

# PROCUREMENT MANUAL INDEX

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To: All Marion County Commission Personnel

Subject: Marion County Procurement Manual

On July 21, 2009, the Marion County Board of County Commissioners adopted an Ordinance which revises the Marion County Procurement Code 09-20.

The new Procurement Code modernizes the way Marion County does its purchasing by updating required procedures and limits to levels more consistent with the times. The Marion County sealed bid limit and Board approval limit is now \$25,000.00.

The new Procurement Code also provides for the development of a Procurement Manual, which describes the day-to-day routine provisions of the Marion County procurement process. This Manual is subject to annual review and update upon the approval of the County Administrator or designee.

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## **SECTION 1 FOREWARD**

The Marion County Procurement Code authorizes Marion County to procure goods and services of every description and nature necessary to the operation of County government. The Board of County Commissioners has delegated this authority through the County Administrator to the Procurement Services Department.

The mission of the Procurement Services Department is, therefore, to provide any and all goods and services of appropriate quality and quantity as may be required by the County government, in a timely manner, at the least overall cost to the taxpayers. To promote efficiency and effective coordination in the purchase of commodities and contractual services for the County. To provide uniform commodity and contractual service procurement policies, rules, procedures and forms for use by County Departments. The objectives of County procurement can be summarized as follows:

1. To purchase goods and services at the lowest total cost consistent with needs, using specifications that will attract wide competition, as appropriate.
2. To maintain required quality standards.
3. To promote standardization and simplification of specifications.
4. To minimize inventory accumulations and the attendant carrying costs.
5. To assure a continuing supply of materials.
6. To support the functions of the various departments and activities of the County.
7. To effect savings through such techniques as volume and cooperative purchasing, value analysis and lifecycle costing and the use of commercially available items whenever practical.
8. To administer the procurement process in an open, fair manner, and without conflict of interest, or other impropriety, or the appearance of impropriety.
9. To negotiate, track and administer contracts and agreements of the Marion County Board of County Commissioners and all departments under their purview.

Ordinance No. 09-20, commonly known as the Procurement Code, defines the purpose and intent of the Ordinance as:

1. To simplify and clarify the law governing the County of Marion's procurement system;
2. To ensure the fair, equitable and uniform treatment of all persons who deal with the procurement system of the County; and,
3. To foster effective, broad-based competition within the free enterprise system in procurement activities.

The Code established a Central Procurement System and ordained that all procurement for goods and services shall be effected through the Central Procurement System. Therefore, no purchase commitment, either verbal or written, shall be made by anyone other than the Director of Procurement Services, employees of the Procurement Services Department, the County Administrator, the Board of County Commissioners or others authorized by the Director of Procurement Services or the County Administrator.

One of the main objectives of a Central Procurement System is to achieve savings through the application of efficient management techniques. Under centralized procurement, responsibility rests with an authorized specialist, and is not incidental to other operating functions. A specialized effort devoted to coordinating the requirements of various departments and inviting widespread competition results in maximum value in the following ways:

1. Combined volume reduces prices.
2. Planned purchases reduce the number of small emergency orders.
3. Proper planning and coordination results in fewer requisitions, bid invitations, purchase orders and related paperwork.
4. Greater value is achieved through improved specifications.
5. Specifications for similar items used by more than one department may be standardized.

County Procurement Services is primarily a service activity for the operating departments, and is the act of acquiring at the best possible price, consistent with specified quality, the goods and services necessary for proper and efficient operations of County Government and for administration of county contracts and agreements. Although the Director of Procurement Services is charged with the responsibility of its proper operation, the procurement function, because of its complexity, requires the cooperation of many employees not directly involved in the purchasing activity.

Since it is essential that all who are involved in the procurement function be properly informed, this manual has been developed to aid all employees either directly or indirectly involved with procurement. It is intended to act as a guide to those concerned, outlining their duties and responsibilities, so that the County's reputation for fairness and integrity is maintained. The policies and procedures shown in this manual represent current County practices. All users of this manual are invited to present to the Director of Procurement Services, in writing, suggestions for revisions that will improve service to them or the taxpayers.

The division of procurement of commodities or contractual services so as to avoid requirements is not allowed and is contrary to Florida Statute 287.057 (10). This includes but is not limited to, splitting purchase orders, splitting procurement card transactions or any other method of purchasing an item or group of items or a service or group of services to avoid competitive solicitation or any other requirement of the Procurement Ordinance, Florida State Statute, the Procurement Policies and Procedures Manual or any other applicable law or policy.

The Procurement Services Department will review this manual on an annual basis to determine if revisions are needed. Revisions will be made at the direction of the County Administrator upon recommendation of the Director of Procurement Services.

## SECTION 2 PROCUREMENT METHODS

### PURPOSE

No procurement of goods or services of \$25,000.00 or more shall be made unless upon competitive sealed bids received in the manner hereinafter prescribed, except in at least one of the following circumstances:

### METHODS OF PROCUREMENT

1. When it is determined in accordance with procedures adopted by the County Administrator and set out in the Marion County Procurement Manual that the use of competitive sealed bidding is either not practical or not advantageous to the County, a contract may be entered into by any of the following:
  1. Competitive sealed proposals;
  2. Consultant's Competitive Negotiation Act (CCNA);
  3. Request for qualification;
  4. Request for proposal;
  5. Sole source procurement;
  6. Invitation to negotiate
  
2. **"Piggyback"**. Under the piggyback method of purchasing, a large purchaser of an item (or group of items) invites bids, enters into a contract, and arranges, as part of the contract, for other governmental units to purchase the item (or items) under the same terms and conditions. The vendor is given the option; at the time he submits his bid, of allowing or not allowing other governmental agencies to use the contract. A bidder's refusal to allow other governmental agencies to piggyback on a contract shall not result in disqualification.
  
3. **Cooperative Bid.** Two or more governmental agencies agree on specifications and contract terms and conditions for an item of common usage and combine their requirements for this item in a single invitation for bid.
  - a. The North Central Florida Chapter of the National Institute of Government Purchasing, comprised of various governmental agencies and school boards of surrounding counties, conducts joint bids for the participating governmental agencies.
  
  - b. Once bids have been received and discussed by participating agencies, each agency issues its own receiving and inspection, issues its own checks for payment and resolves its own disputes. All bids issued with the intent of cooperative purchasing shall include names of participating governmental agencies, delivery points and estimated usage.

4. The Procurement card as outlined in Section 10 of the Purchasing Manual.
5. Utilization of State Term Contracts, SPURS, SPA (formerly SNAPS) contracts. The utilization of various GSA (General Services Administration) contracts as allowed by the General Services Administration for local and state governmental purchasing.

## **SECTION 3 COMPETITIVE SEALED BIDS**

The Marion County Procurement Code provides that no procurement of goods or services in excess of \$25,000.00 shall be made without competitive sealed bids, except as stated in Marion County's Ordinance No. 03-21.

### **1. REQUESTING DEPARTMENT'S RESPONSIBILITY**

- a. Project Initiation Meeting as required by Administration.
- b. A fully executed Bid Proposal/Authorization Form is to be submitted to the Procurement Services Department.
- c. Submittal of all technical specifications, permit requirements, special conditions/requirements, plans, prints and/or drawings necessary to the project. Specifications may be submitted electronically to the Procurement Services Department on the standard County word processing software.
- d. The requesting department is to review the draft of the project bid package and return to the Procurement Services Department with corrections and/or changes.
- e. The requesting department is to provide a representative to attend a pre-bid information conference, bid opening, pre-award and a pre-commencement conference.
- f. The requesting department is to provide additional copies of plans, prints and/or drawings, as required by Procurement Services Department, for proper distribution to potential bidders.
- g. Failure to adhere to any of the above may result in an unnecessary delay of the bid process.

### **2. SPECIFICATIONS**

Specifications are to be submitted to the Procurement Services Department in an electronic format. Blueprints or drawings or specifications supplied by a contracted architect or engineer, may be submitted in hardcopy, but electronic copies are preferred.

- a. It will be the responsibility of the using department to provide copies of blueprints and non-reproducible specifications for distribution by the Procurement Services Department.

- b. The Procurement Services Department will distribute an Invitation to Bid notice to vendors who are included on the electronic notification system or have been requested to be notified by the user department or other staff. This notice is to indicate where specifications and bid packages may be obtained. This information shall also appear in the public notice published in accordance with the Procurement Ordinance.

### **3. PUBLIC NOTICE.**

The Procurement Services Department shall publish, in a newspaper of general circulation throughout the County, a notice inviting sealed competitive bids, at least once. There is to be an interval of at least five (5) calendar days between the date of the notice and the bid opening. The notice shall include the following, where applicable.

- a. Bid identification number.
- b. Name of item or service to be bid and description.
- c. Place where bid documents, including specifications, are available.
- e. Date, time and location at which bids will be received; date, time and place for pre-bid information conference, if required.
- f. Date, time and location where bids will be opened.

In addition to the public notice, the Procurement Services Department shall notify any vendors who have indicated an interest in furnishing these goods and/or services to the County; and are currently registered with the electronic notification system as a supplier of the specified goods and/or services; and who have not previously been denied the right to submit bids to the County.

### **4. PRE-BID CONFERENCE**

**PURPOSE:** This procedure sets forth a standardized method for conducting Procurement Services Department pre-bid conferences. These guidelines are to be followed whenever the Procurement Services Department schedules a pre-bid conference. The purpose of this procedure is to establish responsibilities and prescribe specific necessary action for the Procurement Services Department during a pre-bid conference.

**APPLICATION:** This procedure is applicable to any pre-bid conference.

## **RESPONSIBILITIES:**

1. Director of Procurement Services. The Director of Procurement Services or designee shall, along with the using department, determine if and when a pre-bid conference is necessary.

Notification of the pre-bid conference will be contained in the bid document or subsequent written addendum. The specific intent is to satisfy the bidders as to the exact nature of the County's requirements. The Director of Procurement Services or designee will conduct each pre-bid conference if called for in the invitation to bid. The Procurement Services Director or designee will conduct and record the minutes of the pre-bid conference.

2. User Department Representative. The user department representative will be present to respond to technical questions where applicable.

**PROCEDURE:** This procedure will set forth those steps to be followed during the pre-bid conference by the Procurement Services Director or designee:

1. Introducing him/herself.
2. Introduce all concerned County representatives; and,
3. Give a brief statement on the intent of the pre-bid conference, inform all attendees that the pre-bid conference will be recorded, and if it is a mandatory pre-bid.
4. Sign-in Form – The Director of Procurement Services or designee will provide a sign-in form and require each attendee to sign.
5. Invitation to Bid – The Director of Procurement Services /designee may introduce each document in the Invitation to Bid. Special attention shall be given to bid documents and specifications to insure that each bidder has the same interpretation of the documents.
6. Discussion – No question shall be answered unless the Director of Procurement Services or designee is satisfied that he/she has the correct answer and/ or until he/she has obtained the correct answer from knowledgeable sources (legal, engineers, user department, etc.). Private discussions relative to the bid between County employees and any bidder are prohibited. Any information shared with one bidder shall be shared with all bidders.

7. Review – The Director of Procurement Services /designee shall review the pre-bid conference information and approve, as applicable, an addendum prepared as a result of the conference, for immediate distribution to all attendees.
8. The Procurement Services Department shall retain the list of attendees, copy of the pre-bid conference minutes or electronic audio tape, and any resulting addendum for its files.

## **5. BID SUBMISSION AND OPENING**

Sealed bids are received and retained in the Procurement Services Department until the date and time specified for bid opening on the public notice. The date and time of receipt of the bid is marked with a time stamp on the sealed envelope or with a time stamped sheet which is attached to the bid envelope/package. All bids received after the specified time will not be considered for award and will be returned to the bidder unopened.

## **6. WITHDRAWAL OF BID**

After receipt by the Procurement Services Department, bids may be withdrawn by the bidder, up until the scheduled time for opening, upon presentation of proper identification. However, if a bidder wishes to withdraw a bid, but the bid cannot be picked up prior to bid opening time, then a formal written request for withdrawal must be made to the Procurement Services Department, who will file the request, along with the unopened, withdrawn bid, in the official bid file.

## **7. BID OPENINGS**

Bids are opened promptly, at the time designated in the public announcement by the Director of Procurement Services or designee. That person opens the bids in the presence of at least one (1) witness, reads aloud the name of the bidder, the amount of the bid, and any other pertinent pricing information contained in the bid.

Bidders and the public are encouraged to attend bid openings. Within a reasonable time following the bid opening, the bids shall be tabulated and the results presented to the department that requested the bid for their recommendation of award. When this recommendation is received by the Procurement Services Department, Procurement Services initiates an Agenda Item along with a recommendation by the user department and presents it to the County Administrator for Board consideration.

## **BID OPENING PROCEDURE**

**PURPOSE:** This procedure sets forth a standardized method for conducting Procurement Services Department Bid Openings. These guidelines are to be followed whenever the Procurement Services Department schedules a Bid Opening. The purpose of this procedure is to establish responsibilities and

prescribe specific necessary action for the Procurement Services Department during a bid opening.

**APPLICATION:** This procedure is applicable to the Procurement Services Representative.

**PROCEDURES:**

1. Call to Order:
  - A. Introduce yourself and County personnel.
  - B. Ask everyone present to sign the attendance sheet.
2. State the time and that bids will no longer be accepted.
3. Give the name of the bid and the bid number.
4. Proceed with bid opening by opening each bid and stating the submitting company names and prices as deemed appropriate by Procurement Services Representative.
5. Announce the anticipated date of award by the Board of County Commissioners.
6. Close meeting and thank attendees.
7. Tabulation sheets are posted, within twenty-four (24) hours after the bid opening. Copies of the tabulation sheet are available if requested.
8. Copies of the Bid Documents may be obtained by a written request to the Procurement Services Department once a recommendation of award has been received by the Procurement Services Department.

**8. AWARD OF BID**

The Procurement Services Department determines the lowest responsible and responsive bidder. The term “responsible and responsive bidder”, as defined in the Procurement Ordinance, means a bidder whose bid conforms in all material respects to the solicitation, who has the capability in all respects to perform the contract requirements, and who, by his integrity and reliability, gives reasonable assurance of good faith performance.

- a. In determining the lowest responsive and responsible bidder, the Procurement Services Department may, within reason, after the bid opening, request additional information of the bidder concerning his responsibility to perform, and the bidder may voluntarily provide additional or corrective information concerning his responsibility, which may be considered in making the bid award.

- b. If a low bid is received by a responsive responsible bidder with offices not located within Marion County, and the second low bidder is a local vendor submitting a

responsive responsible bid within 5% of the low bid, both the low bidder and the second low bidder will have the opportunity to present a best and final offer. The best and final offer will be submitted in a sealed envelope by a date a time set forth by the Procurement Services Department. The lowest responsive responsible bidder of the best and final offer will be recommended for award of the bid. Vendors shall affirm in writing their compliance as a local vendor at the time of submitting their bid or proposal to be eligible for consideration as a "local business" under this section. A vendor who misrepresents the Local Preference status of its firm in a proposal or bid submitted to the County will lose the privilege to claim local preference status for a period of up to one year. The Procurement Services Director, at their discretion, may also recommend that the firm be referred for debarment in accordance with the Procurement Code of Marion County.

- b. **BID EVALUATION CRITERIA**

Evaluation criteria may include, but is not limited to, the following:

1. Conformance to specifications and other documents of the bid package.
2. Total bid price.
3. Discounts.
4. Previous performance.
5. Delivery time of item or completion time of project.
6. Transportation costs.
7. Licenses/credentials necessary for delivery and/or completion of project.
8. Compliance with appropriate Federal, State and Local Laws,

- c. No bidder is permitted to correct a bid mistake after bid opening except that any bidder may correct errors in extensions of unit prices in the bids, or in multiplication, division, addition or subtraction. In such cases, the unit prices bid shall not be changed.

