

# **Marion County Board of County Commissioners**

## **Procurement Policies and Procedures Manual**



Revised: January 9, 2020

To: All Marion County Commission Personnel

Subject: Marion County Procurement Manual

On February 20, 2018, the Marion County Board of County Commissioners adopted Ordinance 15-12, which revises the Marion County Board of County Commissioners Procurement Code.

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 Board of County Commissioners' approval threshold is now \$50,000.00 and above.

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 his/her designee.



1-9-20

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Mounir Bouyounes, County Administrator

| <b>Established</b> | <b>1990</b>          |
|--------------------|----------------------|
| Revised            | Unknown – up to 2003 |
| Revised            | 2004                 |
| Revised            | 2009                 |
| Revised            | 2011                 |
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## **SECTION 1 FOREWORD**

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.

Therefore, the mission of the Procurement Services Department is to provide any and all goods and services of appropriate quality and quantity, as may be required by 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, 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 its purview;

Article Seven of the Marion County Code of Ordinance, commonly known as the Procurement Code, defines the purpose and intent of the Ordinance as:

The Code established a Central Procurement System and ordained that all procurement for goods and services shall be effected through that system. Therefore, no purchase commitment, either verbal or written, shall be made by anyone other than the Director of Procurement Services, staff members 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, which reduces prices;
2. Planned purchases, which reduce the number of small emergency orders;
3. Proper planning and coordination, which 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.

The Procurement Services Department is primarily, a service activity for the operating departments. It is the act of acquiring goods and services at the best possible price, consistent with specified quality. For administration of county contracts and agreements, and reviewing, tracking and balancing of expenditures. 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 that are 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 act of dividing the procurement of commodities or contractual services, so as to avoid requirements, is not allowed, and is contrary to Florida Statute 287.057 (9). 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, and upon the recommendation of the Director of Procurement Services.

## SECTION 2 PROCUREMENT METHODS

No procurement of goods or services \$50,000 or over shall be made, unless upon competitive sealed bids are 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:
  - a. Competitive sealed proposals (Request for Proposals);
  - b. Consultants' Competitive Negotiation Act (CCNA);
  - c. Request for qualification;
  - d. Sole source procurement;
  - e. 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.
4. **Exemptions to Solicitation Process**
  - a. Procurement contracts between the Board of County Commissioners and nonprofit organizations, other governments, or other public entities;
  - b. 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;

- c. Any procurement under State of Florida purchasing agreements and contracts or approved purchasing cooperatives;
  - d. Procurements of goods and services as part of the process of apprehending persons suspected of violating the law;
  - e. Books, periodicals and other published materials not available by competitive pricing;
  - f. 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;
  - g. Appraisers, and expert witnesses for condemnation matters, and similar services. Contracts for these services shall be negotiated by the County Attorney;
  - h. The Board of County Commissioners may grant an exemption to the formal competitive solicitation process in the best interest of the County. Exemptions may not conflict with State or Federal Law.
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 and any other approved Cooperative.
6. All forms to be used (i.e. solicitation request forms, contract renewal authorization or agenda request form) 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.

## **SECTION 3 COMPETITIVE SEALED BIDS**

The Marion County Procurement Code provides that no procurement of goods or services \$50,000 and over shall be made without competitive sealed bids, except as stated in Marion County's Procurement Ordinance.

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

- a. Request a Project Initiation Meeting required by Administration for projects in the CIP expected to be one hundred thousand dollars (\$100,000) or more.
- b. A fully executed Solicitation Request 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 are submitted electronically to the Procurement Services Department in an editable format.
- d. The requesting department is to review the draft of the solicitation 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 and pre-award.

Failure to adhere to any of the above may result in an unnecessary delay of the bid process.

### **2. SPECIFICATIONS**

Specifications must be submitted to the Procurement Services Department in an editable, electronic format. Blueprints, drawings or specifications supplied by a contracted architect or engineer, are to be provided in electronic versions.

- 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 Code.

- c. Departments shall provide any contractual language, documents, or other requirements which are required of any finding or other higher regulatory agency for compliance above and beyond the County's current approved boilerplate, such as local, state or federal grants.

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

The Procurement Services Department shall publish a notice inviting sealed competitive bids in a newspaper of general circulation throughout the County, as required by law.

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;
- d. Date, time, and location at which bids must be received; date, time and place for pre-bid information conference, if required;
- e. Date, time, and location where bids will be opened.

In addition to the public notice, the Procurement Services Department shall notify any vendors, as supplied by utilizing department, who have indicated an interest in furnishing these goods and/or services to the County, and who have not previously been debarred or suspended by the County.

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

This Pre-Bid 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:** The Pre-Bid procedure is applicable to any pre-bid conference.

#### **RESPONSIBILITIES:**

- a. Director of Procurement Services - The Director of Procurement Services or his/her designee shall, along with the using department, determine when a pre-bid conference is necessary. Notification of the pre-bid conference will be contained in the bid document, or the 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 his/her designee will conduct and record the minutes of the pre-bid conference.
- b. User Department Representative - The user department representative will be present to respond to technical questions where applicable.

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

- a. Introducing him/herself;
- b. Allow introductions of concerned County representatives;
- c. 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;
- d. Provide a sign-in form and require each attendee to sign;
- e. Introduction of each document in the Invitation to Bid with special attention given to bid documents and specifications to insure that each bidder has the same interpretation of the documents.
- f. No question shall be answered unless the Director of Procurement Services or his/her 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.
- g. The Director of Procurement Services or designee shall review the pre-bid conference information and approve, as applicable, an addendum which has been prepared as a result of the conference, for immediate distribution to all attendees.
- h. 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 be refused, will not be considered for award, and/or will be filed unopened or not accepted.

## **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, and 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 his/her designee. That person opens the bids in the presence of at least one (1) witness who is not a party to the bid, 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 user department for its recommendation of award. When this recommendation is received by the Procurement Services Department and annual expenditures exceed \$50,000, the Procurement Services Department initiates an Agenda Item, along with a recommendation by the user department, and presents it to the County Administrator for Board consideration.

### **BID OPENING PROCEDURES**

**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 and necessary action for the Procurement Services Department during a bid opening.

