upon any additional information requested or accepted by SPC with respect to any solicitation or response thereto, that are apparent before the closing date for receipt of proposals or bids shall be filed no later than five (5) days before the closing date for receipt of such proposals or bids.
- If a protest is filed with the Executive Director before the award of a Contract, the award of such Contract or the posting of a notice of intent to award such contract may be made before a decision is rendered on the protest.

(ii) Protests concerning a decision to award a Contract:

- Any Interested Party may protest SPC's decision to award a Contract. The written protest shall be filed within seventy-two (72) hours after the announcement of either the Executive Director or Board's decision to award is posted or published, whichever occurs first.
- If the protest depends upon information contained in public records pertaining to the award, then the seventy-two (72) hour time limit for a protest begins to run after the records are made available to the Interested Party for inspection, so long as the Interested Party's request to inspect the records is made within seventy-two (72) hours after the award is posted or published, whichever occurs first.
- If a protest is filed with the Executive Director before the award of a Contract, the award of such Contract may be made before a decision is rendered on the protest.

In the event a protest is filed, the Executive Director shall immediately give notice of the protest to the Board and to the successful Interested Party, if an award has been made, or, if no award has been made, to all applicable Interested Parties.

(d) Confidential Information: SPC shall, upon written request, make available to any Interested Party, information submitted that bears on the substance of any protest except where said information is permitted or required to be withheld by law.

Material submitted by a protesting Interested Party shall not be withheld from any Interested Party except to the extent that the withholding of information is permitted or required by law. If the protesting Interested Party believes the protest contains material that should be withheld, a statement advising the Executive Director of this fact shall accompany the protest submission.

(e) Decision by the Executive Director: The Executive Director shall have the exclusive authority to decide all protests. The Executive Director shall issue a written decision within thirty (30) days after a protest has been filed and shall mail the decision to the protesting Interested Party by certified mail, return receipt requested. The time limit for decisions may be extended by the Executive Director for a reasonable time not to exceed thirty (30) days. The Executive Director shall notify the protesting Interested Party in writing that the time for the issuance of a decision has been extended and the date by which a decision will be issued.

(f) Exclusive Remedy: These rules and regulations shall provide the exclusive procedure for asserting a claim against SPC arising out of or relating to any competitive solicitation and selection process for a Contract conducted by SPC.

(g) Hearing Procedures: Any Interested Party or other party in interest that desires a hearing before the Executive Director regarding any protest, dispute or other claim or controversy brought pursuant to this Policy must make a written request for such a hearing within five (5) days from the date a protest is filed with SPC. All hearings conducted under this Policy shall be conducted by the Executive Director or by a hearing officer designated by the Executive Director. The hearing officer's actions, decisions and orders shall be deemed to be on behalf of the Executive Director and effective as though taken by the Executive Director. A hearing shall be held within thirty (30) days following receipt of any request for a hearing. A notice which sets forth the time, date and location of the hearing shall be mailed to the party or parties requesting such hearing at least seven (7) days before the date set for such hearing. In connection with the hearing, the Executive Director and the hearing officer may:

(i) conduct the hearing in an informal manner without formal rules of evidence or procedure;

(ii) hold pre-hearing conferences to:

- settle, simplify or identify the issues involved in the hearing;
- consider other matters that may aid in the expeditious disposition of the hearing;

(iii) require each complaining party to state, either orally or in writing, its position concerning the various issues involved in the hearing;

(iv) require each complaining party to produce for examination those relevant witnesses and documents under its control;

(v) rule on motions and other procedural items pending before him or her, including, without limitation, the methods, scope and extent of discovery available to the complaining party;

(vi) regulate the course of the hearing and conduct of the participants, including the imposition of reasonable time limits;

(vii) establish time limits for submission of motions or memoranda;

(viii) take official notice of any material fact not appearing in evidence in the record, if the fact is among the traditional matters of judicial notice;

(ix) administer oaths or affirmations; and

(x) issue subpoenas.

Any complaining party may request that the hearing be conducted before a court reporter. Such request must be in writing and include an agreement by the requesting party that it shall pay for, or that it shall procure at its own cost and on its own initiative, the court reporting services for such hearing. To be made part of the record, the original transcript of any such proceedings shall be submitted to the Executive Director or the hearing officer as soon as the transcript is available.

If the Executive Director conducts the hearing, he or she must render a decision in writing and send by certified mail, return receipt requested, or hand deliver the decision to the parties within thirty (30) days after the conclusion of such hearing, or within thirty (30) days after receiving an original transcript of the hearing, if applicable. If a hearing officer conducts the hearing, he or she must provide a recommendation ("Recommendation") to the Executive Director within thirty (30) days after the conclusion of the hearing, or within thirty (30) days after receiving an original transcript of the hearing, if applicable. If a Recommendation is received by the Executive Director, he or she must render a decision in writing and deliver or mail the decision to the parties within thirty (30) days after receiving the Recommendation from the hearing officer. The Executive Director may accept the Recommendation in whole or in part or may reject the Recommendation and enter his or her own decision.

The Executive Director's written decision shall be sent by certified mail, return receipt requested, or hand delivered to all complaining parties. Any applicable party is presumed to have received such decision from SPC no later than the third business day following the date such decision was mailed to the last known address of such party.

(h) Judicial review: A final decision of the Executive Director shall be subject to judicial review by any person or entity who was a party to the protest, and the action seeking review must be filed with the Superior Court of Fulton County and served on SPC within the time prescribed by Georgia law. The exhaustion of this Policy is a prerequisite to the commencement of an action seeking review.