- d. A voluntary or negotiated reduction in price from a low bidder can be accepted after the bid opening.
- e. Bid award is made to the lowest responsive and responsible bidder through one of two procedures, after approved award has been made by the Board of County Commissioners:
  - 1. Formal contract, supported by a performance and payment bond (in accordance with the Procurement Ordinance, if required), is used when periodic payments are made for work performed on the contract prior to completion of all the work, as is generally the case with construction work. This protects the County against additional costs caused by abandonment of the work and claims by third parties for nonpayment.
  - 2. The Purchase Order will be the sole contract document, when applicable.
- f. When a formal contract is required for commodities or services exceeding \$25,000.00, the Procurement Services Department shall, by memorandum for inclusion on the Board of County Commissioners Agenda, report the findings of the bid tabulation and recommend that the Board of County Commissioners approve the award to the lowest responsive and responsible bidder and authorize the Chairman to execute the contract, provided the contract has been approved by Legal prior to execution. If the low bid is under \$25,000.00, the County Administrator may sign the contract without Board approval. The Purchase Order is issued only after all necessary items such as insurance, bonding; contract execution, etc. have been submitted by the successful bidder and approved as to form and content by both Legal and Procurement Services Department representatives and a Notice to Proceed (if applicable) has been issued.

## **9 PRE-CONSTRUCTION CONFERENCE**

A pre-construction/pre-commencement conference is to be held, if necessary, to finalize work scheduling or any items pertinent to performance and/or completion of the work/project.

## **10 NOTICE TO PROCEED**

After all necessary documents (insurance, recorded bonds, permits, etc.) have been received and a contract, if necessary, has been properly signed and received by the Procurement Services Department, the user department shall process a requisition for a purchase order. The Procurement Services Department shall issue a Notice to Proceed to the successful bidder, based on the start date that has been established between the vendor and the user department. The Purchase Order shall not be released until the Notice to Proceed has been issued.

## 11 FORMS

All forms to be used (i.e. request to bid forms, request to quote forms) are located in the Procurement Services section of the County intranet portal. These forms are updated periodically and should be used directly from the portal in order to submit the most recently updated form.

## 12. BID PROCESS

1. **Bidding Department** – Fill out and sign a Bid/Proposal Request Form, and send to Procurement Services. Bid numbers and/or dates will not be established until the fully executed authorization is received by Procurement Services. Exceptions may be allowed at the discretion of the Procurement Department.
2. **Bidding Department** - Give copy of specifications to Procurement Services – For applicable departments, dates are set for bid opening etc. before specifications are given to Procurement Services so they may be included in the specification book.
3. **Procurement Services** - Department specifications are incorporated into bid documents. Completed bid document sent to bidding department for approval.
4. **Bidding Department/ Procurement Services** - Dates are set for pre-bid and bid opening.
5. **Procurement Services** - Legal Advertisement faxed to local newspaper three (3) days prior to publication.
6. **Procurement Services** - Bid/Proposal information entered into online vendor database website.
7. **Procurement Services** - Bid Distribution period (Mail-out bid documents as per vendor request)
8. **Bidding Department/ Procurement Services** - Pre-bid (if applicable) - After pre-bid any addenda are sent out to vendors
9. **Bidding Department/ Procurement Services** - Bid Opening
10. **Bidding Department** - Review of Bid by department concurrent with Procurement Services review.
11. **Bidding Department** - Letter of recommendation to Purchasing as to which bidding vendor is recommended for award.

12. **Procurement Services** - Recommendation of award of bid goes before BCC.  
(Agenda Items)
13. **Bidding Department** - After approval of bid by BCC, requisition is issued by the originating department and sent through for approval with information included as to date of approval by BCC and name and number of bid.
14. **Finance** - Finance approval of Requisition.
15. **Assistant County Administrator/Bureau Chief** – Assistant County Administrator or Bureau Chief approval of Requisition.
16. **Procurement Services** - Procurement Services approval of Requisition.
17. **Administration** Approval of Purchase Order if over \$5,000.00
18. **Procurement Services** - While Requisition is going through the abovementioned approval process, Procurement Services will write and process contract documents.
  - a. Contracts and bonds (if applicable) filled out and sent to vendor for signature.
  - b. After vendor signs and notarizes contracts he/she then records bonds at the Clerk's Office.
  - c. Vendor returns signed contracts and evidence of recorded bonds to Procurement Services
  - d. Contracts are sent to Legal for approval.
  - e. Legal forwards contracts to Clerk's office for Commission Chairman's signature.
  - f. Contracts returned to Procurement Services - copies made and sent to vendor, originating department and Procurement Services bid folder.
19. **Procurement Services** - When signed contracts are returned from the Clerk's office and the Purchase Order has been completed, the Notice to Proceed is issued. Purchase Order will not be released until Notice to Proceed has been issued.

## SECTION 4 COMPETITIVE SEALED PROPOSALS

**PURPOSE:** The Procurement Code provides that Competitive Sealed Proposals may be used when the Director of Procurement Services or designee determines that the use of Competitive Sealed Bidding is not practical, not legal, or not advantageous to the County. Competitive Sealed Proposals are used when only a performance specification or limited scope specification is available, and offers the advantages of using vendor expertise to define the final specifications, and differs from Competitive Sealed Bids only in the type of specifications, and method of evaluation.

### **POLICIES AND PROCEDURES:**

1. Determination By Director of Procurement Services. Since Competitive Sealed Bidding is the preferred procurement method, authorization to solicit sealed proposals must be given by the Director of Procurement Services.
2. Request for Proposals. The Department requesting that Competitive Sealed Proposals be submitted shall present the request to the Director of Procurement Services on the Proposal Authorization Form and such other information concerning the proposal that may be pertinent and required by the Procurement Services Department.
3. Scope of Services. Along with the request for solicitation of proposals, the Department shall submit specifications. The scope of services shall include the evaluation criteria to be used to select the best proposal and shall state the relative importance of other evaluation criteria. Whenever practical, scope of services shall be submitted on letter size paper or in County standard electronic format; the Procurement Services Department will review scope of services and reproduce sufficient sets for transmittal to interested proposers.
4. Selection Committee. The department shall submit the names of the proposed selection committee members which will be sent by Procurement Services to the County Administrator for final approval. A Selection Committee shall not have a predominant amount of staff from one department. A supervisor and subordinate may not serve on a Selection Committee together.
5. Public Notice. Public notice shall be given in accordance with “Competitive Sealed Bids” of this Manual.
6. Proposal Submission and Opening. Proposals shall be received and opened in accordance as soon as practicable after the due date and time and distributed to the selection committee for review and scoring.

7. Discussion With Responsible Offerors and Revisions to Proposals.  
Discussions may be conducted by the Selection Committee and facilitated by the Procurement Services Department, in order to be assured that all proposers reasonably susceptible to being selected for award have a full understanding of the requirements and for clarifications of responsiveness to the solicitation requirements. All proposers shall be afforded fair and equal treatment with respect to the opportunity for discussions and revisions to proposals. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted or discussion held with competitors.
8. Award. Award shall be made to the responsible, responsive offeror whose proposal is determined to be most advantageous to the County.

**Request for Proposals/Request for Qualifications Process:**

1. **Department** - Fill out and sign a Bid/Proposal Request Form, give to Procurement Services.
2. **Department** - Give copy of specifications, evaluation criteria, and selection committee names to Procurement Services.
3. **Procurement Services** - Department specifications are incorporated into proposal documents. Completed proposal document sent to department for approval.
4. **Department/ Procurement Services** - Dates are set for pre-proposal and proposal due date
5. **Procurement Services** - Legal Advertisement faxed to local newspaper three (3) days before publication.
6. **Procurement Services** - Proposal information entered into electronic website.
7. **Procurement Services** - Proposal Distribution period
8. **Department/ Procurement Services** - Pre-proposal (if applicable) - After pre-proposal, any addenda are sent out to vendors
9. **Department/ Procurement Services** - Proposals are due on pre-determined date.
10. **Procurement Services Department** - Open proposals and create score sheet based on evaluation criteria. Set a date for selection committee to meet and do a memo to each selection committee member. Distribute the proposal, score sheet and memo to each selection committee member.
11. **Procurement Services Department** - Create a Notice stating when and where the selection committee will meet and post on public bulletin board.

12. **Procurement Services** - Selection Committee meets and scores each submitting vendor. They will also decide whether or not to short-list the vendors for presentations. Procurement Services tabulates and ranks vendors.
13. **Procurement Services Department** - If presentations are to be given by the short-listed vendors, set up dates and times for each vendor to give their presentations and notify the vendors and the selection committee of the schedule.
14. **Procurement Services Department** - Create score sheet for presentations, and distribute to Selection Committee.
15. **Procurement Services** - Scoring for the presentations is completed and a recommendation is made to the BCC (agenda item) as to negotiations with the high ranked vendor as based on presentation criteria.
16. **Procurement Services** – Schedule a meeting for negotiations, if necessary and submit the results back to the BCC for approval of pricing.
17. **Department** - Once approved the department can send a requisition through.
18. **Procurement Services** - While Requisition is going through the abovementioned approval process, Procurement Services will process contract documents.
19. **Procurement Services** -Contracts filled out and sent to vendor for signature.
20. **Vendor** - After vendor signs and notarizes contracts he then records bonds( if applicable) at the Clerk’s Office.
21. **Vendor** - Vendor returns signed contracts and evidence of recorded bonds to Procurement Services
22. **Procurement Services** -Contracts are sent to Legal for approval.
23. **Legal** - Legal forwards contracts to Clerk’s office for Commissioner signature.
24. **Procurement Services** -Contracts returned to Procurement Services - copies made and sent to vendor, originating department and Procurement Services bid folder.
25. **Procurement Services** - When signed contracts are returned from the Clerk’s office, the Notice to Proceed is issued (if applicable).
26. **Procurement Services** - Purchase Order is sent to vendor.

## **SECTION 5**

# **ACQUISITION OF PROFESSIONAL SERVICES UNDER CONSULTANTS' COMPETITIVE NEGOTIATION ACT**

### **PURPOSE:**

These procedures are established to ensure Marion County is in compliance with Section 287.055, Florida Statutes, the "Consultants' Competitive Negotiation Act" ("CCNA"). In addition, these Policies and Procedures are designed to establish guidelines for the use by County staff in making recommendations to the Board of County Commissioners (BCC) for engaging architects, landscape architects, professional engineers and registered surveyors and mappers for professional services required for County projects. The following is a summary:

1. Establishes procedures by which professional services of architects, professional engineers, landscape architects, and registered surveyors and mappers are to be acquired for jobs with the County. Provides that professional firms should be chosen on quality of personnel, past performance, and ability to meet time requirements.
2. Requires the County to announce in a uniform manner each occasion when professional services are required for a project where the basic construction cost is estimated to be more than the threshold amount for CATEGORY FIVE (\$250,000) of Section 287.017, Florida Statutes, or for a planning or study activity when the fee for professional services exceeds the threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY TWO (\$25,000).
3. Provides for competitive negotiations with no fewer than three (3) firms most qualified for the job and provides that the firm receiving the award of contract execute a truth-in-negotiation certificate for contracts with a fee in excess of the threshold amount for CATEGORY FOUR (\$150,000.) of Section 287.017, Florida Statutes.
4. Provides for alternate procedures in case of valid public emergencies.
5. Prohibits the payment of contingent fees for such professional services and sets criminal penalties for violations. Provides special rules for design-build contracts.

6. Definitions:

a. *Professional Services* – those services within the scope of practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of the State of Florida, or those performed by any architect, professional engineer, landscape architect, or registered surveyor and mappers in connection with his or her professional employment or practice.

b. *Compensation* – the total amount paid by the County for professional services.

c. *User Department* – the department of Marion County government which initiates the project and/or uses the final product of the professional services work.

d. *Project* – the Work, activity, or task(s) described in the public notice.

e. *Continuing Contract* - a contract for professional services entered into in accordance with all the procedures of this act between an agency and a firm whereby the firm provides professional services to the agency for projects in which construction costs do not exceed \$1 million, for study activity when the fee for such professional service does not exceed \$50,000, or for work of a specified nature as outlined in the contract required by the agency, with no time limitation except that the contract must provide a termination clause. Firms providing professional services under continuing contracts shall not be required to bid against one another.

f. *Design-build firm* – a legal entity which is either state certified to contract through a general contractor or building contractor, or state certified to practice engineering, architecture, or landscape architecture.

g. *Design-build contract* – a single contract with a design-build firm for the design and construction of a public construction project.

h. *Design criteria package* – concise, performance-oriented drawings or specifications of the public construction project, in compliance with all federal, state and local laws, ordinances or codes, including such criteria as site legal description, site survey information, interior space requirements, material quality standards, schematic layouts and project conceptual design criteria, cost or budget estimates, design and construction standards, site development requirements, provisions for utilities, storm water retention and disposal and parking requirements.

- i. *Design criteria professional* – a firm which holds a current certificate of registration under Chapter 481, Florida Statutes, to practice architecture or landscape architecture or a firm which holds a current certificate as a registered engineer under Chapter 471, Florida Statutes, to practice engineering and who is employed by or under contract to the County for the providing of professional architect, landscape architect, or engineering services in connection with the preparation of a design criteria package.

## **POLICIES AND PROCEDURES:**

1. Public Announcement and Qualification Procedures. The Procurement Services Department shall publicly advertise and solicit proposals from those consultants in a uniform manner on each occasion when professional services are required to be purchased for a project. The public notice shall include a general description of the project and shall indicate how, and the time within which, interested consultants may apply for consideration.
2. Performance Evaluation of Consultant After Contract is Completed.
  - a. During and/or at the end of a specific contract, the County Procurement Services Department and any other departments involved in the contract shall evaluate the ongoing and past performances of firms providing professional services to the County.
  - b. Criteria used in the evaluation process at the end of a specific contract should include, but need not be limited to, design quality, ability to meet budget and schedule, constructability of the design, and such other factors as may be determined to be applicable.
  - c. Results of this consultant evaluation process will be used in future competitive selections of consultants for subsequent work.
  - d. Consultants have the right to inspect their evaluation and request clarification.
3. Professional Services Committee (Selection Committee). The Professional Services Committee, which shall be ad hoc for each project, shall be comprised members approved by the County Administrator or designee.
  - a. The Director of Procurement Services or designee shall serve as staff to the Committee without any voting privileges or powers to evaluate any proposer.
  - b. A selection committee shall not have a predominant amount of staff from one department. A supervisor and subordinate may not serve on a selection committee together.

4. Competitive Selection

a. Recommendation for Selection. All meetings of the Professional Services Committee shall be open to the public. For each proposed project, the Professional Services Committee may conduct discussions with and may require public presentations by no less than three (3) firms, regarding their qualifications, approach to the project, and ability to furnish the required services. Prior to each selection process the Professional Services Committee shall (on a project-by-project basis) determine the allotted time for the presentation, the mode and manner of presentation and any other matter relating to the presentation. The Professional Services Committee may restrict the nature of the submittals to control the costs of preparation including, but not limited to such matters as the size and number of pages, the use of color photographs or copies of photographs, use of computer enhancements, visual or imaging reproductions and any other expensive technology.

b. Any questions regarding a project or a submittal shall be directed to the designated person in the Procurement Services Department for a response. There shall not be any contact between a proposer and any member of the selection or negotiating committee or any member of the Board of County Commissioners regarding the project or proposal submitted by any proposer. Should any member of the selection or negotiating committee initiate contact or fail to report any contact, such committee member may be subject to disciplinary action up to and including dismissal. Any proposer contacting any committee member or member of the Board of County Commissioners regarding a submitted proposal, is subject to sanctions up to and including having the County disqualify that firm's submittal as per Procurement Ordinance 03-21

c. It is within the discretion of the Professional Services Committee to determine whether to require presentations from the proposers or merely to review the proposals without presentations. Regardless of the method of review selected, following due consideration the Professional Services Committee shall rank the firms deemed to be the most highly qualified to perform the required services. Recommendation for selection of the firms shall be based on, but not limited to, the following criteria.