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

### **PROCEDURES:**

- a. Call to Order
  - Introduce yourself and County personnel.
  - Ask everyone present to sign the attendance sheet.
- b. Representative of Procurement Services will state the time and the fact that bids will no longer be accepted.
- c. Give the name of the bid and the bid number.
- d. Proceed with bid opening by opening each bid and stating the submitting company names and prices as deemed appropriate by Procurement Services representative.
- e. Announce the anticipated date of award by the Board of County Commissioners, if applicable.
- f. Close the meeting and thank the attendees.
- g. Preliminary tabulation sheets are posted as soon as possible. Copies of the preliminary tabulation sheet are available if requested.

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, or after 30 days has passed in accordance with Florida Statute 119.07.

## **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 responsible bidder, the Procurement Services Department may, within reason after the bid opening, request additional information of the bidder concerning his responsibility to perform. 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 who cannot claim local vendor preference, and the second low bidder is a vendor who can claim local vendor preference, and upon verification by Procurement Services Department, is determined to be a responsive responsible bidder and within 10% 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 Director of Procurement Services, at their discretion, may also recommend that the firm be referred for debarment in accordance with the Marion County’s Procurement Code.
- c. Bid evaluation criteria may include, but is not limited to, the following:
  - Conformance to specifications and other documents of the bid package.
  - Total bid price.
  - Discounts.
  - Previous performance and evaluations on file.
  - Delivery time of item or completion time of project.
  - Transportation costs.
  - Licenses/credentials necessary for delivery and/or completion of project.

- Compliance with appropriate Federal, State and Local Laws.
- d. No bidder is permitted to correct a bid unit price mistake after bid opening, except that Procurement may correct errors in extensions of unit prices in the bids, or in multiplication, division, addition, or subtraction. In such cases, the unit prices shall not be changed.
  - e. A voluntary or negotiated reduction in price from a low bidder can be accepted after the bid opening.
  - f. When a formal contract that is required for commodities or services is expected to be \$50,000 or over, 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 (if applicable), provided the contract has been approved by the County Attorney's office prior to execution. If the low bid is less than \$50,000, 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. Bonds and contracts must be returned by the vendor within seven (7) days of the Notice of Award. The County may extend this time if needed.
  - g. 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. This is generally the case with construction work. This protects the County against additional costs caused by abandonment of the work and against claims by third parties for nonpayment.
  - h. The Purchase Order will be the sole contract document, when applicable.

## **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 and/or 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 request a requisition for a Purchase Order. The Procurement Services Department shall issue a Notice to Proceed, if applicable, 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. BID PROCESS

- a. **Department** - Fill out and sign a Bid/Proposal/Qualification Request Form, and send to the Procurement Services Department. Bid numbers and/or dates will not be established until the fully executed authorization is received by the Procurement Services Department. Exceptions may be allowed at the discretion of the Procurement Services Department.
- b. **Department** - Give copy of specifications to the Procurement Services Department – For applicable departments, dates are set for bid opening etc. before specifications are given to the Procurement Services Department, so they may be included in the specification book.
- c. **Procurement Services Department** - Department specifications are incorporated into bid documents. The completed bid document is sent to applicable department for approval.
- d. **Department/Procurement Services Department** - Dates are set for the pre-bid and bid opening.
- e. **Procurement Services Department** - Legal Advertisement is emailed to local newspaper three (3) days prior to publication.
- f. **Procurement Services Department** - Bid/Proposal/Qualification information is entered into the online vendor database website.
- g. **Procurement Services Department** - Bid Distribution period (E-mail or Mail-out bid documents as per vendor request)
- h. **Department/Procurement Services Department** - Pre-bid (if applicable) - After pre-bid any addenda are sent out to vendors.
- i. **Department/Procurement Services Department** – Bid Opening
- j. **Department** - Review of Bid by department concurrent with Procurement Services Department review.
- k. **Department** - Letter of recommendation sent to the Procurement Services Department as to which bidding vendor is recommended for award

- l. **Procurement Services Department** – The recommendation of award of the bid goes before BCC if it is \$50,000 or over.
- m. **Department** - After the award of bid, a requisition is requested (if applicable) by the originating department and sent to the Procurement Services Department with information included as to the date of approval by BOCC and the name and number of bid.
- n. **Finance** - Finance approval of Requisition
- o. **Assistant County Administrator** – Assistant County Administrator approval of Requisition
- p. **Procurement Services Department** - Procurement Services Department approval of Requisition
- q. **Procurement Services Department** - While requisition is going through the abovementioned approval process, the Procurement Services Department will write and process contract documents as detailed below:
  - Contracts and Bonds (if applicable) filled out and sent to vendor for signature;
  - After vendor signs and notarizes contracts he/she then records bonds at the Clerk's Office;
  - Vendor returns signed contracts and evidence of recorded bonds to Procurement Services;
  - Bonds are verified by Procurement through Surety;
  - Contracts are sent to Legal for approval;
  - Legal forwards contracts to Clerk's office for Commission Chairman's signature;
  - Contracts returned to Procurement Services Department – copies are made for the project folder and emailed to vendor, and uploaded in to the Procurement Contract Library.
- r. **Procurement Services Department** - When signed contracts are returned from the Clerk's office, and the Purchase Order has been completed, the Notice to Proceed is issued.

## SECTION 4 COMPETITIVE SEALED PROPOSALS

The Procurement Code provides that Competitive Sealed Proposals may be used when the Director of Procurement Services or his/her 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. Competitive Sealed Proposals also offer 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 Solicitation Request Form.
3. **Scope of Services** - Along with solicitation request form, the requesting Department shall submit specifications and/or scope of services. The scope of services shall include the evaluation criteria to be used to select the best proposal, and it shall state the relative importance of other evaluation criteria. Whenever practical, the scope of services shall be submitted on letter size paper, or in County standard electronic format. The Procurement Services Department will review the 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 the Procurement Services Department 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 unless approved in advance by the County Administrator.
5. **Public Notice** - Public notice shall be given in accordance with the Competitive Sealed Bids section of this Manual.
6. **Proposal Submission and Opening** - Proposals shall be received and opened as soon as practicable after the due date and time, and it shall be 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 assure that all proposers that are reasonably susceptible to being selected for award, have a full understanding of the requirements. All offerors 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 neither shall there be any discussion held with competitors.
8. **Award** - Award shall be made to the responsible responsive offeror whose proposal is determined to be the most advantageous to the County.