The criteria is as follows:

- (1). Approach to the project and ability to furnish the required services.
- (2). Ability of professional personnel.
- (3). Willingness to meet time and budget requirements.
- (4). The number of personnel that will be utilized for the project and man-hour loadings for the project, if applicable.

- (5). Past performance as consultant for Marion County on other projects.
- (6). Location insofar as it affects the ability of proposers to monitor a project, if needed, and other logistical considerations inherent in monitoring or supervising a project from a distant site where this has a substantial effect on the ability of a proposer to perform.
- (7). Recent, current and projected workloads of the firm.
- (8). Volume of work done by the consultant for Marion County within the past year. (Past year is defined as the twelve (12) months preceding the end of the month immediately prior to the consultant's submittal date). Since the intent of the CCNA is to effectuate an equitable distribution of work among qualified firms, it is contemplated that in an otherwise equal situation, work would be given to a firm who has not done or has done little work for Marion County in the previous year.

Additional criteria may be added by the County Administrator or designee for each project as warranted or required. The object is to effect an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firm.

5. Competitive Selection Exception. The competitive selection procedures defined herein shall not necessarily be applicable for professional services not required to be procured under the CCNA, except as otherwise stated herein. Professional Services contracts for a project of which the basic construction cost is estimated by the County to be not in excess of the threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY FIVE or for a planning or study activity when the fee for professional services is not in excess of the threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY TWO are not required to be awarded under the provision of the CCNA.
6. Continuing Contracts Permitted. Nothing in these Policies and Procedures shall be construed to prohibit a continuing contract between a firm and the County which are in compliance with the CCNA and with Ordinance 03-21.
7. Consideration of Costs or Compensation. Any costs or compensation to any firm may be considered only during competitive negotiations. Such negotiations shall not occur until after the most qualified firms have been selected by the Professional Services Committee and the ranking approved by the Board.

8. Committee Recommendation to the Board. The Professional Services Committee shall select and rank no fewer than three (3) firms as the most highly qualified to perform the required services. The Professional Services Committee shall forward its recommendation of the firms in ranked order to the Procurement Services Department .
  
9. Competitive Contract Negotiations. The negotiation committee as mentioned herein shall attempt to negotiate a contract with the most qualified firm. Should the negotiation committee be unable to negotiate a satisfactory contract with the firm considered to be the most qualified at a price the County determines to be fair, competitive and reasonable, negotiations with the firm shall be formally terminated by the negotiation committee. The negotiation committee shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the negotiation committee shall terminate negotiations. The negotiation committee shall then undertake negotiations with the third most qualified firm. Should the negotiation committee be unable to negotiate a satisfactory contract with any of the selected firms, the Professional Services Committee shall select and advertise for additional firms and rank them in the order of their competence and qualifications, and negotiations will continue in accordance with these Policies and Procedures until an agreement is reached.
  - a. After an agreement is reached, the Procurement Services Department shall prepare an agenda item recommending that the Board approve the agreement. If the Board approves the agreement, the agreement will be executed by all parties.
  
  - b. If the Board rejects the agreement, the Board shall not divulge what price is acceptable to it but may direct the negotiating committee to renegotiate with the firm. If a new agreement is reached, it shall be presented to the Board for approval. If the Board approves the agreement, a contract shall be provided and executed by all parties. If an agreement is not reached after the second round of negotiations with the firm, again, without the Board divulging an acceptable price, the Board shall instruct the negotiating committee to begin negotiation with the second ranked firm following these procedures until a contract is executed or if an agreement cannot be reached to negotiate with the third ranked firm.
  
10. Contract Negotiation. For projects identified and certified as valid public emergencies by the County Administrator (subject to approval or ratification of the BCC), the Procurement Services Department using its best efforts and judgment shall select the

three (3) most qualified firms unless the urgency of the situation require that one firm be engaged immediately, from the list maintained by the County Procurement Services Department or obtained by other means. The Procurement Services Department shall then select and negotiate with the most qualified firms considering the nature and extent of the emergency. At the earliest, practical time the Procurement Services Department shall present to the Board an agenda item ratifying the selection of the firm selected during the emergency. The agenda item shall sufficiently apprise the Board of the nature of the emergency and the reason why the normal selection procedure could not be followed.

11. Truth-in-Negotiations. For any lump-sum or cost-plus-a-fixed-fee professional service contract over the threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY FOUR (\$60,000), the BCC shall require the firm receiving the award to execute a truth-in-negotiation certificate stating that wage rates and other factual unit costs supporting the compensation are accurate, complete and current at the time of contracting. Any professional service under which such a certificate is required shall contain a provision that the original contract price and any additions thereto shall be adjusted to exclude any significant sums by which the BCC determines the contract price was increased due to inaccurate, incomplete or non-current wage rates and other factual unit costs. All such contract adjustments shall be made within one (1) year following the end of the contract.
12. Prohibition Against Contingent Fees. The County Administrator shall be responsible for assuring that all contracts for professional services contain the required “prohibition against contingent fees” as contained in Section 287.055(6), Florida Statutes, of the CCNA.
13. Design-Build Contracts. Except as provided herein, these Policies and Procedures are not applicable to the procurement of design-build contracts, which shall be awarded in accordance with the procurement laws, rules and ordinances of Marion County. The following rules shall apply to the award of design-build contracts.
  - a. If the County Administrator determines that a design-build contract is the appropriate method of procurement for any construction project, a design criteria package for the design and construction of the project shall be prepared and sealed by a design criteria professional either employed or retained by the County.
  - b. A design criteria professional who has been selected to prepare the design criteria package shall not be eligible to render

services under a design-build contract executed pursuant to the design criteria package.

c. The County Administrator or their designee, shall establish criteria, procedures, and standards for the evaluation of design-build contract proposals or bids, based on price, and technical and design aspects of the construction project, weighted for the project.

d. For each public construction project involving the award of a design-build contract, the County Administrator or their designee, shall recommend to the BCC no fewer than three (3) design-build firms as the most qualified, based on the qualifications, availability, and past work of the firms, including the partners and members thereof. The County shall then solicit competitive proposals pursuant to the prepared design criteria package from those design-build firms which have been determined to be the most qualified for the public construction project under consideration.

e. The County Administrator or their designee, shall evaluate the proposals or bids in consultation with the staff or retained criteria professional and the Professional Services Committee for that project. The County Administrator shall recommend to the BCC a design-build contract. The award of the design-build contract shall be based upon the evaluation criteria established by the County for the public construction project under consideration. The design-build contract shall provide for the County's supervision or approval of the detailed working drawings of the project, and for the design criteria professional's evaluation of the compliance of project construction with the design criteria package.

f. In the case of valid public emergency, the County Administrator may declare an emergency, suspend the procedures specified herein, and authorize negotiations of a design-build contract with the best qualified design-build firm available at that time.

## **SECTION 6**

### **ACQUISITION OF PROFESSIONAL SERVICES NOT WITHIN THE SCOPE OF CCNA**

**PURPOSE:**

Many professional services such as accountants, physicians, attorneys, etc. do not come under the jurisdiction of the CCNA. Other services are exempt from CCNA requirements because they are under the threshold statutory requirements. For these non-CCNA professional services, CCNA procedures will generally be followed. However, the County Administrator or designee, for any non-CCNA required professional service to ensure that the County is obtaining the most qualified firm at terms in the best interests of the County, may use any of the following selection methods:

1. Competitive bidding,
2. Competitive negotiation,
3. Request for qualification,
4. Request for proposal,
5. Request for information,
6. Any other method allowed or permitted by law ensuring the County selects the most qualified firm at the lowest cost.

The Board must approve any contract entered into with any firm providing professional services selected by any of the aforementioned means.

**EXCEPTIONS:**

Due to the highly specialized nature of selecting outside counsel to represent the County and the selection of expert witnesses and consultants to either testify or assist in litigation, these services will be selected by the County Attorney who will not be required to follow these procedures. Nevertheless, in selecting outside counsel and other litigation experts, the County Attorney should be mindful of the costs involved and should strive to select those firms and individuals who are the most qualified and who can provide the services to the County at the lowest cost.

## **SECTION 7 CONTRACTS**

### **PURPOSE**

Contract administration has been established to coordinate the management of delivery of goods and services, the relationship with contractors, which include, consultants, suppliers, developers, and government agencies, and the management of the risks associated with the performance of the contract and future changes in contract requirements. To ensure that there are good communication channels at all levels in both organizations – between the County and contractor; between contract administration and the contractor’s managers; and between the users of the service and the contractor’s operational staff. Contract administration is the process that ensures both parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and in particular to provide value for money.

### **OBJECTIVES**

- a. Ensure that the performance of the contractor and the quality of the services provided are as specified in the contract.
- b. Confirm that the benefits from the contract are being achieved and in particular, that value for money is being obtained.
- c. Identify requirements for changes to the contract in response to the changing demands of the market and the end user; plan and manage the introduction of those changes.
- d. Anticipate problems and resolve issues arising from the operation of the contract.

### **CONTRACT ADMINISTRATION FUNCTIONS**

- a. Responsible for properly executing the activities relating to contract administration to include: providing assistance in the development and standardization of contracts and independently monitoring and maintaining all County contracts. Works closely with the County Attorney to assure sufficiency of all County contracts.
- b. Coordinates, maintains and reviews all County contracts. Evaluates and reviews contracts on a continuing basis to ensure financial and functional requirements are met. Monitors progress of contractors for conformity and legal restraints through review of written reports, site visits and personal contact.
- c. Administration of contracts, assuring legal or other requirements are met prior to authorization of payment. Confers with contractors, professional consultants (architects and engineers), staff, and department directors as necessary to ensure that the contract requirements are being adhered to.

- d. Facilitates in the negotiation of contracts and agreements through direct interaction with potential contractors/consultants. In most cases being the sole representative for the county.
- e. Participates in project initiation meetings.
- f. Develops and revises standard County contract formats, terms and conditions as required by revisions to state and federal law ensuring that the County's is protected.
- g. Develops standard lease formats.
- h. Negotiates lease rates and administers leases.
- i. Acts as the County's Liaison by mediating disputes between the County and Contractor/Consultants. Recommends settlement of Contractor claims and proposals in contract termination actions.
- j. Examines and evaluates contract price proposals and financial reports to determine reasonable pricing and other contractual requirements.
- k. Develops and manages end of contract reports from Contractors and Departments.
- l. Assures proper signatures are obtained on all binding legal documents.

## **DISPUTE RESOLUTION**

Procedures for dispute resolution cover the roles and responsibilities of the individuals within the County who will be tasked with resolving any problems as they arise. Procedures for escalation to Administration and the County Attorney will be clearly laid out with the rationale for the trigger points requiring reporting upwards. Normally, most problems should be resolved before they become major issues by the Procurement Services and departments communicating regularly to raise any issues promptly as they occur.

### **Dispute Resolution Procedures**

- a. Project Manager/End User must document any issues with the contractor as they arise. Documentation and/or correspondence of contract issues should be copied to the Department Head, Bureau Chief/Assistant County Administrator, Administration and Procurement Services.
- b. If issues cannot be resolved at the Department Level, a meeting between the Project Manager/End User and Procurement Services must take place to determine the next best course of action. Contractor must be notified in writing by Procurement Services, of the dispute and given a time period to resolve the conflict. Contractor notification of the dispute must be copied to the Project Manager/End User, Department Head, Bureau Chief/Assistant County Administrator, Legal, and Administration.

- c. If a written notification of a dispute has been sent to the Contractor and the dispute has not been resolved within the specified time period, a meeting may be called to determine the next course of action. The meeting will be set up by Procurement Services and notification of the meeting will be sent to the Contractor, Project Manager/End User, the Department Head, the Assistant County Administrator/Bureau Chief, Legal, and Administration. The initial meeting may be internal only or may involve the Contractor, depending on the type and the severity of the dispute.
- d. The meeting will be documented and a letter from Procurement Services will be sent to the Contractor outlining the items discussed in the meeting and the course of action agreed upon. The letter will be copied to the Project Manager/End User, Department Head, Bureau Chief/Assistant County Administrator, Legal, and Administration.
- e. If, after following all of the above procedures, the dispute cannot be resolved, there must be an internal meeting to discuss the next course of action. The meeting should include, Project Manager/End User, Department Head, Bureau Chief/Assistant County Administrator, Legal and Administration. This meeting will be documented by the Procurement Services. A determination of contract termination recommendation may be made at this meeting. Contract termination may also involve liquidated damages, and bond issues which must be resolved prior to a contract termination recommendation being brought to the Board.
- f. If all avenues of dispute resolution have been exhausted and a decision to recommend a termination of contract has been made. An agenda item must be prepared outlining the actions taken and the justification for termination. This agenda item will be presented to the Board of County Commissioners for final action. A letter must be sent by Procurement Services to notify the Contractor of the recommended action and the date of the Board meeting. This letter must be copied to the Project Manager/End User, Department Head, Bureau Chief/Assistant County Administrator, Legal, and Administration.

The abovementioned procedures are not meant to disallow any additional meetings, correspondence, or other means necessary to attempt to resolve a contract dispute.

## **5. CONTRACT REVIEW AND CLOSEOUT**

Contract performance will be reviewed comprehensively at intervals appropriate to the goods or services provided. These reviews are essential for detecting potential problems at an early stage and may include:

- a. current issues and potential problems;
- b. impending events that could affect the service;
- c. requests for changes from End Users and/or Contractors;

- d. achievement of objectives and reasons for variance, where applicable;
- e. quality of service;
- f. the effectiveness of relationships between contractors, end users and contract management;
- g. initiative of contractor to the need for change;
- h. levels of End User satisfaction;
- i. levels of contractor satisfaction;
- j. the extent to which value for money is being achieved;
- k. opportunities to reduce costs, improve service or procedures.

## **SECTION 8**

### **SMALL PROCUREMENTS**

**(Purchases of less than \$25,000)**

**PURPOSE:**

Although Competitive Sealed Bidding is the procedure universally preferred in governmental procurement, consideration of the time and cost involved dictates that a less formal procedure be used for small purchases. The Procurement Code provides that procurements not exceeding \$24,999.99 may be made in the open market without formal bid, and further provides that these procurements, when practicable, shall utilize competitive oral or written requests for quotes.

**PROCEDURES:**

The following are the guidelines to be used for formal and informal quoting:

- a. \$1,000.00 or below--Purchase through purchase order or procurement card as per procurement card guidelines and procedures manual.
- b. \$1,000.01 to \$2,500.00--Department shall request two (2) or more phone quotes from vendors utilizing the Local Small Business Program directory in notifying vendors of quote opportunities. With written documentation as to vendor name and price quoted, receive approval of department director or county administrator authorized designee by purchase order or procurement card.
- c. \$2,500.01 to \$5000.00--Department shall request three (3) or more written quotes and receive approval of department director or county administrator authorized designee by purchase order or procurement card. Departments shall utilize the Local Small Business directory in notifying vendors of all quote opportunities.
- d. \$5,000.01 to \$24,999.99--Department shall request, in writing, that the procurement services department solicit written quotes from vendors using county vendor files and the Local Small Business Program files. Department shall issue a requisition and receive approval from department head and assistant county administrator or bureau chief or their county administrator authorized designee.
- e. All purchase orders five thousand dollars (\$5,000.00) and over shall be approved by department director, assistant county administrator or bureau chief.
- f. All purchase orders twenty-five thousand dollars (\$25,000.00) and over shall be approved by the department director, bureau chief, or their assistant county administrator authorized designee, and the board of county commissioners at a regularly scheduled meeting under the procurement services department agenda.

If the Procurement Services Department or any Department foresees a need for products or services of a like or similar nature, costing more than \$25,000.00 in aggregate within a fiscal year, it may recommend Competitive Sealed Bidding, even though the products and

services individually may be under the \$25,000.00 bid threshold. Vehicle repair and maintenance work, road repair and maintenance work, those commodities which cannot be managed by Competitive Sealed Bidding and subject to daily/weekly market price fluctuations, are exempt from this requirement.

Departments with County-wide responsibility for commodities or services may combine requirements for like or similar commodities expected to be needed in the foreseeable future (usually a fiscal year) and arrange for Competitive Sealed Bidding.

When previous experience indicates a reasonable expectation that combined requirements from all Departments for a commodity or service will exceed the bid threshold within a fiscal year, the Procurement Services Department may solicit requirements from all users of this commodity or service, cause specifications and bid documents to be developed and arrange for Competitive Sealed Bidding.

In order to reduce the number of small procurements required, along with the consequent paperwork generated, Open Purchase Orders specifying not exceeding and not to exceed amounts, shall be used whenever practical.

Emergency procurements are exempt from the provisions of this procedure. An explanation of the reasons for the declaration of an emergency shall be documented in the quote file maintained by the Procurement Services Department. This provision shall be used only if there is imminent danger to the health or welfare of the citizens of the County, or threat of deterioration of a critical service as approved by the County Administrator or their designee.

Several categories of purchases are impractical to make using the procedures outlined in this manual. Such categories include purchases from the Federal Surplus Property Utilization Program, and purchases from PRIDE and RESPECT. State and Federal operating procedures are normally followed in such procurements.

Where only one source exists for a required commodity or service, it shall be approved as a sole source by the Board of County Commissioners and documented by the Procurement Services Department in the quote file.

On occasion good business judgment may dictate deviations from the procedures outlined in this Section. In this instance, the reason(s) for the deviation shall be approved by the Procurement Services Director (or his/her designee) and shall be documented in the quote file. Such deviations shall not violate any requirement of the Procurement Code.

## **INVOICE APPROVAL/REQUEST FOR PAYMENT**

- a. All invoices with a request for payment must be approved by the Department Head, Bureau Chief/Assistant County Administrator and Procurement Services prior to sending to Finance for approval. The only acceptable invoice without a corresponding purchase order, will be for emergency purchases, purchases made by

procurement card, membership or subscription fees, utility payments and any other purchase not requiring a purchase order.

- c. All invoices being paid from an open purchase order that are \$5,000.00 or over, must be approved by the Department Head or the County Administrator approved designee, and the Bureau Chief/Assistant County Administrator, prior to sending to Finance for payment.
- d. All invoices paid by the Procurement card that are \$5,000.00 and over for a single purchase, must have prior written approval of the Bureau Chief/Assistant County Administrator. Purchase of capital items using the Procurement card must follow the procedures as outlined in Section 10 of the Procurement Manual.

## **SECTION 9 CHANGE ORDERS**

**Purpose:** A written order amending a purchase order to correct errors, omissions, or discrepancies in it, to cover acceptable cost over-runs and freight costs, to incorporate requirements to expand or reduce the scope of goods or services ordered, or to direct other changes in the contract execution to meet unforeseen field, emergency, climatic, regulatory, or market conditions.

**Description:** A written change order is required when a project has changes to the scope of work, exceeds the number of days for substantial completion or has a change in contract price. Any change orders to purchase orders where the purchase order does not contain any contingency amount, must be submitted in writing to the Procurement Services Department on a County change order form.

If direct purchasing is being utilized in connection to a construction project, a deduct change order to the contractor in the amount of the direct purchase, shall be made through a written change order.

If the project is unable to proceed without the approval of a change order, the County Administrator has the authority to approve the change order and bring it before the Board at the next regularly scheduled meeting with documented explanation of the condition.

All purchase orders (excluding open purchase orders) which are equal to or greater than \$25,000.00 must have Board approval. If a change order causes a purchase order to equal or exceed \$25,000.00, it must have Board approval except in cases where the Board has approved hourly rates on an ongoing contract.

### **Procedure:**

#### **Written Change Orders:**

1. Any change orders to purchase orders where the purchase order does not contain any contingency amount, must be submitted in writing to the Procurement Services Department on a County change order form.
2. Using the form located on the Procurement Services intranet portal, fill out the necessary and applicable fields.
3. The Department Director and Project Manager will sign the form and send to Finance for signature.
4. Finance will then forward the change order to the appropriate Bureau Chief/Assistant County Administrator for signature.
5. The Bureau Chief /Assistant County Administrator will then forward the change order to Administration for signature, when it is applicable for Administration to sign.

6. Procurement Services will then sign and process the change order.
7. If the change order does not exceed the contingency amount or does not change the scope of work or contract amount, Procurement Services will sign the change order and distribute a copy to the vendor, the department and Finance.
8. If the change order exceeds the contract amount or exceeds any contingency allowed for by Ordinance, or contains an addition to the scope of work, the Procurement Services Department will sign the change order and prepare an agenda item for the next available Board meeting.
9. Once the change order is fully executed by the Chairman of the Board of County Commissioners and attested to by the Clerk of the Court, (if applicable), Procurement Services will distribute the fully executed change order to the vendor, the department, Finance and Administration (if applicable).

## **SECTION 10 PROCUREMENT CARDS**

### 1. INTRODUCTION

The Marion County Board of County Commissioners has approved the PROCUREMENT CARD as the County's alternate method of payment, as preferred by the Procurement Services Department. The Marion County PROCUREMENT CARD program is designed to improve efficiency in processing low dollar purchases from any vendor that accepts a Visa procurement card.

This program will allow the cardholder to purchase approved commodities and services directly from vendors. Each PROCUREMENT CARD is issued to a named individual and Marion County is clearly shown on the card as the Governmental buyer of goods and services.

The Marion County Board of County Commissioners, Procurement Services Department, Clerk of the Courts and Finance Department will monitor the performance of the program.

### 2. PURPOSE

- A. To establish policies and procedures pertaining to acquisitions in support of local purchase requirements using the State of Florida's PROCUREMENT CARD Program. The purpose of these policies and procedures is to accomplish the following:
  - 1. To provide an efficient method of purchasing and paying for goods and services.
  - 2. To ensure PROCUREMENT CARD purchases are in accordance with the County's Procurement Code, policies and procedures.
  - 3. To ensure that the County bears no legal liability from inappropriate use of PROCUREMENT CARDS.
  - 4. To provide for disciplinary action if the PROCUREMENT CARD is misused.
- B. The policies and procedures provided herein are minimum standards for Departments. Departments may establish additional controls if necessary with approval of County Administration.

3. RESPONSIBILITIES

- A. The Procurement Services Director shall:
1. Assume overall responsibility for administering the PROCUREMENT CARD program.
  2. Establish purchase procedures.
  3. Inform Directors when situations arise involving improper use of the PROCUREMENT CARD.
  4. Revoke the delegation of purchasing authority and the Procurement card as required.
  5. Ensure coordination with the Finance Department.
- B. The Bureau Chief/Assistant County Administrator will:
1. Approve all single purchases \$5,000.00 and over. Department must receive prior approval from Bureau Chief/Assistant County Administrator in writing for purchases \$5,000.00 and over.
  2. Approve all Department Director purchases.
- C. The Procurement card Program Coordinator (PCPC) as designated by the County Administrator will be the Procurement Services Director.
- D. The Department Director will:
1. Designate departmental representatives.
  2. Establish internal control and billing statement review and approval procedures.
  3. Approve the monthly billing statement for payment.
  4. Approve the consolidated invoice for payment in a timely manner.
  5. Request PROCUREMENT CARDS for appropriate personnel within department.
  6. Administrate policy involving the improper use of the PROCUREMENT CARD by department personnel.

- E. A designated departmental representative will:
1. Comply with the procedures set forth in these PROCUREMENT CARD guidelines.
  2. Review the billing statement for payment.
  3. Reconcile purchases on the electronic system.
  4. Provide the Procurement card Monthly and weekly Purchase Report on unit memorandum letterhead to the Finance Department.
  5. Serve as liaison with the Procurement Services Department.
  6. Monitor all disputed purchases, credits or billing errors. Disputes or errors which cannot be resolved will be referred to the PCPC.

4. POLICIES AND PROCEDURES

A. Assignments and Control of the PROCUREMENT CARD.

1. Requests for and issuance of PROCUREMENT CARDS
  - a. All requests for PROCUREMENT CARDS must be made by the Department Director and Bureau Chief/Assistant County Administrator when applicable.
  - b. PROCUREMENT CARDS will be issued to individual employees who frequently purchase goods for their department.
2. The PROCUREMENT CARD will have the employee's name, the County name and tax exempt number, and the expiration date embossed on the face of the card.
3. All requests for new cardholders or for changes to current cardholders must be made by submitting a request form to the PCPC, or designee.
4. When the PCPC receives a PROCUREMENT CARD from the issuing institution, the cardholder will be required to personally take receipt of the card and sign a certification and receipt form. The cardholder will be given a copy of the PROCUREMENT CARD Policies and Procedures guide and an oral review of the program. In the signing of

the Cardholder Agreement Form, the Cardholder acknowledges he/she has read and understands the policies and procedures.

5. The PCPC will notify the requesting department and the Finance Department upon the issuance of all PROCUREMENT CARDS.

B. TRAINING

All Bureau Chiefs/Assistant County Administrators, Departmental Directors, Department Representatives, and Card Holders are required to complete a mandatory training course that covers policy and administration procedures for the PROCUREMENT CARD use, the reporting and payment process, small purchase procedures, procurement integrity, PROCUREMENT CARD security and Cardholder Agreement Form. To schedule this training, contact the Procurement Services Department. NO ACCOUNTS MAY BE ESTABLISHED UNTIL BOTH THE CARDHOLDER AND APPROVING OFFICIAL COMPLETE THE REQUIRED TRAINING.

5. PROCUREMENT CARD SECURITY

A. Safeguarding the PROCUREMENT CARD

It is the cardholder's responsibility to safeguard the PROCUREMENT CARD and the account number at all times. The cardholder must take reasonable precautions to protect the card and the account number from loss or theft. The Department Director shall designate individuals to use the PROCUREMENT CARD. A violation of this trust will require the card to be taken from the cardholder with the possibility of subsequent disciplinary action.

B. Lost or Stolen Cards

1. Report lost or stolen cards to: 1-800-836-8562.
2. **Reporting lost card to the issuing institution: If a card is lost or stolen, the cardholder should immediately notify the issuing institution at the appropriate number and address and the Department Director.**
3. Reporting Lost Cards to the Departmental Representative and the Department Director shall also be notified of a lost or stolen card immediately after discovering the card missing.

4. Reporting to PROCUREMENT CARD Program coordinator (PCPC): The approving official will submit a written report to the PCPC within two (2) working days. The report shall include:
  - a. Cardholder's name
  - b. The PROCUREMENT CARD number
  - c. The Department Director's complete name.
  - d. The date and location of loss.
  - e. Date and time the issuing institution was notified.
  - f. Any purchases made on the day the card was lost/stolen.
  - g. Any other pertinent information.

5. Issuance of Replacement Card:

After investigations as to reasons for loss of card, Department Director will decide if new card should be requested for the same individuals and if so, request same, with backup information, to Procurement Services Director.

If the decision is made to replace the card, the issuing institution will mail a new card within five (5) business days of the request for replacement. If the original card is found after it has been replaced, the Department Director should cut the original card in half and give it to the PCPC.

C. Termination or Transfer of Cardholder

1. When an employee ends his or her employment, changes job status, is transferred to another department, or misuses or untimely approves transactions, the Department Director must collect the PROCUREMENT CARD, upon Cardholder termination of employment, or earlier if appropriate. The department must then send the card along with the cancellation notice form to the PCPC for cancellation and proper disposal.

2. If the department is unable to collect the PROCUREMENT CARD when an employee is terminated, or for any other reason, the Department Director must immediately notify the PCPC. The PCPC will ensure that the card is canceled.

D. Authorized Use of the Card

1. Cardholder Use Only: The PROCUREMENT CARD may be used only by the employee whose name is embossed on the PROCUREMENT CARD. NO OTHER PERSON IS AUTHORIZED TO USE THE CARD. Use of the card will be limited as to commodities and services that can be purchased and to vendors that accept VISA cards. Under certain circumstances, the codes can be revised to allow an optional purchase.
2. County Purchases Only: The PROCUREMENT CARD is to be used for authorized County purchases only. The PROCUREMENT CARD may be used only within the limitations of the threshold amount as approved by the Department's Director. Cardholders are expected to follow appropriate state laws and guidelines as well as use reasonable judgment when making purchases.
3. Misuse of Card: THE PURCHASING CARD CANNOT BE USED FOR ANY PERSONAL USE; ANY SUCH MISUSE WILL REQUIRE IMMEDIATE REIMBURSEMENT AND COULD RESULT IN A DISCIPLINARY ACTION UP TO AND INCLUDING DISMISSAL. DISCIPLINARY ACTION WILL BE UP TO THE PROCUREMENT SERVICES DIRECTOR AND THE DEPARTMENT DIRECTOR. THE FOLLOWING GUIDELINES WILL BE UTILIZED:
  - A. First Offense - written warning by Procurement Services Director and Department Director. Copy in PROCUREMENT CARD file maintained at Procurement Services.
  - B. Second Offense - Suspension of PROCUREMENT CARD for 6 months by Procurement Services Director and Department Director. Copy in PURCASHING CARD file maintained at Procurement Services.
  - C. Third Offense - Suspension of PROCUREMENT CARD program completely, by Procurement Services Director. Copy in PROCUREMENT CARD file

maintained at Procurement Services and copy sent to Human Resources.

D. Additional disciplinary action, other than suspension from the PROCUREMENT CARD PROGRAM, will be up to the individual Department Head and the Human Resource Director, based on the seriousness of the offense.

4. Correcting Misuse of Card: Upon realizing a cardholder misused their card, they are to immediately get a credit from the vendor, notify department representative of circumstances. The Procurement Services Department must also be notified by the next business day. If the cardholder is unable to obtain a credit, they must send a check to the Finance Department for the full amount of the unallowable purchase along with an explanation of what occurred and what steps were taken to try and obtain a credit. The Procurement Services Department must also be sent a copy of this report. Do NOT wait until the end of the month to notify the Department Representative, Finance and the Procurement Services Department.

The Marion County Board of County Commission Procurement Policies applies when using the PROCUREMENT CARD as when using other methods. Violations of Procurement Policies may result in disciplinary action.

5. Single Purchase: The total cost of any transaction must not exceed the established single purchase limit. A single purchase may be comprised of multiple items purchased in one transaction. All items purchased to meet a single requirement must be purchased in one transaction. A SINGLE PURCHASE SHALL NOT BE SPLIT INTO TWO OR MORE TRANSACTIONS TO STAY WITHIN THE SINGLE PURCHASE LIMIT.
6. Capital Purchases: Departments may order capital purchases with a PROCUREMENT CARD only with prior approval from the Procurement Services Department and notification to the Finance Department or by utilizing a project card.
7. Availability of Items: All items/services purchased with the PROCUREMENT CARD over the counter must be available immediately. The Department Director or designee must inform the merchant that the transaction may not be charged to the PROCUREMENT CARD account until the items are rendered or services are shipped.

- a. Over the Counter Purchases: All items/services purchased over the counter must be obtained by the cardholder at the time of the purchase. Items/services that are not available at the time of purchase may not be included in the purchase for later pickup.
- b. Telephone Orders: All items ordered by telephone with the PROCUREMENT CARD must be available to be delivered in a single delivery. If part of an order is not completely available, do not order from that vendor until there is 100% of the order stocked.  
  