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

1. **Department** - Fill out and sign a Bid/Proposal/Qualification Request Form, give to Procurement Services Department.
2. **Department** - Give copy of specifications, evaluation criteria, and selection committee names to Procurement Services Department.
3. **Procurement Services Department** - Department specifications are incorporated into proposal documents. Completed proposal document sent to department for approval.
4. **Department/ Procurement Services Department** - Dates are set for pre-proposal and proposal due date
5. **Procurement Services Department** - Legal Advertisement emailed to local newspaper at least three (3) days before publication.
6. **Procurement Services Department** - Proposal information entered into electronic website.
7. **Procurement Services Department** - Proposal Distribution period
8. **Department/ Procurement Services Department** - Pre-proposal (if applicable) - After pre-proposal, any addenda are sent out to vendors.
9. **Department/ Procurement Services Department** - 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 proposals, 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 publically.
12. **Procurement Services Department** - Selection Committee meets and scores each submitting vendor. They will also decide whether or not to short-list the vendors for presentations in accordance with CCNA if applicable. Procurement Services Department tabulates and ranks vendors. Initial meetings will be recorded and are open to the public.
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. Presentations are

recorded, but are NOT open to the public.

14. **Procurement Services Department** - Create score sheet for presentations, and distribute to Selection Committee.
15. **Procurement Services Department** - Scoring for the presentations is completed and a recommendation is made to the BOCC if the amount is \$50,000 or over (agenda item) as to negotiations with the high ranked vendor as based on presentation criteria.
16. **Procurement Services Department** – Schedule a meeting for negotiations, if necessary and submit the results back to the BOCC for approval of pricing.
17. **Department** - Once approved, the department can send a requisition request through.
18. **Procurement Services Department** - While requisition is going through the above mentioned approval process (17), Procurement Services Department will process contract documents.
19. **Procurement Services Department** - Contracts filled out and sent to vendor for signature.
20. **Vendor** - After vendor signs and notarizes contracts, the firm then records bonds (if applicable) at the Clerk's Office.
21. **Vendor** - Vendor returns signed contracts and evidence of recorded bonds to Procurement Services Department.
22. **Procurement Services Department** - Contracts are sent to Legal for approval.
23. **Legal** - Legal forwards contracts to Administration for the County Administrator's signature or the Clerk's office for Commission Chairman's signature, whichever is applicable.
24. **Procurement Services Department** - Contracts returned to Procurement Services Department - copies made and sent to vendor, originating department and a copy placed in Procurement Services Department's bid folder. Procurement Services Department will also scan a copy into contract library.
25. **Procurement Services Department** - When signed, contracts are returned from the Clerk's or Administration office, the Notice to Proceed is issued (if applicable).
26. **Procurement Services Department** - Purchase Order is sent via email or USPS to vendor.

## **SECTION 5**

### **ACQUISITION OF PROFESSIONAL SERVICES**

This section is to ensure that Marion County is in compliance with Section 287.055, Florida Statutes, the “Consultants’ Competitive Negotiation Act” (“CCNA”). In addition, this is designed to establish guidelines, for the use by County staff, for making recommendations to the Board of County Commissioners (BOCC) for engaging architects, landscape architects, professional engineers and registered surveyors and mappers for professional services that are required for County projects.

Many professional services such as accountants; physicians; attorneys; etc. do not come under the jurisdiction of the CCNA. Some other services may be 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 his/her designee, for any non-CCNA required professional service, may use any of the following selection methods:

- a. Competitive bidding
- b. Competitive negotiation
- c. Request for qualifications
- d. Request for proposal
- e. Request for information
- f. Any other method allowed or permitted by law ensuring the County selects the most qualified firm at the lowest cost.

#### **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 requested services to the County at the lowest cost.

## **SECTION 6 CONTRACTS**

Contract administration is 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. Contract Administration will 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 which ensures that 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 OF CONTRACT ADMINISTRATION:**

- 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 the requirements for changes to the contract in response to the changing demands of the market and the end user, and to plan and manage the introduction of those changes.
- d. Anticipate problems and resolve issues that may arise from the operation of the contract.

### **CONTRACT ADMINISTRATION FUNCTIONS:**

- a. Responsible for properly executing the activities relating to contract administration which shall 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 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 is protected.
- g. Negotiates lease rates and administers leases (not including land/real estate).
- h. Acts as the County's liaison by mediating disputes between the County and Contractor/Consultant. Recommends settlement of Contractor claims and proposals in contract termination actions.
- i. Examines and evaluates contract price proposals and financial reports to determine reasonable pricing and other contractual requirements.
- j. Develops and manages end of contract reports from Contractors and Departments.
- k. 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. Minor problems should be resolved by the department or project manager before they become major issues.

### **Dispute Resolution Procedures:**

- a. The Project Manager/End User are responsible for documenting any issues with the contractor as they arise.
- b. If issues cannot be resolved at the Department Level, a meeting between the Project Manager/End User and Procurement Services Department must take place to determine the next best course of action. Contractor must be notified in writing by Procurement Services Department, of the dispute and will be given a time period to resolve the conflict. Contractor notification of the dispute must be copied to the Project Manager/End User, Department Director and Assistant County Administrator.
- 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 Department and notification of the meeting will be sent to the Contractor, Project Manager/End User, the Department Director and the Assistant County Administrator. Legal and Administration will be notified if applicable. 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 or email from Procurement Services Department 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 Director, Assistant County Administrator, and Legal.

- 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 may include, Project Manager/End User, Department Director, Assistant County Administrator, Legal and Administration. This meeting will be documented by the Procurement Services Department. 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, the following will apply:  
If contract was approved by the Board of County Commissioners, 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 Department 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 Director, Assistant County Administrator, Legal, and Administration.  
If the contract was executed by the County Administrator, a notice of intent to terminate must be sent to the County Administrator along with the reasons for termination. The County Administrator must approve the intent to terminate in writing.