The Department Director or designee must instruct the merchant to charge the PROCUREMENT CARD account at the time of shipment, so that the items are received before the charge appears on the statement of account. When making a telephone order the merchant must include a sales slip with the order. Telephone orders shall not be placed without this assurance.
- c. Purchases exempt from sales tax: All purchases made by telephone or over the counter are tax exempt. The department Director or Designee must inform the vendor that the purchases are for official County purposes and are not subject to state or local sales tax.
- d. Any single purchase exceeding or equal to \$5,000.00 must have Bureau Chief approval.

E. Prohibited Purchases

Unless otherwise permitted by the County Administrator or PCPC under general circumstances, the PROCUREMENT CARD shall not be used for the following:

- 4. CASH ADVANCES: NOT PERMITTED UNDER ANY CIRCUMSTANCES.
- 5. Purchase of consultant or personal services
- 6. Any other items currently under a master contract or prohibited from purchase by county policies.
- 7. Meals

8. Alcoholic beverages, tobacco products.
9. Entertainment expenses.
10. Capital expenditures, UNLESS USING THE CAPITAL PURCHASING CARD AS DEFINED IN SECTION D.5.
11. Purchase of computer equipment or software without the prior expressed, written approval of Information Systems

## 6. PROCEDURES FOR MAKING AND PAYING FOR PURCHASES

The electronic online system must be used to reconcile procurement card purchases which appear on the monthly Statement of Account.

### A. Documentation for Over-the-Counter Purchases

1. When an over-the-counter purchase is made, the cardholder must obtain the customer's copy of the charge slip and an invoice or receipt specifically describing each item purchased.
2. The charge slip will be retained by the cardholder until forwarded to the department representative or Department Director.

### B. Telephone/Fax/Internet Orders

When placing a telephone order, the cardholder must confirm that the vendor will charge the PROCUREMENT CARD when shipment is made so that receipt of the commodities may be certified on the monthly Statement of Account. The customer copy of the charge slip must be mailed or picked up by the cardholder. Internet orders must be documented by printing and signing the order confirmation screen.

### C. Missing Documentation

If for some reason the cardholder does not have documentation of the transaction to send with the statement, the cardholder must attach a description of the purchase. Continued incidents of missing documentation may result in the cancellation of the employee's PROCUREMENT CARD by the Procurement Services Director.

### D. Payment and Invoice Procedures

1. Distribution of Billing Statements
  - a. The Billing Statement will be sent to each individual department by Suntrust Bank.

- b. The Billing Statement will list all transactions processed during the previous thirty (30) days.
  - c. If no purchases were made on the PROCUREMENT CARD during the billing cycle, a Statement will not be generated unless adjustments for previously billed transactions have been processed during that cycle.
2. Cardholder Responsibility:
- a. Stamp the date received on the statement immediately, reconcile the statement to the activity log and note any errors.
  - b. Attach card charge slips/receipts, and activity log for all items listed on the statement.
  - c. Identify items listed on invoice.
  - d. Cardholder should reconcile transactions as they are received. Any discrepancies found should be resolved with the merchant. If a resolution cannot be reached with the merchant, the transaction should be disputed through Suntrust Bank; Procurement Services will need a copy of ALL disputes.
3. Departmental Representative Responsibility:
- a. Review all charges for appropriateness (items purchased amount and vendor) and proper authorization and ensure all charges are proved by attached receipts and signed documentation. Ensure purchases were necessary and for official use.
  - b. Summarize monthly charges by account code on the face of statement or on a designated label to be attached to the statement.
  - c. If any purchase(s) are questioned as to appropriateness, report items to the Department Director before forwarding to the Finance Department.
  - d. Approve by legibly signing all statements and forward the statements with supporting documentation to the Finance Division within Five (5) working days after receipt to ensure prompt reconciliation.
  - e. Each Department will reconcile PROCUREMENT CARD reports against merchant receipts no less than monthly.

Any suspicious or abnormal card usage found during the reconciliation process should be reported to the PCPC.

4. Department Director Responsibility
  - a. When purchases are questioned, the Department Director or designee will be responsible for resolving the issue with the cardholder. If the Department Director or designee cannot be satisfied that the purchase was necessary and for official use, the cardholder must either provide a credit voucher proving the item(s) were returned for credit or a personal check for the full amount of the purchase. Checks must be sent to the Finance Department and a copy to the Procurement Services Department with an explanation and account number.
  - b. Misuse of the PROCUREMENT CARD may result in the revocation of the card. Employees incorrectly using their PROCUREMENT CARD will be disciplined by the Department Director and/or the Procurement Services Director in accordance with the County policies and procedures. In addition the employee may be personally liable to the County for the amount of any non-approved purchases and may be subject to legal action by the County. Also, see Section D.3.
  - c. The Department Director or designee shall review and approve the monthly statement. In instances when none of the above is available, the Deputy County Administrator or the County Administrator may review and approve purchases so payment deadlines can be met.
5. The Finance Department Responsibility
  - a. Assure that the consolidated statement received is reconciled against the individual cardholder statements forwarded from the Departments and ensure that the PROCUREMENT CARD charges are paid timely upon receipt from the Departments.
  - b. Notify the Department Directors and PCPC when individual statements are not received in the allotted time. Continued failure to meet the five (5) work day deadline may result in revocation of the PROCUREMENT CARD(S) at the discretion of the Director of Procurement Services.

F. Disputed Charges

1. If the statement contains an error, or an item or transaction for merchandise that has not yet been received, the cardholder must first attempt to resolve the problem with the merchant by requesting a credit. Cardholder should not ask Suntrust Bank for a credit until vendor has refused to issue a credit. At that time, the appropriate dispute form should be filled out, sent to Suntrust Bank and a copy sent to the Procurement Services Department.
2. If items purchased with the procurement card are defective, the cardholder must return the item(s) to the vendor within (10) working days for replacement or credit. If the service paid for with the PROCUREMENT CARD is faulty, the vendor must be notified and asked to correct the situation or provide a credit. If the vendor refuses to replace or correct the faulty item or service, the purchase will be considered in dispute. Any action taken under this provision shall be documented in writing to Suntrust Bank and a copy of the dispute sent to the Procurement Services Department and to the Finance Department.
3. A disputed item must be explained with a note on the cardholder's Statement of Account before the statement is forwarded to the Finance Department for payment.
4. Disputes should be handled within 90 days or in most cases, the dispute will be outdated and Suntrust Bank can not dispute with the vendor. Therefore, it is essential that the time frames and documentation requirements established by the PROCUREMENT CARD issuer to be followed to protect the cardholder's right to dispute.

7. EMERGENCY CARDS

A high limit emergency PROCUREMENT CARD will be kept by the Procurement Services Department in cases of natural disasters or unforeseen circumstances. Under Emergency Management Procedures, necessary purchases will be made for any and all emergencies. Individual PROCUREMENT CARD limits will be increased on an as needed basis until the emergency is over.

8. MERCHANT SIGN-UP

It is important to the success of the PROCUREMENT CARD Program that merchants interested in doing business with Marion County via the PROCUREMENT CARD receive assistance in doing so. If merchants currently

accept VISA credit cards they are already equipped to accept Marion County's PROCUREMENT CARD. A merchant who is not currently accepting VISA credit cards should contact: Suntrust Bank merchant service provider.

9. PURCHASE DENIED AT POINT OF SALE ("SWIPE") MACHINE

A. On occasion a Cardholder may attempt to purchase items from a merchant and the purchase may be denied. In most cases, the information regarding the reason for denial will be available the next day after the purchase is attempted. Some of the most common reasons for denial are:

1. The cardholder has attempted to make a purchase from a merchant whose Merchant Category Code (MCC) is not authorized under the Agency or Cardholder's profile. Suntrust Bank monitors PROCUREMENT CARD usage. Attempts to purchase goods/services from blocked merchants are reported to the PCPC.
2. The purchase from the merchant may be greater than the Cardholder's single transaction limit. The purchase from the merchant may place the Cardholder over the authorized daily, monthly or cycle limit.

10. RECORD KEEPING

Itemized Merchant Sales (charge) receipts (i.e., purchase documentation that identifies items purchased and amount paid for each item) any other back-up material is kept and filed with the reconciliation documents. Other documentation may include shipping documents and bills of lading. All documents and records must be maintained in accordance with appropriate Florida laws.

11. TAXES

- A. Purchases made in Florida and for use in Florida are exempt from Florida Sales and Use taxes. The County's tax exempt identification number is printed on the face of the PROCUREMENT CARD and should be sufficient information for the merchant to honor the tax-exempt status of the PROCUREMENT CARD.
- B. Purchases made in other states are generally subject to that state's sales tax. Examples include supplies purchased either while traveling or for use in that state.
- C. As with all County purchases, the Cardholder must be diligent when dealing with the merchant regarding taxes. The Cardholder will be unable to dispute taxes charged since the PROCUREMENT CARD Issuing Institution cannot process a charge back to the merchant for taxes. The Cardholder may be responsible for securing a credit or payment of taxes if required.

## **SECTION 11**

### **EMERGENCY PROCUREMENTS**

**PURPOSE:** The Procurement Code provides that the Board of County Commissioners may, where they find it is in the best interests of the County, declare an emergency procurement condition and may suspend any and all provisions of the code and authorize an emergency procurement. In administering this provision, the following shall apply:

#### **PROCEDURES.**

1. An emergency procurement shall be made with as much competition as is practicable under the circumstances.
2. A request for declaration of an emergency condition shall be made in writing for inclusion on a Commission meeting agenda and shall include the basis of the request, approximate cost, the basis upon which a particular contractor is selected, and any other information which is pertinent and which will aid the Board in arriving at a decision.
3. Full documentation of the events leading to the declaration of an emergency shall be filed in the Procurement Services Department bid file.
4. In the event that the Board of County Commissioners declares a *state of local emergency*, the procurement of goods and services will be processed via a disaster purchase order or by use of the County Procurement card.
5. The Marion County Procurement Services Department shall follow the procedures as outlined in the Division of Emergency Management guide under the Emergency Support Function number seven.

## **SECTION 12**

### **DISASTER PURCHASE ORDERS**

**PURPOSE:** The Procurement Services Department will maintain Disaster Purchase Orders and an emergency procurement card to be used in the event of a State of Local Emergency, which would be declared by the Marion County Board of County Commissioners and/or their designee.

Disaster Purchase Orders will be numbered by Procurement Services Director or designee, and issued to the departments for the purpose of procuring goods and services after a State of Local Emergency has been declared by the Board of Marion County Commissioners or their designee.

The Disaster Purchase Orders are to be issued to the vendor at the time of the purchase to serve as an official document authorizing the vendor to sell their goods or services to Marion County Government and also to give Marion County's Requesting Department, Marion County Procurement Services Department and the Clerk of Court's Finance Department their official document.

**PROCEDURES.** The Procurement Services Department will number the regular Purchase Orders to read as follows: D-00001, with the "D" for Disaster. The Disaster Purchase Orders will be in the same format as regular purchase orders that are being used for day to day purchases. Procurement cards will be used as per Section 9 of the Marion County Procurement Services Manual.

1. A log will be kept by the Procurement Services Department showing the total number of Disaster purchase orders issued during the emergency.
2. The Department Director and/or their designee must sign for the Disaster Requisition/Purchase Orders and it is highly recommended that either he/she should have control over these forms or assign a designated employee in his/her department.
3. The Department Director should issue Disaster Purchase Orders to their designated employees out in the field at the various locations that are under their authority and supervision. Each Disaster Requisition/Purchase Order must be accounted for at all times by the Department Director that has signed for and received them. These Disaster Requisition Purchase Order's will be valid for ongoing fiscal years unless the procedure or the format is changed.
4. In the event the Disaster Purchase Orders must be used, the following procedure should be followed:
  - a. The Department Director's designated employee having proper authorization would either procure the goods and/or services himself by telephone or in person. In the event of a major disaster the telephone service would probably be out of services throughout the County. Authorization may be given to a County employee by the Department Director's designated employee to pick up the materials.
  - b. The employee designated to pick up the materials should make sure that he/she completed all required information on the Disaster

Requisition/Purchase Order. Upon pick-up or delivery, the white (top copy) of the Disaster Purchase Order will be given to the vendor's representative. The employee shall immediately return the remaining completed copies (yellow, pink and goldenrod) to the Department Director's designated employee.

- c. The Department Director's designated employee shall verify that all required information has been completed, signed off on the form and immediately forward it to his/her Department's administrative office.
- d. Upon receipt of the completed Disaster Purchase Order, the Department Director or designee shall review the completed form, and a requisition must be issued to the Procurement Services Department by the requesting Department.
- e. Procurement Services Department's copy and Finance's copy should be forwarded to Procurement Services. Procurement Services will review the requisition and match it with the Disaster Purchase Order. Upon review by the Procurement Services Department, if all guidelines have been followed and proper authorization received, approve payment to be processed to the vendor.
- f. Any Emergency Purchases other than those declared to be a "State of Local Emergency" by the Board of County Commissioners shall be processed in accordance with the Marion County Procurement Manual.

## **SECTION 13**

### **SOLE SOURCE PURCHASE**

**PURPOSE:** The Procurement Code provides that a contract may be awarded without competitive bids when the Director of Procurement Services determines in writing that there is only one source.

**PROCEDURES:** In administering this provision, the following shall apply:

1. Specifications shall not be designed for the sole purpose of the declaration of sole source.
2. When certain characteristics are specified which define the goods or services as sole source, justification for these characteristics shall be made, in writing, to the Director of Procurement Services, by the user department.
3. The Director of Procurement Services shall take all reasonable steps necessary to insure that specifications are developed to permit competition.
4. The Director of Procurement Services shall conduct and document an investigation sufficient to be convinced that there is only one source for the goods or services required.
5. A Sole Source Procurement may be declared by the Board of County Commissioners upon recommendation by the Director of Procurement Services.
6. Records: A record of sole source procurements shall be maintained as a public record and shall list each contractor's name, the amount and type of each contract, a listing of the item(s) procured under each contract, and the number of each purchase order.
7. Bid Limit: Should the procurement exceed the established bid limit, the Procurement Services Department shall solicit approval of the Board of County Commissioners to purchase as a sole source.

## **SECTION 14 SPECIFICATIONS**

**PURPOSE:** Specifications may be defined as any description of the physical or functional characteristics or of the nature of a supply, service or construction item. Specifications may include a description of any requirement for inspecting, testing, or preparing a supply, service, or construction item for delivery.

### **REQUIREMENTS.**

1. **Maximum Practicable Competition:** All specifications shall be drafted so as to promote overall economy for the purposes intended and encourage competition satisfying the County's needs, and shall not be unduly restrictive. This requirement applies to all specifications included, but not limited to, those prepared for the County by architects, engineers, designers, and draftsmen.
2. **Products List:** A qualified products list may be developed by the Procurement Services Department when testing or examination of the supplies or construction items prior to issuance of the solicitation is desirable or necessary in order to best satisfy the County's requirements.
  - a. **Comments:** Prior to final approval of the proposed specifications for a qualified products list item, the Procurement Services Department shall provide the using department, and a reasonable number of manufacturers or suppliers as the Director of Procurement Services deems appropriate, an opportunity to comment on the draft of the proposed specifications.
  - b. **Solicitation:** When developing a qualified products list, a representative group of potential suppliers shall be solicited in writing to submit products for testing and examination to determine acceptability for inclusion on a qualified products list. Any potential supplier; even though not solicited, may offer its products for consideration.
  - c. **Testing:** Inclusion on a qualified products list shall be based on results of tests or examinations conducted in accordance with prior published requirements.
3. **Final Approval, Revisions & Cancellations:** The final approval of, revisions to, and cancellation of qualified products lists shall be made only upon approval of the Director of Procurement Services or their designee.
4. **Brand Name or Equal:** Brand name or equal specifications may be used when the Director of Procurement Services or designee determines that:
  - a. No other design or performance specification or qualified products list is available.
  - b. Time does not permit the preparation of another form of purchase description, not including a brand name specification;

- c. The nature of the product or the County's requirements makes use of a brand name or equal specification suitable for the procurement;
  - d. Use of a brand name or equal specification is in the County's best interest.
- 5. Brand Name or Equal Specifications shall seek to designate three, or as many different brands as are practicable, as "or equal" references and shall further state that substantially equivalent products to those designated will be considered for award.
- D. Sole Source Procurement: A contract may be awarded without competition when the Director of Procurement Services determines in writing, after conducting a good faith review of available resources, that there is only one available source for the required supply, service or construction item and recommends to the Board of County Commissioners that a sole source exists. The Board has the final approval of sole source. The Procurement Services Department shall conduct negotiations, as appropriate, as to price, delivery and terms.