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

## **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 7 PURCHASING THRESHOLDS**

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 under \$50,000 may be made in the open market without formal bid. The Code 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. \$2,500 or below -- Purchase through purchase order or procurement card as per procurement card guidelines and procedures manual.
- b. \$2,500.01 to \$9,999.99 -- Department shall request three (3) or more written quotes which can include but is not limited to copies of internet pricing from vendors (must utilize the Local Business Directory in notifying vendors of quote opportunities). With written documentation as to vendor name and price quoted, receive approval of Department Director or authorized designee by purchase order or procurement card.
- c. \$10,000 to \$49,99.99 -- Department shall request, in writing, that the procurement services department solicit written quotes from vendors using county vendor files and the Local Business Directory files. Department shall request a requisition or utilize procurement card and receive prior approval from Department Director and Assistant County Administrator or their authorized designee.
- d. All purchase orders \$50,000 and over shall be approved by the Department Director, their Assistant County Administrator authorized designee, and Board of County Commissioners at a regularly scheduled meeting under the Procurement Services Department agenda.

If the Procurement Services Department, or any other department, foresees a need for products or services of a like or similar nature, costing \$50,000 or more in aggregate within a fiscal year, it may recommend Competitive Sealed Bidding, even though the products and services individually may be under the \$50,000 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 Countywide responsibility for commodities or services may combine requirements for like or similar commodities that are expected to be needed in the near 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, for specifications and bid documents to be developed and arranged for Competitive Sealed Bidding.

In order to reduce the number of small procurements required, along with the consequent paperwork generated, Open Purchase Orders that specify not to exceed certain amounts may be used whenever practical. Emergency procurements are exempt from the provisions of this procedure. An explanation of the reasons for the 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 if there is a threat of deterioration of a critical service as approved by the County Administrator or their designee.

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. If the purchase, or future purchases, will not exceed \$50,000 in a fiscal year, the County Administrator may approve, and it will be documented by the Procurement Services Department.

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 Director of Procurement Services, 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**

All invoices with a request for payment must be approved by the requesting department's director, Assistant County Administrator, (if \$25,000 or more), and the Procurement Services Department, prior to sending to Finance for approval. The only acceptable invoices 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.

All invoices paid by procurement cards, that are \$25,000 or more for a single purchase, must have prior written approval by the Assistant County Administrator. Purchase of capital items using the Procurement Card, must follow the procedures as outlined in sections 7 and 9 of the Procurement Manual.

Some items may require prior approval of another department, prior to purchase. Any item such as software or hardware connecting to a county computer must have prior approval of the Information Technology Department. Vehicles and some large equipment must have prior approval from the Fleet Department. New construction or renovation projects including new furniture purchases may require prior approval from Facilities Management.

## **CAPTIAL PURCHASES**

Capital purchases are for equipment with a value of one thousand dollars (\$1,000) or more, with an extended life of five years. These capital items are listed in each fiscal year's budget and are Board approved. The request for a capital purchase can only be made when it is an identified line item in the budget. Any capital purchase request that is not listed in a line item budget, must have the written approval of the County Administrator. If the cost of the additional capital item is fifty thousand dollars (\$50,000) or over, or is a vehicle at any price threshold, it will require additional approval by the Board of County Commissioners.

When a request for a capital purchase is sent through as a bid or a requisition request, the department on the requesting form must identify the specific line from the budget. For all capital equipment purchases, an acquisition form must be filled out and sent through with the invoice for payment.

## **SECTION 8 CHANGE ORDERS**

A change order is a written order amending a Purchase Order to correct errors, omissions, or discrepancies, 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, and to track contingency expenditures if applicable.

### **DESCRIPTION**

A written change order is required when a project has changes to the scope of work, exceeds the number of days for substantial or final completion, has a change in contract price, or when contingency is used. Change orders to purchase orders where the purchase order does not contain a contingency amount, must be submitted in writing to the Procurement Services Department on a County change order form. At that time, the contingency will be added to the purchase order per Procurement Code.

Contingency may be used for any construction or construction related project and added to the purchase order for up to ten percent of the project/construction cost. Road projects may include a higher contingency up to twenty percent of the construction cost.

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, including sales tax, shall be made through a written change order prior to the direct purchase order being issued.

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 change order causing the purchase order to meet or exceed twenty-five thousand dollars (\$25,000) must have Assistant County Administrator approval. All purchase orders, excluding open purchase orders, which are fifty thousand dollars (\$50,000) or over, must have Board approval. If a change order causes a purchase order to be at or over \$50,000, it must have Board approval, except in certain cases where the Board has approved hourly or itemized rates on an ongoing contract.

If applicable, a change order should be sent through, prior to final payment, in order to fully account for any over-runs or quantity adjustments that indicate final quantities and costs for project close-out.

## **PROCEDURE**

### **Written Change Orders:**

1. Any change order must be submitted in writing to the Procurement Services Department on a County change order form.
2. Using the change order form located on the Procurement Services Department intranet portal. All necessary and applicable fields must be filled out.
3. The Department Director and Project Manager must sign the form and send to Administration, if applicable, for signature.
4. Administration will then forward the change order to the Procurement Services Department for signature and processing.
5. If Finance approval is required, the Procurement Services Department will obtain written approval prior to processing.
6. If the change order does not exceed the contingency amount, or does not change the scope of work or contract amount, the Procurement Services Department will process and sign the change order and distribute a copy to the vendor and Finance.
7. If the change order exceeds the contract amount or exceeds any contingency allowed for by Ordinance, or if the change order causes the original purchase order to meet or exceed \$50,000, the Procurement Services Department will prepare an agenda item for the next available Board meeting.
8. 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, the Procurement Services Department will process and distribute the fully executed change order to the vendor, Finance and to Administration (if applicable).

## **SECTION 9 PROCUREMENT CARDS**

### **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 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, the Procurement Services Department, and the Clerk of the Court's Finance Department will monitor the performance of the program.

### **PURPOSE**

1. The purpose of the procurement card policies and procedures is to accomplish the following:
  - a. To provide an efficient method of purchasing and paying for goods and services.
  - b. To ensure PROCUREMENT CARD purchases are in accordance with the County's Procurement Code, policies and procedures.
  - c. To ensure that the County bears limited legal liability from inappropriate use of PROCUREMENT CARDS
  - d. To provide a process for disciplinary action if the PROCUREMENT CARD is misused.
2. The policies and procedures provided herein are minimum standards for departments. Departments may establish additional controls, if deemed necessary, with approval of County Administration.