## **SECTION 15**

# **PURCHASE ORDER PROCEDURES AND RECORDS**

**PROCUREMENT RECORDS:** The following records shall be maintained by the Procurement Services Department.

1. Purchase Order: Purchase Orders shall be distributed as follows:
  - a. Original/Vendor Copy
  - b. Blue/ Procurement Services Numerical File
  - c. Pink/Finance
  - d. Goldenrod/Department
  
2. Bid File: All sealed bids, proposals and qualifications within the prior three (3) years, received shall be maintained in a file located in the Procurement Services Department. All other files as mandated by Record Retention Requirements, shall be stored in a designated storage area.

### **PROCEDURES:**

**Step 1:** Department electronically issues a Requisition and forwards through designated hierarchy.

**Step 2:** When received by Procurement Services, staff reviews, evaluates and processes requisition into a purchase order according to the appropriate guidelines.

**Step 3:** Procurement Services distributes copies of the Purchase Order as indicated above

**Step 4:** When goods or services are received, goldenrod is sent to Finance by department.

## SECTION 16

### LEGAL ASPECTS OF PROCUREMENT

**PURPOSE:** The purpose of this section is to educate users of the procurement system and staff involved in any procurement process of the possible consequences of law that pertain to the procurement function. Below is an excerpt from Florida Statute 838.22.

- 1) It is unlawful for a public servant, with corrupt intent to influence or attempt to influence the competitive bidding process undertaken by any state, county, municipal, or special district agency, or any other public entity, for the procurement of commodities or services, to:
  - (a) Disclose material information concerning a bid or other aspects of the competitive bidding process when such information is not publicly disclosed.
  - (b) Alter or amend a submitted bid, documents or other materials supporting a submitted bid, or bid results for the purpose of intentionally providing a competitive advantage to any person who submits a bid.
- (2) It is unlawful for a public servant, with corrupt intent to obtain a benefit for any person or to cause unlawful harm to another, to circumvent a competitive bidding process required by law or rule by using a sole-source contract for commodities or services.
- (3) It is unlawful for any person to knowingly agree, conspire, combine, or confederate, directly or indirectly, with a public servant to violate subsection (1) or subsection (2).
- (4) It is unlawful for any person to knowingly enter into a contract for commodities or services which was secured by a public servant acting in violation of subsection (1) or subsection (2).
- (5) Any person who violates this section commits a felony of the second degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

## **SECTION 17**

### **ETHICS**

**PURPOSE:** Purchasing professionals must have a highly developed sense of professional ethics to protect their own and their institution's reputation for fair dealing. To strengthen ethical awareness, and to provide guidelines for staff, Procurement Services promotes the following code of ethics:

1. Give first consideration to the objectives and policies of Marion County Board of County Commissioners, while striving to obtain the maximum value for each dollar of expenditures.
2. Shall not engage in unscrupulous practices and misrepresentations; recognizing that mutually profitable business relations are based upon honesty and fair dealings.
3. Shall be courteous, considerate, prompt, and businesslike with those whom we deal including employers, employees, vendors, and the general public.
4. Grant all competitive suppliers equal consideration insofar as state, federal and Marion County Board of County Commissioners policy permits.
5. Do not allow political considerations or other conflicting outside influences to enter the relationships with vendors or with employees.
6. Will not accept gifts, gratuities, samples or other things of value for personal use from vendors.
7. Shall strive to continually increase competition in vendor selection and shall endeavor to prevent any collusive activities among vendors.
8. Make every reasonable effort to negotiate an equitable and mutually agreeable settlement of any controversy with a supplier; and/or be willing to submit any major controversies to arbitration or other third party review insofar as the established policies of our agency permits.

## **SECTION 18 CONCLUSION**

Government entities funded by public money, requires rigid and complicated procedures, resulting in complex systems. In order to ensure that the public funds are well spent, and to aid in maintaining the credibility of the public entity, these systems and procedures must be documented and audited periodically. The procurement system is subject to public scrutiny and is accountable to external as well as internal reviews.

This manual documents the systems and procedures used by Marion County managers and employees in the procurement of goods and services; they are invited to address suggestions for improvements to the manual, or any part of the system, to the Director of Purchasing. This will ensure that Marion County will maintain an efficient procurement system, responsive to the needs of all the users of the system.

Ord. No. 09-20, § 1, adopted July 21, 2009, repealed the former Art. VII, §§ 2-231—2-252, and enacted a new Art. VII as set out herein. The former Art. VII pertained to the procurement code and derived from Ord. No. 03-21, §§ 1—22, 10-21-2003; Ord. No. 04-23, § 1, 11-2-2004.

**Cross reference—Financial affairs, § 2-16 et seq.**

[Sec. 2-232. - Purpose.](#)  
[Sec. 2-233. - Definitions.](#)  
[Sec. 2-234. - Applicability.](#)  
[Sec. 2-235. - Exemptions.](#)  
[Sec. 2-236. - Central procurement system.](#)  
[Sec. 2-237. - Procurement of goods or services.](#)  
[Sec. 2-238. - Conflict of interest.](#)  
[Sec. 2-239. - Purchasing card.](#)  
[Sec. 2-240. - Authority of county administrator or his or her designee.](#)  
[Sec. 2-241. - Prohibition of lobbying in procurement matters.](#)  
[Sec. 2-242. - Delegation of authority.](#)  
[Sec. 2-243. - Procurement manual.](#)  
[Sec. 2-244. - Competitive sealed bid process.](#)  
[Sec. 2-245. - Protested solicitations and awards.](#)  
[Sec. 2-246. - Small procurements.](#)  
[Sec. 2-247. - Procurement under federal or state procedures.](#)  
[Sec. 2-248. - Suspension and debarment.](#)  
[Sec. 2-249. - Miscellaneous provisions.](#)  
[Sec. 2-250. - Change orders.](#)  
[Sec. 2-251. - Direct purchases.](#)  
[Sec. \[2-252\]. - Local small business program.](#)  
[Sec. \[2-253\]. - County employees.](#)  
[Secs. 2-254—2-260. - Reserved.](#)

**Sec. 2-232. - Purpose.**

The purpose and intent of this article is:

- (1) To clarify the law governing the County of Marion's procurement system.
- (2) To ensure the fair, equitable, and uniform treatment of all persons who deal with the procurement system of this county.
- (3) To foster effective broad based competition within the free enterprise system in procurement activities.
- (4) To establish a procurement services department under the management supervision of the county administrator. The county administrator may delegate such authority as he/she deems applicable, to the procurement services director, or others to facilitate the day-to-day operations of the procurement services department.

(Ord. No. 09-20, § 1, 7-21-09)

**Sec. 2-233. - Definitions.**

*Addendum* means additional directions or modifications during the county procurement process to a solicitation which is issued as a separate advisory document after issuance of such solicitation by the procurement services director or their designee.

*Administration* consists of the county administrator and the assistant county administrators and bureau chief who are appointed by the board of county commissioners and shall serve as the administrative head of the county and shall be responsible for the administration of all departments of the county government which the board of county commissioners has authority to control pursuant to the general laws of Florida, or other applicable legislation.

*Amendment* means the method of changing the terms, conditions, or requirements of a contract or agreement beyond what is specifically provided for in that contract or agreement. All amendments shall be approved with equal dignity and formality as the original contract signed by the individuals holding the positions of the original signatories; provided however, that any amendment which causes a contract expenditure to exceed original amount, shall be approved by the board of county commissioners.

*Black out period* means the period between the time the authorization for invitation for bid or the request for proposal, or qualifications, or information, or the invitation to negotiate, as applicable, are received at the Marion County Procurement Services Department, or given verbally by direction of the board or administration, and the time the board awards the contract.

*Capital improvement project* means any public improvement which the county undertakes including the construction or reconstruction in whole or in part of any building, road, highway, street improvements, plant, structure, or facility necessary in carrying out the functions of the county government.

*Change order* means a written order amending a purchase order to correct errors, omissions, or discrepancies in it, to cover acceptable cost over-runs and freight costs, to incorporate requirements to expand or reduce the scope of goods or services ordered, or to direct other changes in the contract execution to meet unforeseen field, emergency, climatic, regulatory, or market conditions.

*Competitive bidding* means two (2) or more bids or proposals submitted for the same item or services by responsible bidders.

*Consultant's Competitive Negotiation Act (CCNA)* means the official name for F.S. § 287.055, relating to the procurement of architectural, engineering, landscape architecture, and registered land surveying services. These services shall be procured by letters of interest and qualifications, and competitive selection and negotiation.

*Contract* means a deliberate verbal or written agreement between two (2) or more competent parties to perform or not perform a specific act or acts. Any type of agreement regardless of what it is called for the procurement or disposal of supplies, services or construction.

*Contractor* means any person or firm having a contract with the county.

*Cooperative purchasing* means a procurement conducted by or on behalf of more than one public procurement unit.

*Debarment* means the exclusion for cause of a vendor or contractor from bidding and/or doing business with the county.

*Emergency purchases* means those procurements which shall be exempted from the mandatory bid requirements of this article in the event of an emergency, because the circumstances of the delay incident in complying with such requirements would be detrimental to the health, safety and welfare of the citizens of the county; such emergencies shall include, but are not limited to, war, declared or undeclared; insurrection; hurricane; flood; tornadoes or any other form of disaster or unforeseen circumstances threatening destruction of life or damage to property. This exemption shall be in effect through any such circumstances, including the clean up and repair to property period following such an event.

*Employee* means an individual of a governmental body of the county government under the control of the board of county commissioners who is drawing a salary or wages from the board.

*Fixed assets* means assets of a long-term character, which are intended to continue to be held or used generally for more than one fiscal year, such as land, buildings, improvements other than buildings, machinery and equipment.

*Inventory* means a detailed list showing quantities, descriptions and values of property and, frequently, units of measure and unit prices.

*Invitation to bid* means the solicitation document used for competitive sealed bidding for the purchase of goods and/or services; all documents, whether attached or incorporated by reference, utilized for soliciting bids.

*Invitation to negotiate* means invitation to negotiate means a written solicitation for competitive sealed replies to select one or more vendors with which to commence negotiations for the procurement of commodities or contractual services. The invitation to negotiate is used when the agency determines that negotiations may be necessary for the county to receive the best value. A written solicitation includes a solicitation that is electronically posted.

*Lobbying* means the attempt to influence the thinking of county elected officials or county staff for or against a specific cause related to a solicitation for goods or services, in person, by mail, by facsimile, by telephone, by electronic mail, or by any other means of communication.

*Local government* means any county or municipality.

*Local vendor* means a county person, firm, or corporation which:

- (1) Has its headquarters, manufacturing facilities, or locally owned franchise located in, or having a street address within, the legal boundaries of Marion County for at least one year immediately prior to the issuance of the request for quotation or formal bid solicitation (post office boxes do not qualify as a business address);
- (2) Thirty (30) percent or more of its full time employees have primary residences located within the legal boundaries of the county; and
- (3) The owner or principal officer of such local vendor maintains a primary residence within the legal boundaries of the county.

*Local small business* means a vendor which has its headquarters, manufacturing facilities, or locally owned franchise located in, or having a street address within, the legal boundaries of the county for at least one year immediately prior to the issuance of the request for quotation or formal bid solicitation (post office boxes do not qualify as a business address), has twenty-five (25) employees or less and has a maximum net worth of one million dollars (\$1,000,000.00) or less.

*Open purchase order* means a purchase order whereby a vendor provides to the county supplies, services, or construction

work on demand or on a prescribed schedule which shall not exceed a period of twelve (12) consecutive months. An open purchase order may be used as a release and encumbrance document to authorize the county to order on an as-needed basis a pre-determined amount of supplies, services, or construction work from an open end contract.

*Posting* means the act whereby the county places, in a designated location, a listing which indicates the vendor or vendors that county staff is recommending receive the award of an invitation for bid or request for proposal. It is also public notice of any official action by the county in matters relating to this article, including suspension or debarment.

*Procurement* means buying, purchasing, renting, leasing, or otherwise acquiring any supplies, services or construction. It also includes all functions that pertain to the obtaining of any supply, services, or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

*Professional services* means any narrow discipline wherein a known practitioner has through education and experience developed expert advisory and programming skills as a vocation; any service performed primarily by vocational personnel which requires the analysis or certification of a professional before the services are acceptable to the user of the service; or any other advisory, study, or programming activity where the procurement services director determines that the level of skills and/or creativity or the potential or known practitioner warrant procurement in lieu of competitive bid or quotation process.

*Proposal* means an executed formal document submitted to the county stating the goods and/or services offered to satisfy the need as requested in the request for proposal.

*Purchase order* means a document which authorizes the delivery of specific merchandise or the rendering of certain services and the making of a charge for them.

*Purchasing card* means a card issued to designated county employees with the authorization of the department head and the procurement services director or their designee, which authorizes the user to purchase specific goods or services as set forth in the policies and procedures for the purchasing card.

*Procurement services director* means the person holding the position as head of the procurement services department.

*Quotation* means any oral or written informal offer by a vendor to the county to furnish specific goods and/or services at a stated price.

*Request for information* means a formal written request, or an informal written, oral, or electronic media, request, or a combination of formal and informal requests, for soliciting information to obtain recommendations from suppliers for a procurement that cannot be described in sufficient detail to prepare a solicitation.

*Request for proposal (RFP)* means a solicitation of the responses for good and/or service for which the scope of work, specifications or contractual terms and conditions cannot reasonably be closely defined. Evaluation of a proposal is based on prior established criteria which may include but may or may not be totally limited to price.

*Request for qualifications (RFQ)* means a solicitation of responses from vendors whereby vendors are invited to submit a summary of their particular qualifications and to state their interest in performing a specific job or service for the county. From such submissions, the county selection committee determines which of such vendors shall be short-listed, interviewed, and recommended to the board of county commissioners for permission to negotiate for scope of work and fees.

*Responsible bidder* means an individual or business which has submitted a bid, offer, proposal, quotation, or response which, as determined by the county, has the capability in all respects to perform fully the contract requirements and the experience, integrity, reliability and capacity, facilities, equipment and credit which give reasonable assurance of good faith and performance. The county may also consider and give weight to the bidder's previous conduct and performance under previous contracts with the county and other agencies (including but not limited to delinquency), and determine the quality of the bidder's previous work. County staff may, after bid opening, request additional information from the bidder concerning his ability to perform; and the bidder may voluntarily, after opening, provide additional or corrective information concerning his responsibility as bidder.

*Responsive bid* means a bid or proposal which conforms in all material respects to the invitation to bid or request for proposals.

*Responsive bidder* means an individual or business which has submitted a bid, offer, proposal, quotation or response which, as determined by the county, conforms in all material respects to the solicitation which may include but is not limited to pricing, surety, insurance, specifications of the goods or services requested or any other matter, unequivocally stated in the invitation for bids as a determinant of responsiveness. A lack of conformity in these matters which is nonsubstantive in nature may be considered a technicality or irregularity which may be waived by the county; provided, however, that failure of a bidder or proposer to certify the firm has a drug free workplace in accordance with F.S. § 287.087, shall result in rejection of the bid or proposal as nonresponsive.

*Selection committee* means the committee approved by the county administrator to review offers and responses to requests for proposals (RFP) and requests for qualifications (RFQ) in accordance with the policies and procedures of the procurement services department, and when required, in accordance with the State of Florida Competitive Consultants Negotiation Act (CCNA). A selection committee shall not have a predominant amount of staff from one department. A supervisor and subordinate may not serve on a selection committee together.

*Local small business program* means a program wherein local small businesses, may register with the county procurement services for notification of quote opportunities for small dollar (\$24,999.99 or less) purchases and to be notified of opportunities for targeting procurement training.

*Sole source* means the only existing source of the only items which meets the needs of the using department as determined by a reasonably through analysis of the marketplace and upon approval of the board of county commissioners.

*The county* means Marion County, a political subdivision of the State of Florida, or any of its authorized representatives pursuant to ordinance, resolution, or administrative code.

(Ord. No. 09-20, § 1, 7-21-09)

### **Sec. 2-234. - Applicability.**

This article shall apply to every procurement except as otherwise stated herein, of the county board of county commissioners or any governmental body, unit or department under the control or supervision of said board acting in any capacity, irrespective of the source of funds involved.

(Ord. No. 09-20, § 1, 7-21-09)

### **Sec. 2-235. - Exemptions.**

This article shall not apply to:

- (1) Procurement contracts between the board of county commissioners and nonprofit organizations, other governments, or other public entities.
- (2) Procurement of dues and memberships in trade or professional organizations; subscription for periodicals; real property; books (maps, pamphlets and similar material); works of art for public display; pharmaceutical products; medically related professional services; real estate broker; room or board for social service clients; funeral related services; water, sewer, electrical, cable television, or other utility services; payroll, personnel, full or part-time, whether in the classified service or not; medical services for indigents qualified by the department of community services; and performances, shows or other cultural events.
- (3) Procurements made from petty cash accounts.
- (4) Any procurement under State of Florida purchasing agreements and contracts.
- (5) Procurements of goods and services as part of the process of apprehending persons suspected of violating the law.
- (6) Books, periodicals and other published materials not available by competitive pricing.
- (7) Services of attorneys and other legally related services, rather, contracts for attorney services and other legal services shall be secured by negotiation of the county attorney as approved by the board of county commissioners.
- (8) Appraisers, and expert witnesses for condemnation matters, and similar services. Contracts for these services shall be negotiated by the county attorney.

(Ord. No. 09-20, § 1, 7-21-09)

### **Sec. 2-236. - Central procurement system.**

(a) There is hereby established a central procurement system which consists of a procurement services department supervised by a procurement services director and specified staff members of the department and deemed appropriate and budgeted for by the county administrator and approved by the board of county commissioners. All procurements for goods and services for the county, except those goods and services excluded from the application of this article, shall be effected through the central procurement system.

(b) The county is authorized to procure goods and services of every description and nature necessary to the operation of county government under this article.

(Ord. No. 09-20, § 1, 7-21-09)

### **Sec. 2-237. - Procurement of goods or services.**

No procurement of goods or services of twenty-five thousand dollars (\$25,000.00) or more shall be made unless upon competitive sealed bids received in the manner hereinafter prescribed, except in at least one of the following circumstances:

- (1) When it is determined in accordance with procedures adopted by the county administrator and set out in the county procurement manual that the use of competitive sealed bidding is either not practicable or not advantageous to the county, a contract may be entered into by any of the following:
  - a. Competitive sealed proposals;
  - b. Consultant's Competitive Negotiation Act (CCNA);
  - c. Request for qualification;
  - d. Request for proposal;
  - e. Sole source procurement;
  - f. Invitation to negotiate.
- (2) The county administrator or his designee shall have the authority, subject to the approval of the board of county commissioners, to cooperate with other federal, state and local governments or federal, state or local public entities in the development and use of mutually cooperative purchasing contracts. Such contracts, irrespective of the sponsoring entity, as they pertain to the county, shall be awarded by the board of county commissioners.
- (3) The county administrator or his designee shall have the authority, subject to the approval of the board of county commissioners, to utilize contracts of other federal, state or local governments or other public entities to procure goods and services, if the vending contractor extends the terms and conditions of the contract to the county, and the contract has been awarded through procedures substantially equivalent to the requirements of this article, provided that authorization to purchase under said contract is in conformance with the monetary limitations for purchases as contained in this article.
- (4) A contract may be awarded for goods or services without competitive bids when the county administrator or his designee determines in writing that there is only one source for the required item and approval is granted by the board of county commissioners. Upon approval by the board of county commissioners, this will be identified as a sole source procurement.
- (5) Where the county administrator or his/her designee finds it to be in the best interest of the county, it may declare the existence of an emergency procurement condition, and, based thereon, suspend any or all of the provisions of this article and authorize an emergency procurement; provided that such emergency procurement shall be made with such competition as is practicable under the circumstance. When an emergency procurement is authorized, the factual basis for the emergency and for the selection of the particular contractor shall be documented in an agenda item and ratified by the board of county commissioners at a regularly scheduled meeting.
- (6) In the procurement of professional, architectural, engineering, landscape architectural or land surveying services, the county shall comply with the provisions of F.S. § 287.055, Consultants Competitive Negotiation Act (CCNA), as may be amended from time to time, and the county procurement manual.
- (7) Competitive proposals shall be solicited through a request for proposals.
- (8) Adequate public notice of the procurement procedure shall be given in the same manner as provided for in the competitive sealed bid process.
- (9) The procurement procedures shall state the relative importance of price and other evaluation criteria.
- (10) A pre-submittal meeting may be held where the procurement procedure shall be publicly discussed with all attending respondents. Discussion shall include questions from respondents on any issues considered germane to the requirements or project. The date and time of the pre-submittal meeting shall be included in the advertised notice of the procurement procedure.
- (11) Award shall be made to the responsible offer or whose proposal is determined in writing to be most advantageous to the county taking into consideration price and the evaluation criteria set forth in the procurement procedure. A summary of the basis on which the award is to be made shall be included in the official contract file and presented to the board of county commissioners.
- (12) Any certified public accountant for auditing services required by F.S. § 11.45 as may be amended from time to time, shall be selected in accordance with the provisions of that statute. Any selection of a certified public accountant for any other

purpose shall be done by any procedure designed to select the best firm at the least cost to the county.

(13)

The county administrator or his or her designee may, under his or her own authority, waive the bid procedures for general services administration (GSA) contracts is allowed or permitted by federal law, rules or regulations. The county may thus procure directly from such a GSA contract or similar state contract when it is in the best interest of the county.

(14)

When procurement of repairs, services, or equipment are requested for continuance of essential operations or are necessary to maintain public health and safety, such situation shall be deemed a valid emergency and such procurements may be approved by the county administrator. A report of the action and circumstances shall be included in the board minutes of a regularly scheduled meeting held within thirty (30) days of the emergency.

(15)

The board of county commissioners may choose to waive the competitive solicitation process if it is deemed to be in the best interest of the county or for standardization of a commodity.

*(Ord. No. 09-20, § 1, 7-21-09)*

### **Sec. 2-238. - Conflict of interest.**

In addition to the prohibitions set out in F.S. ch. 112, part III, neither the county administrator, the procurement services director nor any member of his/her staff shall be financially interested or have any personal beneficial interest, directly or indirectly, in any purchase or contract of any supplies, materials, equipment, or services used by or furnished for the county. The county administrator, the procurement services director and every member of his staff are prohibited from accepting or receiving from any person, firm or corporation to which any purchase or contract may be awarded any money, rebate, gift or anything of value or any promise, obligation or contract for future reward of compensation.

*(Ord. No. 09-20, § 1, 7-21-09)*

### **Sec. 2-239. - Purchasing card.**

The purpose of the purchasing card program is to:

(1)

Provide an efficient method of purchasing and paying for goods and services not exceeding the limit of the card.

(2)

Ensure purchasing card purchases are in accordance with the county's code, policies and procedures.

(3)

Ensure that the county bears no legal liability from inappropriate use of purchasing cards.

(4)

Provide for disciplinary action if the purchasing cards are misused.

The policies and procedures as detailed in the procurement manual are minimum standards for departments. Departments may establish additional controls if necessary with approval of county administration.

*(Ord. No. 09-20, § 1, 7-21-09)*

### **Sec. 2-240. - Authority of county administrator or his or her designee.**

Unless otherwise provided for in this article, the procurement of all goods and services shall be under the supervision and management of the county administrator or his or her designee. It shall be the duty, responsibility, and authority of the county administrator or his or her designee to:

(1)

Supervise the procurement of all goods and services except as otherwise provided for herein, required by the board of county commissioners and departments and agencies under its control, and for which payment is made from funds of the county.

(2)

In conjunction with using agencies, prepare and enforce standard specifications which shall apply to all goods and services purchased for the use of the county.

(3)

Maintain current files, or contract with a qualified agency for maintenance of current files, for sources of supply for goods and services required by the county.

(4)

Perform other related duties as may be assigned by the board of county commissioners.

(5)

Sign, duly issued purchase orders or assign said responsibility to a designee.

(6)

Take all reasonable steps to insure that the specifications for an item to be procured are developed to permit competition among businesses whenever practicable.

(7)

Oversee the procedures for the disposal of county property which becomes surplus to the county's needs.

(8)

Maintain a system of accountability and numbering of all contracts for purchase of goods and services under the jurisdiction of the board of county commissioners whether exempt from the procurement system or not.

(9)

Recommend the rejection all bids as may be in the best interest of the county where competitive sealed bids have been required for the procurement of goods and services and such rejection of bids is approved by the board of county commissioners.

*(Ord. No. 09-20, § 1, 7-21-09)*

### **Sec. 2-241. - Prohibition of lobbying in procurement matters.**

Except as expressly set forth in subsection 2-245(11), during the black out period which is, the period between the time the authorization for invitation for bid or the request for proposal, or qualifications, or information, or the invitation to negotiate, as applicable, are received at the county procurement services department, or given verbally by director of the board or administration, and the time the board awards the contract. No proposer, no lobbyist, principal, or other person may lobby, on behalf of a competing party in a particular procurement matter, either any member of the board, or any county employee other than the procurement services department staff. Violation of this provision may result in disqualification of violating party.

*(Ord. No. 09-20, § 1, 7-21-09)*

### **Sec. 2-242. - Delegation of authority.**

Subject to the approval of the county administrator, the procurement services director may delegate in writing, his or her authority in whole or in part to designees within his or her department or other county departments.

*(Ord. No. 09-20, § 1, 7-21-09)*

### **Sec. 2-243. - Procurement manual.**

(a)

After adoption of this article, the procurement services director shall prepare the county procurement manual ("procurement manual") which shall be administratively adopted and which may be administratively changed as circumstances require, in order to implement this article.

(b)

The guidelines for the procurement of goods and services contained in the procurement manual shall be consistent with the procedures established under this article. Such guidelines may establish the designation of the responsibility of administration of contracts, pre-qualification of bidders, bidding procedures, administration of bid procedures and conferences, bid opening procedures, procedures for the correction or withdrawal of bid, procedures for sealed proposal solicitation, proposal procedures, contract award procedures, protest procedures, administration of contract awards, contract disputes, small procurement procedures, contract execution procedures, bonding requirements, insurance requirements, purchase order procedures, payment procedures, and such other matters as may be required to establish a sound procedure for the procurement of goods and services under this article and applicable Florida law.

(c)

The procedure for the recording and accounting of inventory and disposal of tangible personal property shall be addressed in and governed by the fixed asset manual.

*(Ord. No. 09-20, § 1, 7-21-09)*

### **Sec. 2-244. - Competitive sealed bid process.**

(a)

All procurements requiring the receipt of competitive bids under this article shall be upon invitation for bids. Invitations for bids shall be issued and shall include procurement specifications, bid evaluation criteria, and all principal terms and conditions applicable to the procurement. The bid evaluation criteria that will affect the bid price and/or be considered in evaluation for the award shall generally be objectively measurable. Such evaluation may include, but is not limited to, conformance to specifications, discounts, transportation costs, and total or life cycle costs. No criteria may be used in the bid evaluations that are not set forth in the bid package document or any subsequent addendum.

(b)

Notices inviting sealed competitive bids shall be published at least once in a newspaper of general circulation in the county, and in the form of electronic notification through a third party notification vendor. Electronic notification is based on the recipient's

specific request and application to the county's approved notification vendor. There shall be an interval of at least five (5) calendar days between the date of the public notice and the bid opening. The notice shall include the procurement description, and place where bid documents containing procurement specifications are available, and specify the date, time and location at which bids will be opened.

(c)

Bids must be received not later than the call for any such bid, at a formal bid opening, to be considered for award. Bids shall be opened publicly in the presence of the county administrator or his or her designee, and other interested parties at the time and place designated in the public notice referred to in subsection (b) hereof. The amount of each bid, together with the name of each bidder, shall be read aloud and maintained in the procurement services department's bid file, which shall be open to public inspection upon recommendation of award from the user department to the procurement services department. The receipt, opening, and award of bids, shall be in accordance with the procurement manual, pursuant to section 2-243 of this article.

(d)

Information in a bid which concerns the responsibility of the bidder shall not necessarily be considered conclusive at the time of the bid opening, except when the invitation for bids unequivocally states that the bid shall not be considered responsive unless the particular information is provided by a vendor in his bid proposal. When such information has not been so declared as a determinant of responsiveness of the bid, the county administrator or his or her designee may, within reason after bid opening, request additional information of the bidder concerning his responsibility to perform.

(e)

To maintain the integrity of the competitive sealed bid process, to assure fairness, and to avoid delays or poor contract performance, the following provisions shall govern the correction of information submitted in a bid when that information is a determinant of the responsiveness of the bid:

(1)

No bidder shall be permitted to correct a bid mistake after bid opening that would cause such bidder to have the low bid, except for the correction of errors in extension of unit prices in the bids (multiplication, division, addition, or subtraction). In such cases, the unit price bid shall not be changed.

(2)

Notwithstanding the foregoing, the board of county commissioners reserves the right to cancel any awards or contracts based on bid mistakes, after a written determination of the mistake by the county administrator or his or her designee.

(f)

A bidder may withdraw his bid at any time prior to the bid opening date and time set forth in the public notice referred to in subsection (b) hereof. Bids may not be withdrawn after said time except when the request for withdrawal has been submitted in writing to the county administrator or his or her designee, said request clearly states the reasons for withdrawal, and the county administrator or his designee approves the withdrawal.

(g)

Contracts resulting from the competitive sealed bid process shall be awarded with reasonable promptness by the board of county commissioners by written notice to the lowest responsible and responsive bidder, unless the basis of award in a bid document has explicitly established other criteria. In the award process, the board of county commissioners reserves the right to reject any and all bids for any reason including, but not limited to, nonresponsiveness of bid(s), unavailability of adequate funding, unreasonable price in bid(s), nonresponsibility of bidder(s), or a change in the requirements since the issuance of an invitation for bid, or where the board of county commissioners determines the public interest requires such rejection.

(h)

If a low bid is received by a responsive responsible bidder who is not a local vendor, and the second low bidder is a local vendor submitting a responsive responsible bid within five (5) percent of the low bid, both the low bidder and the second low bidder will have the opportunity to present a best and final offer (bid off). The best and final offer will be submitted in a sealed envelope by a date and time set forth by the procurement services department. The lowest responsive responsible bidder of the best and final offer (bid off) will be recommended for award of the bid. Vendors shall affirm in writing their compliance as a local vendor at the time of submitting their bid or proposal. A vendor who knowingly misrepresents the local vendor status of its firm in a proposal or bid will lose the privilege to claim local vendor status for a period of one year. The procurement services director, at their discretion, may also recommend that the firm be referred for debarment in accordance with section 2-248 of this article.