### **RESPONSIBILITIES**

1. The Director of Procurement Services or his/her designee shall:
  - a. Assume overall responsibility for administering the PROCUREMENT CARD program;
  - b. Establish purchase procedures outlined in the procurement manual;
  - c. Inform Directors when situations arise involving improper use of the PROCUREMENT CARD;
  - d. Revoke the delegation of purchasing authority, and revoke the PROCUREMENT CARD as required;
  - e. Ensure coordination with the Clerk's Finance Department.

- f. Administer the policy involving the improper use of the PROCUREMENT CARD by department personnel.
2. The Assistant County Administrator or his/her designee will:
    - a. Approve all single purchases twenty-five thousand dollars (\$25,000) or more. Departments must receive prior approval from the Assistant County Administrator, in writing, for purchases twenty-five thousand dollars (\$25,000) or more.
    - b. Approve all Department Director purchases.
  3. The PROCUREMENT CARD Program Coordinator (PCPC), as designated by the County Administrator, will be the Director of Procurement Services.
  4. Department Director, or his/her designee, will:
    - a. Designate departmental representatives.
    - b. Establish internal approval procedures that ensure receipts are submitted within 48 hours.
    - c. Approve charges in electronic approval system in a timely manner.
    - d. Request PROCUREMENT CARDS for appropriate personnel within their department.
  5. A designated departmental representative will:
    - a. Comply with the procedures set forth in these PROCUREMENT CARD guidelines.
    - b. Ensure all department receipts are signed, coded, and sent to the Procurement Services Department within 48 hours.
    - c. Serve as liaison with the Procurement Services Department.
    - d. Monitor all disputed purchases, credits or billing errors. Any disputes or errors that cannot be resolved will be referred to the PCPC.

## **POLICIES AND PROCEDURES**

1. Assignments and Control of the PROCUREMENT CARD
  - a. Requests for and issuance of PROCUREMENT CARDS
    - All requests for PROCUREMENT CARDS must be made by the Department Director and the Assistant County Administrator, when applicable.
    - PROCUREMENT CARDS will be issued to individual employees who frequently purchase goods for their department.
  - b. 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.
  - c. All requests for new cardholders, or for changes to current cardholders, must be made by submitting a request form to the PCPC, or designee.
  - d. 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 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.

- e. The PCPC will notify the appropriate Procurement Services Department personnel upon the issuance of all PROCUREMENT CARDS.

## 2. Training

All 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.**

3. If a Procurement Card has not been utilized within twelve (12) months, the cardholder will be given the option to surrender their card or refresh their p-card training.

## **PROCUREMENT CARD SECURITY**

### 1. 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.

### 2. Lost or Stolen Cards

- a. Report lost or stolen cards to: 1-800-836-8562.
- b. 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, as well as the Department Director, and the Procurement Services Department.
- c. 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 the following:
  - Cardholder's name,
  - The PROCUREMENT CARD number,
  - The Department Director's complete name,
  - Date and time the issuing institution was notified,
  - Any purchase made on the day the card was lost/stolen,
  - Any other pertinent information.

- d. Issuance of Replacement Card  
After investigations as to reasons for loss of card, the Department Director will decide if a new card should be requested for the same individual. If so, request same, with backup information, to the Director of Procurement Services. 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 send it to the PCPC.
3. Termination or Transfer of cardholder
    - a. When an employee ends his or her employment, changes job status, is transferred to another department, or misuses or approves transactions in an untimely manner, 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.
    - b. If the department is unable to collect the PROCUREMENT CARD when required, the Department Director must immediately notify the PCPC who will ensure that the card is canceled.
4. Authorized Use of the Card
    - a. 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.
    - b. 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.
    - c. Misuse of Card: The PROCUREMENT CARD and the FUEL 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 Director of Procurement Services and the department director. Misuse of the PROCUREMENT CARD includes, but is not limited to the following: utilizing the card after the cut-off date without prior approval, using the PROCUREMENT CARD without obtaining proper quotes or proper approvals, continued failure to turn in acquisition forms for capital purchases, continued failure to turn in receipts, etc.
    - d. The following guidelines will be utilized:
      - First Offense is a written warning by the Director of Procurement Services to the Department Director and Assistant County Administrator. Copy in PROCUREMENT CARD file maintained at Procurement Services Department.

- Second Offense is suspension of PROCUREMENT CARD for up to 6 months. With a notice of the offense being sent to the card-holder, the Department Director and the Assistant County Administrator. Copy in PURCASHING CARD file maintained at Procurement Services Department.
  - Third Offense is suspension of PROCUREMENT CARD program completely, by the Director of Procurement Services. Copy in PROCUREMENT CARD file maintained at Procurement Services Department and copy sent to the card-holder, Human Resources, Department Director, Assistant County Administrator and the County Administrator.
  - Additional disciplinary action, other than suspension from the PROCUREMENT CARD and/or FUEL CARD PROGRAM, will be up to the individual Department Director and the Human Resource Director, based on the seriousness of the offense.
- e. Correcting Misuse of Card: Upon realizing that a cardholder has misused their card, they are to immediately get a credit from the vendor and notify department representative of occurrence. 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, just as it does when using other methods. Violations of Procurement Policies may result in disciplinary action.
- f. 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 OR TO STAY WITHIN THE P-CARD LIMITS.
- g. Capital Purchases: Departments may use p-cards to order capital purchases. All capital purchase receipts MUST be submitted with an acquisition form. They MUST be identified as a line item in the current budget year, or have prior approval, in writing, from the County Administrator. Vehicle purchases not identified in a capital line item must have County Administrator and Board approval, regardless of the cost.
- h. Availability of Items: All items/services purchased with the PROCUREMENT CARD over the counter must be available immediately.
- 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.