(i)

In cases of tie bids (monetary as well as all award criteria identified) of two (2) or more responsible and responsive bidders subject to such award, the award shall be made to the bidder doing business from a location within the county. If there is more than one bidder so situated, the award shall be made based on a coin toss by the county administrator or his or her designee before at least three (3) witnesses.

(j)

In the event all bids for a construction project exceed available budgeted funds, the board of county commissioners may authorize negotiation of the bid price with the lowest responsive and responsible bidder in order to bring the bid within the amount of available funds, or reject all bids and authorize re-advertisement, as the board deems appropriate.

(k)

In the event the lowest responsible and responsive bidder defaults on the contract awarded through the competitive sealed bid process, the board of county commissioners may award the contract to the next lowest responsible and responsive bidder. When awarding a contract to the next lowest bidder due to default of the lowest bidder, the board of county commissioners shall reserve the right to seize the bid bond of the lowest bidder for failure to faithfully perform under the terms of the bid specifications.

(l)

When bonding is required, bonding requirements shall be stated in the bid documents. For construction projects which are estimated at two hundred thousand dollars (\$200,000.00) or above, a bid bond in the amount of five (5) percent shall be required of the vendor. Upon award of a bid for construction projects that are two hundred thousand dollars (\$200,000.00) or above, a performance and payment bond, in an amount equal to the total bid price will be required of the vendor. This requirement shall not preclude a user department from requesting bonds for projects under two hundred thousand dollars (\$200,000.00).

*(Ord. No. 09-20, § 1, 7-21-09)*

### **Sec. 2-245. - Protested solicitations and awards.**

After posting of recommendation of award on the procurement services department designated location, any actual or prospective bidder or proposer who is aggrieved in connection with the pending award or other element of the process leading to the award of a contract, may protest to the procurement services director or his or her designee.

(1)

The protest must be submitted within three (3) business days after posting of the recommendation of award at the location where bids or proposals are submitted. The protest must be in writing and must identify the protester and the solicitation and shall include a factual summary of the basis of the protest. Such protest is considered filed when it is received by the procurement services department with the protest bond in the appropriate amount.

(2)

Any bidder who files an action protesting a bid solicitation, a bid rejection, or an award pursuant to this section shall post with the procurement services department at the time of filing, protest bond payable to the board of county commissioners. This written request to convene a formal protest must be accompanied by a protest bond of an amount equal to one percent of the value of the solicitation, but in no case less than five hundred dollars (\$500.00) nor greater than five thousand dollars (\$5,000.00). This bond shall be by a U.S. postal service money order, certified cashiers or bank check payable to the board of county commissioners. Failure to post such bond within three (3) business days after the procurement services director or designee's determination shall result in the protest being dismissed by the procurement services director or his or her designee.

(3)

If the person or firm protesting the award prevails, the bond shall be returned to the protester; however, if, after completion of a formal protest hearing in which the county prevails, the bond shall be forfeited to the county. The entire amount of the bond also shall be forfeited if the protest committee determines that a protest was filed for a frivolous or improper purpose, including, but not limited to, the purpose of harassing, causing unnecessary delay, or causing needless cost for the county or other parties.

(4)

Stay of procurement during protest. Notwithstanding anything contained herein to the contrary, in the event of a timely protest, the procurement services director or designee shall stay the award of the contract, unless the county administrator, with the advice of the county attorney, and after consultation with the using department, makes a determination that the award of the contract without delay is necessary to protect substantial interests of the county government.

(5)

The procurement services director or designee, shall have the authority to review and attempt to resolve the protest informally.

(6)

If the protest has not been informally resolved by the procurement services director or his or her designee and the protestor wishes to pursue the protest, the protestor shall be required to request that a formal protest hearing be convened before a protest committee comprised of the county administrator, the procurement service director (in a nonvoting capacity), and the using department director and/or assistant county administrator or bureau chief of the using department and assistant county administrator or the bureau chief of the procurement services department. This request shall be made in writing to the procurement services director or his or her designee within three (3) business days of issuance of the procurement services director or designee's determination. The protest hearing shall be held within ten (10) business days of the receipt of such request.

(7)

The protest shall state the particular grounds on which it is based and may include such additional written or physical evidence, objects, statements, affidavits, and arguments which the protestor deems relevant to the issues raised. Any grounds not stated shall be deemed to have been waived by the protestor. In the proceeding, the protestor or its representative, may make an oral presentation, of such evidence and arguments. At any time the committee members may also make whatever inquiries of the parties and their witnesses that may be pertinent to a determination of the protest.

(8)

At the conclusion of the evidence submitted by the protestor, the protest committee shall announce a decision and shall prepare a written decision and recommendation which shall be filed with the board of county commissioners within fourteen (14) working days after the hearing.

(9)

After the filing, the protest committee's decision and recommendation shall then be presented for action at the next regularly scheduled meeting of the board of county commissioners. At this time, protestors shall be allowed to present

evidence and testimony to the board of county commissioners. At the conclusion of such testimony by the parties involved, the board shall by majority vote accept or reject the decision and recommendation of the protest committee.

(10)

The determination of the board of county commissioners shall be the final and conclusive decision by the county regarding a bid protest. Any appeal by a protestor shall be by certiorari to the Fifth Judicial Circuit Court.

(11)

Violation of lobbying section. No bidder may engage in any effort, either directly or indirectly, to influence the actions of the board with respect to a pending award of a contract for which a solicitation was issued except as set forth in this section. Any bidder engaging in a protest to the board as allowed under this section, shall comply strictly with the requirements and restrictions of this section. Any attempt by any bidder to communicate with any board member, directly or indirectly, whether in person or through agents, employees, or lobbyists, or otherwise to influence the vote of any board member, in connection with any pending award of a contract for which an solicitation has been issued, in any manner not strictly in compliance with the requirements and restrictions of this section shall be deemed in violation of the black out period restrictions of section 2-241. The board of county commissioners may disqualify a bid or proposal in connection with a procurement matter where the county commissioners or a member of the pertinent procurement committee has been lobbied in violation of the black out period restrictions.

(Ord. No. 09-20, § 1, 7-21-09)

### **Sec. 2-246. - Small procurements.**

Any procurement of less than twenty-five thousand dollars (\$25,000.00) may be made on the open market without formal bidding. Such procurement, when practicable, shall utilize informal competitive procurement procedures, utilizing a competitive oral or written request for quotations for goods and services. Awards shall be made to the offer or providing the most value to the county. Procurements shall not be artificially divided so as to constitute a procurement of less than twenty-five thousand dollars (\$25,000.00).

(1)

The following are the guidelines to be used for formal and informal quoting:

a.

\$1,000.00 or below—Purchase through purchase order or purchasing card as per purchasing card guidelines and procedures manual.

b.

\$1,000.01 to \$2,500.00—Department shall request two (2) or more phone quotes from vendors. With written documentation as to vendor name and price quoted, receive approval of department director or county administrator authorized designee by purchase order or purchasing card.

c.

\$2,500.01 to \$5000.00—Department shall request three (3) or more written quotes and receive approval of department director or county administrator authorized designee by purchase order or purchasing card. Departments shall follow the local small business program process in notifying vendors of all quote opportunities.

d.

\$5,000.01 to \$24,999.99—Department shall request, in writing, that the procurement services department solicit written quotes from vendors using county vendor files and the local small business program files. Department shall issue a requisition and receive approval from department head and assistant county administrator or bureau chief or their county administrator authorized designee.

e.

All purchase orders five thousand dollars (\$5,000.00) and over shall be approved by department director, assistant county administrator or bureau chief.

f.

All purchase orders twenty-five thousand dollars (\$25,000.00) and over shall be approved by the department director, bureau chief, or their assistant county administrator authorized designee, and the board of county commissioners at a regularly scheduled meeting under the procurement services department agenda.

(Ord. No. 09-20, § 1, 7-21-09)

### **Sec. 2-247. - Procurement under federal or state procedures.**

When a procurement involves the expenditure of federal or state assistance or contract funds, federal or state laws and regulations which are mandatory and applicable shall be complied with, the provisions of this article notwithstanding. The county administrator or his designee shall include contract provisions giving the contractor notice of these requirements and, where appropriate, include in those contract provisions the requirements that the contractor give a similar notice to all his subcontractors.

(Ord. No. 09-20, § 1, 7-21-09)

### **Sec. 2-248. - Suspension and debarment.**

- (a) *Suspension.* After consultation with the county attorney, the procurement services director is authorized to suspend a vendor from consideration for award of contracts if there is probable cause to believe that the vendor has engaged in any activity which might lead to debarment pursuant to subsection (c) below. The suspension shall be for a period not to exceed three (3) months, and the procurement services director shall immediately inform the board at the next available regular session and provide notice to the affected vendor.
- (b) *Debarment.* After reasonable notice and an opportunity for the suspended vendor to be heard, the board shall either debar such vendor or terminate the suspension. The debarment should be for a period of not more than three (3) years.
- (c) *Grounds for debarment include:*
- (1) Entry of a plea of guilty, or no contest, or nolo contendere to or conviction of a criminal offense as an incident to obtaining or attempting to obtain public or private contract or subcontract, or in the performance of such contract or subcontract; or
  - (2) Entry of a plea of guilty, no contest, or nolo contendere to or conviction 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 integrity or business honesty or;
  - (3) Entry of a plea of guilty, no contest, or nolo contendere to or conviction under state or federal antitrust statutes arising out of the submission of bids or proposals; or
  - (4) Violation of contract provisions, as set forth below, the character which is regarded by the board to be so serious as to justify debarment action:
    - a. Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or
    - b. A past record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts.
  - (5) Having been adjudicated guilty of any violation of the county building department licensing division or the State of Florida Construction Industry Licensing Board within the past twelve-month period prior to the time of bid submittal or;
  - (6) Having been adjudicated guilty by the county code enforcement board or the department of environmental protection of any violation of an environmental ordinance within the past six-month period at the time of bid submittal; and
  - (7) Any other cause the board of county commissioners determines to be so serious and compelling as to affect responsibility as a county vendor, including debarment by another governmental entity.
- (d) *Notice of decision.* The county administrator or board chairman shall issue a written notice to the vendor of the decision to debar or suspend. The final decision shall state the reasons for the action taken and inform the debarred or suspended person involved of his/her rights concerning judicial review by certiorari appeal to the Fifth Judicial Circuit Court. The written decision shall be mailed or otherwise furnished immediately to the debarred or suspended vendor.

(Ord. No. 09-20, § 1, 7-21-09)

### **Sec. 2-249. - Miscellaneous provisions.**

- (a) In all cases of procurement brought before the board of county commissioners, whether by bids, sealed proposals, competitive negotiations or otherwise, the board of county commissioners reserves the right to reject any and all bids, sealed proposals or negotiations, and cancel the procurement as they may deem in the best interest of the county.
- (b) In all procurements or procurement contracts, including those to be executed by the chairman of the board of county commissioners, such contracts shall include a provision that payments by the county shall be made under the county's established procedure for payment following receipt of invoice.
- (c) In all procurements in which there is a requirement for insurance and/or surety bond, the vendor shall provide such insurance requirements and bond requirements in the form and in the amount acceptable to the county, prior to the effective date of the procurement contract, or sooner if so stated in the bid specifications. All insurance and surety requirements shall be approved by the county's risk management department.

(Ord. No. 09-20, § 1, 7-21-09)

## **Sec. 2-250. - Change orders.**

If it is found that a change order is required to correct errors, omissions, or discrepancies, or to direct other changes to meet unforeseen field, emergency, climatic, regulatory, or market conditions relating to board approved contracts, the following shall apply:

(1)

Any change orders to purchase orders that do not contain any contingency amount, must be submitted to the procurement services department in writing on the county change order form. A written change order must be submitted to the procurement services department if an addition or deletion to the contract price is requested, or if there is a change in the scope of services or number of contract days for completion. The change order must be executed by the authorized departmental representative, county's project manager or county engineer or their designee (if applicable), the finance department, the procurement services department and the using department's assistant county administrator or bureau chief. The procurement services department will place the requested change order on the agenda for the next available regularly scheduled board meeting.

a.

For building construction projects; if the change order is an increase or exceeds a cumulative total of ten (10) percent of the contract price or a cumulative cost exceeding one hundred thousand dollars (\$100,000.00), or there is a change in the scope of services not due to unforeseen conditions, the board of county commissioners must approve and the chairman must execute the change order. The procurement services department will place the request for change order on their agenda for approval at the next available regularly scheduled board meeting.

b.

For road construction projects the following limits apply to increases:

\$0—\$249,999.99

\$250,000.00 & above

20% contingency allowance

10% contingency allowance

Change orders for road projects that extend beyond these contingencies must be approved by the board and executed by the chairman. The procurement services department will place the request for change order on their agenda for approval at the next available regularly scheduled board meeting.

(2)

All change orders must be in writing and include the additional scope of work, the amount of the change order, any additional days added to the contract and the new total of the contract.

(3)

Upon full execution of the written change order, a change order for pricing change must be entered into the electronic purchasing system by the using department.

(4)

If direct purchasing is being utilized in connection to a construction project, a deduct change order to the contractor in the amount of the direct purchase, shall be made through the electronic requisition system. A written change order shall not be required.

(5)

If the project is unable to proceed without the approval of a change order, the county administrator has the authority to approve the change order and bring it before the board at the next regularly scheduled meeting with documented explanation of the condition.

*(Ord. No. 09-20, § 1, 7-21-09)*

## **Sec. 2-251. - Direct purchases.**

The county may elect to purchase materials and equipment included in any contractor's bid for a portion of the work directly from the supplier of such materials or equipment in order to achieve sales tax savings. Such materials and equipment are referred to herein as "direct purchase materials". The contractor shall submit to owner a list, of materials and equipment appropriate for consideration by owner as direct purchase materials.

If owner elects to purchase any direct purchase materials, the contractor shall promptly furnish to owner, at least seven (7) days prior to the date such direct purchase materials must be ordered, a written cost estimate to purchase the approved direct purchase materials.

Upon owner's receipt of the estimate and supporting materials, owner will review the same and, if approved, issue a purchase order directly to the supplier of the applicable direct purchase material, with delivery F.O.B. project site.

*(Ord. No. 09-20, § 1, 7-21-09)*

## **Sec. [2-252]. - Local small business program.**

The purpose and intent of this section is to provide the maximum opportunity for increased participation of local small businesses in the county's procurement system. This program will target small dollar purchases under the formal solicitation limit of

twenty-five thousand dollars (\$25,000.00).

Once a local small business application has been approved by the procurement services department they will be included by commodity in a database of local small businesses. Departments obtaining quotes through the decentralized quoting process will be required to notify any vendors matching the commodity or service on the local small business database, of any items requiring written quotes. Quotes required to go through the procurement services department, five thousand dollars (\$5,000.00) and over, will also follow the notification process to local small business vendors. Applications will be renewed annually by vendors to verify that all requirements as stated in the definition of local small business are met.

A vendor who misrepresents the local small business status of its firm in an application or quote submitted to the county will lose the privilege to claim local small business for a period of one year. The procurement services director, at their discretion, may also recommend that the firm be referred for debarment in accordance with section 2-248 of this article.

*(Ord. No. 09-20, § 1, 7-21-09)*

**Sec. [2-253]. - County employees.**

The procurement system shall not be utilized by county employees to purchase goods or services for personal use.

*(Ord. No. 09-20, § 1, 7-21-09)*

**Secs. 2-254—2-260. - Reserved.**