- Telephone Orders: All items ordered by telephone with the PROCUREMENT CARD must be available to be delivered in a single delivery. The Department Director or his/her 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.
  - Purchases exempt from sales tax: All purchases made by telephone or over the counter are tax exempt. The Department Director or his/her designee must inform the vendor that the purchases are for official County purposes, and are not subject to Florida or local sales tax. Tax exemption may only be honored by the State of Florida. Departments will be responsible for all foreign currency exchange.
  - Any single purchase \$25,000 or more must have PRIOR written approval by the Assistant County Administrator.
5. Prohibited Purchases - Unless otherwise permitted by the County Administrator or PCPC under general circumstances, the PROCUREMENT CARD shall not be used for the following:
- a. CASH ADVANCES ARE NOT PERMITTED UNDER ANY CIRCUMSTANCES,
  - b. Purchase of consultant or personal services,
  - c. Meals,
  - d. Alcoholic beverages,
  - e. Tobacco products,
  - f. Entertainment expenses,
  - g. Some items may require prior approval of another department prior to purchase. Any item, such as software or hardware connecting to a county computer, must have prior approval from the Information Technology Department. Vehicles, and some large equipment, must have prior approval from the Fleet Department. New construction or renovation projects, which include new furniture purchases, may require prior approval from Facilities Management.

## **PROCEDURES FOR MAKING AND PAYING FOR PURCHASES**

The electronic online system must be used by the Procurement Department, to reconcile procurement card purchases

1. Documentation for Over-the-Counter Purchases
  - a. 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.
  - b. The charge slip shall be signed, coded, and sent to the Procurement Services Department.
2. 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. The customer copy of the charge slip must be mailed or picked up by the cardholder.

3. Missing Documentation

If for some reason the cardholder does not have documentation of the transaction to send to Procurement Services Department, 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 Director of Procurement Services.

4. Payment and Invoice Procedures

a. Procurement Services Department Responsibilities:

- 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.
- Summarize monthly charges by account code on the monthly statement report, which is to be attached to the statement.
- The Procurement Services Department will reconcile the PROCUREMENT CARD reports weekly against merchant receipts.
- The cardholder shall report any suspicious or abnormal card usage, found during the reconciliation process, to their immediate supervisor.
- Misuse of the PROCUREMENT CARD may result in disciplinary action and/or the revocation of the card. Procurement Services Director, in accordance with the County policies and procedures, will formally notify employees and their director, when there has been an improper use of the PROCUREMENT CARD. In addition, the employee may be personally liable to the County for any non-approved purchases and may be subject to legal action by the County. Also, see PROCUREMENT CARD SECURITY.

b. Department Director Responsibilities:

- When purchases are in question, the Department Director or his/her designee will be responsible for resolving the issue with the cardholder. If the Department Director or his/her designee cannot be satisfied that the purchase was necessary and for official use, the cardholder must either provide a credit voucher that proves the item(s) were returned for credit or a personal check in the full amount of the purchase. Checks must be sent to the Finance Department, and a copy must be sent to the Procurement Services Department, with an explanation and the account number.
- Ensure cardholder receipts are submitted to the Procurement Services Department within forty-eight (48) hours of purchase.

c. Finance Department Responsibility

- Assure that the consolidated statement received is reconciled against the individual cardholder statements forwarded weekly by Procurement Services Department and ensure that the PROCUREMENT CARD charges are paid timely upon receipt.

5. Disputed Charges

- a. 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. The Cardholder should not ask the bank for a credit until vendor has refused to issue a credit. At that time, the appropriate dispute form shall be filled out, sent to the bank and a copy shall be sent to the Procurement Services Department.
- b. 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 the bank and a copy of the dispute shall be sent to the Procurement Services Department and to the Finance Department.
- c. 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.
- d. Disputes should be handled within 90 days, or, the dispute will be considered outdated and the bank cannot dispute with the vendor. Therefore, it is essential that the time frames and documentation requirements established by the PROCUREMENT CARD issuer be followed, to protect the cardholder's right to dispute.

## **EMERGENCY/DISASTER CARDS**

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

## **PROJECT CARDS**

Departments may request project cards, for specific projects, ongoing purchases, or capital purchases. Any staff member utilizing the project card must first go through PROCUREMENT CARD training. A list of potential users for the project card must be included in the PROCUREMENT CARD request form.

## **FUEL/PROJECT CARDS**

It is the intent for all employees using a county vehicle, to use fuel at the County fueling stations, whenever possible. For travel outside of Marion County, fuel cards may be utilized at commercial stations to purchase fuel. For travel outside of Marion County a fuel card may be requested specifically for use in purchasing fuel.

For some departments, fuel cards may be issued exclusively for fuel purchases. These cards will be issued to departments at the request of the Director or his/her designee, and will be assigned to the using department, or to the vehicle/unit number.

The following procedures must be followed for fuel purchases on a fuel card:

1. The receipt for fuel must be clear and must only be for fuel. No other purchases will be allowed on the fuel cards.
2. Receipts must be signed by the purchaser. The purchaser must sign and clearly print and sign their name, date of purchase, mileage and the unit number on the receipt.
3. The Department representative will code the receipt and forward it to the Procurement Services Department, within forty-eight hours of purchase. Director or designee will approve each purchase in the electronic system per the normal process.
4. Fire/Rescue personnel utilizing Fuel Cards must refer to the process outlined in the information bulletin, issued by Fire/Rescue dated, May 1, 2017.

Failure to follow the above procedures could result in disciplinary action, as outlined in section 9.4 (c) – Misuse of Card.

### **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 the bank's merchant service provider.

### **PURCHASE DENIED AT POINT OF SALE ("SWIPE") MACHINE**

1. 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 day after the purchase is attempted. Some of the most common reasons for denial are as follows:
  - a. 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. The bank monitors PROCUREMENT CARD usage and any attempts to purchase goods/services from blocked merchants, are reported to the PCPC.
  - b. 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.

## **RECORD KEEPING**

Itemized Merchant Sales (charge) receipts (i.e., purchase documentation that identifies the items purchased and the amount paid for each item) and 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.

## **TAXES**

1. 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 each PROCUREMENT CARD, and should be sufficient information for the merchant to honor the tax-exempt status of the PROCUREMENT CARD.
2. 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.
3. 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.
4. Purchases made from a foreign country are subject to a foreign currency exchange fee, and are the responsibility of the cardholder/department.

## **SECTION 10 EMERGENCY PROCUREMENTS**

The Procurement Ordinance 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 or 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 practical under the circumstances.
  
2. A request for a ratification of an emergency purchase shall be made in writing for inclusion on a Commission meeting agenda (or approved of by the County Administrator if under \$50,000) 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.

## **SECTION 11 DISASTER PURCHASE ORDERS**

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 his/her designee.

In the event all electronic systems are down, Disaster Purchase Orders will be utilized and numbered by the Director of Procurement Services or his/her 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 his/her 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 to give the 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 10 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 or his/her designee must sign for the Disaster Requisition/Purchase Orders.
3. The Department Director should issue Disaster Purchase Orders to their designated employees 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 Orders will be valid for ongoing fiscal years, unless the procedure or the format is changed.
4. In the event that the Disaster Purchase Orders must be used, the following procedure should be followed:
  - a. The Department Director's designated employee who has proper authorization, would either procure the goods and/or services himself by telephone or in person. Note, however, in the event of a major disaster, the telephone service would probably be out of service 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 has provided all required information on the Disaster Requisition/Purchase Order. Upon pick-up or delivery, the top, white

colored, copy of the Disaster Purchase Order will be given to the vendor's representative. The employee shall immediately return the remaining 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 and signed off on the form and immediately forward it to his/her Department's administrative office.
- d. The department approves and returns form to Procurement Department.
- e. The Procurement Services Department's copy and Finance's copy should be forwarded to the Procurement Services Department. The Procurement Services Department 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 has been received, payment will be made to 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.
- g. All contracts pertaining to debris removal, first push and monitoring must be pre-established according to federal requirements. All federal requirements must be made a part of the contract documents.
- h. Whenever possible, goods and services must be purchased through a competitive process.
- i. All receipts and invoices pertaining to the disaster must indicate, in legible writing, the disaster or named storm.
- j. During the declared disaster, emergency situations may exist which could put public safety at risk. Competitive solicitation may not be feasible in this situation.
- k. Certain Federal GSA contracts may be used during a declared disaster.

## **SECTION 12**

### **SOLE SOURCE AND STANDARDIZATION PURCHASES**

The Procurement Code provides that a contract may be awarded without competitive solicitations when the Director of Procurement Services determines, in writing, that there is only one source or standardization from one source is feasible.

**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 or Standardization.
2. When certain characteristics are specified which define the goods or services as Sole Source or a Standardization is needed, justification for these characteristics shall be made, in writing, to the Director of Procurement Services, by the user department using the Bid Exemption Request Form.
3. The Director of Procurement Services shall take all reasonable steps necessary to ensure that specifications are developed to permit competition by advertising intent to declare Sole Source through electronic bid system for five days.
4. A Sole Source or Standardization may ONLY be declared by the Board of County Commissioners if the annual purchase may meet or exceed fifty thousand dollars (\$50,000) and upon recommendation by the Director of Procurement Services. Any Sole Source requests where the annual expenditure is expected to be under fifty thousand dollars (\$50,000) shall be approved in writing by the County Administrator upon recommendation of the Director of Procurement Services.
5. A record of Sole Source procurements and Standardizations 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. A copy of the agenda item shall be maintained in the contract library.
6. Standardization approval is not an exemption from bidding, if there is more than one vendor that may supply or distribute the goods or services.
7. Standardization requests shall be approved utilizing the same approval thresholds outlined for solicitations.

## **SECTION 13 SPECIFICATIONS**

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 including, 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 examining 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 as many 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 may 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 product lists shall be made only upon approval of the Director of Procurement Services, or his/her designee.
4. **Brand Name or Equal:** Brand name or equal specifications may be used when the Director of Procurement Services or his/her 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 that does not include a brand name specification.
  - c. The nature of the product or the County's requirements makes use of a brand name or equal specification that is 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 as many different brands as are practicable, as "or equal" references and shall further state that equivalent products to those designated will be considered for award. Departments specifying brand name

or equal must review requests for consideration of equivalency during the open bid period prior to the last day for questions.

6. Brand Name or Equal Exemption: Because of the amount of time invested by the project manager and the engineer on larger projects, to vet a product as a basis of design, product manufacturers' component equivalency requests during the open bid period can be time and cost prohibitive. In these instances, design teams will be allowed to call out a minimum of two (2) quality products without consideration for equivalents during the open bid period. The option to value engineer-approved equivalents after award would remain an option as part of the negotiation process; however, the onus to demonstrate equivalency is on the contractor, and not Staff or the engineer of record.

## **SECTION 14 PROTEST PROCEDURES**

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/her designee. Those protests shall be made with requirements as follows:

1. The Protest shall be submitted within three (3) business days after Posting of the recommendation of award. The three (3) business days shall start at the time of posting of the Notice of Intent to Award. The Protest shall be in writing and shall identify the protester and the solicitation and include a factual summary of the basis of the Protest and the particular grounds for the Protest. Any grounds not stated shall be deemed to have been waived by the protestor. A Protest may include such additional written or physical evidence, objects, statements, affidavits and arguments that the protestor deems relevant to the issues raised. 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 a Protest bond payable to the Marion County Board of County Commissioners. This written request to convene a formal Protest shall be accompanied by a Protest bond of an amount equal to one percent (1%) of the value of the solicitation, but in no case less than five hundred dollars (\$500), nor greater than five thousand dollars (\$5,000). This bond shall be by a U.S. Postal Service money order or by a certified cashier's check or bank check payable to the Marion County 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/her designee.
3. If the person or firm protesting the award prevails, the bond shall be returned to the protestor; however, if, after completion of the Protest process in which the county prevails, the bond may be forfeited to the county. The entire amount of the bond may be forfeited if the Board of County Commissioners 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. Notwithstanding anything contained herein to the contrary, in the event of a timely Protest, the Procurement Services Director, or his/her 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. If the protestor timely complies with all conditions precedent to filing a Protest, the Procurement Services Director or his/her designee, vested with the necessary authority, shall review and attempt to resolve the Protest informally. This initial attempt to resolve the Protest is mandatory. Upon conclusion of this initial attempt to resolve the Protest informally, the Procurement Services Director or his/her, designee shall issue a written determination (the Initial Determination). The Initial Determination shall be emailed to the protestor or its representative.
6. If the protestor is aggrieved by the Initial Determination request that a Protest Meeting be held with the County Administrator, the Procurement Services Director. Additional county staff may attend the Protest Meeting at the request of the County Administrator or his/her designee. This request for a Protest Meeting is mandatory and shall be made in writing to the Procurement Services Director or his/her designee within three (3) business days of issuance of the Initial Determination Every effort shall be made to ensure the Protest Meeting is held within ten (10) business days of the receipt of such request. If the protestor is unable or unwilling to meet within ten (10) business days, and in order to not unduly delay the project further, the Protest may be unilaterally dropped with the approval of the County Administrator.
7. In the Protest Meeting, the protestor, or his/her representative, may make an oral presentation of evidence including the testimony included in the initial Protest. At any time, the County Administrator, the Procurement Services Director, or other County staff 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 Protest Meeting, the County Administrator shall prepare a written determination and recommendation ("Protest Meeting Determination). The Protest Meeting Determination shall be emailed and sent by certified mail to the protestor, or its representative.
9. The Protest Meeting Determination shall be presented for action at the next regularly scheduled meeting of the Board of County Commissioners. At this time, the protestors shall be allowed to make an oral presentation, present evidence that includes the testimony, and advance arguments to the Board of County Commissioners. At the conclusion of such presentation, the board shall, by majority vote, accept or reject the Protest Meeting Determination.
10. The determination of the Board of c County Commissioners shall be the final and conclusive decision by the county regarding a bid Protest. The decision by the Board of County Commissioners is a prerequisite to the protestor seeking court intervention. Any appeal by a protestor shall be by certiorari to the Fifth Judicial Circuit Court within thirty (30) calendar days of the date of the board's determination.
11. Failure to timely adhere to the procedure set forth in this section acts as a complete waiver of the Protest.

12. 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 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.

## **SECTION 15**

### **PURCHASE ORDER PROCEDURES AND RECORDS**

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

1. Purchase Orders shall be distributed as follows:
  - a. Vendor
  - b. Finance
  - c. Procurement
2. All sealed bids, proposals and qualifications received within the prior three (3) years, 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. Copies of contracts are retained in the bid file and contract library.

#### **PROCEDURES:**

**Step 1:** The user Department shall submit a Requisition Request and forward it to the Procurement Services Department.

**Step 2:** When the Requisition Request is received by the Procurement Services department, the staff shall review, evaluate, and process the Requisition into a Purchase Order, according to the appropriate guidelines.

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

**Step 4:** When goods or services are received, the Department copy of the Purchase Order shall be sent to Finance.

## SECTION 16

### TRAVEL AND PER DIEM PROCEDURES

#### PURPOSE

1. The purpose of this section is to create a policy for authorizing and obtaining reimbursement for official travel by employees and non-employees.
2. It is the responsibility of each traveler to select the most economical method of travel for each trip. Questions of time-efficiency and cost effectiveness must be answered in the best interest of Marion County, and not for the convenience of the traveler. Every effort must be made to obtain the lowest economical hotel rate (always ask for the government rate).
3. The travel form will be in two parts, the first part will have the basic travel information and the signature of the person authorized to approve the travel. This will be sent in with any receipts, if applicable, when there are purchases made by purchasing card IN ADVANCE of the travel. The second part of the form will contain all of the actual expenses and will be filled out post travel. The entire form will be resigned to indicate approval of all actual expenses and reimbursements and sent in with all required documentation after travel has taken place.
4. All travel expenses, with the exception of mileage, fuel and meals **may be paid, upon approval of travel form**, by a County Procurement Card. It will be the travelers responsibility to ensure approval of travel is received and the form is signed prior to traveling. If a purchasing card is used for hotel, plane tickets, or registration or for any other type of expense prior to traveling, the signed form must be sent in with the purchasing card receipt.
5. Once travel is completed, the travel form, and any accompanying documentation such as registration, maps, receipts, etc, must be attached. The travel form must document all costs associated with the travel and must identify reimbursable expenses as well as all expenses paid by purchasing card or purchase order . **Paying for any travel prior to receiving proper approvals, will be considered misuse of the Procurement Card.**
6. The completed travel form and associated documentation will be sent to Procurement Services only after travel has taken place. The travel form will have approved signatures dated prior to the date of travel to document that proper approvals have been received. Any travel forms received by Procurement without the proper signatures will be sent back to the Department Director and their Assistant County Administrator for notification of violation of this section.

#### DEFINITIONS

1. BCC: Marion County Board of County Commissioners.
2. Common Carrier: Train, bus, commercial airline operating scheduled flights, and rental car agencies
3. Conference: The coming together of persons with a common interest or interests for the purpose of deliberation, interchange of views, or for the removal of differences or disputes and for discussion of their common problems and interests. The term also

includes similar meetings such as seminars and workshops, which are large formal group meetings that are programmed and supervised to accomplish intensive research, study, discussion and work in some specific field or on a governmental problem or problems.

4. Finance: The Clerk of the Circuit Court, Accounting and Finance Division.
5. Administration: County Administrator's Office
6. Official Headquarters: For all travel on behalf of the Marion County Board of County Commissioners, Marion County shall be considered the official headquarters of the traveler.
7. Routine Travel: Travel which is performed on a day-to-day basis within a specified geographical area as part of the traveler's normal work assignment.
8. Travel Day: A period of twenty four (24) hours consisting of four (4) quarters of six (6) hours each.
9. Travel Period: The period of time between the time of departure and time of return.
10. Types of Travel:
  - a. Class A Travel: Continuous travel of more than twenty four (24) hours away from the official headquarters.
  - b. Class B Travel: Continuous travel of exactly twenty four (24) hours or less that involves overnight absences from official headquarters.
  - c. Class C Travel: Travel for short day trips where the traveler is not away from official headquarters overnight.

## **FORMS**

1. The travel form shall be used ~~also~~ for reimbursement of travel expenses. The form shall be used by all travelers when requesting claims for reimbursement of travel expenses, and shall be prepared in compliance with Section 112.061, Florida Statutes as well as this policy. All travel paperwork must be submitted to the Procurement Services Department within (5) working days, after the end of the travel period.
2. The travel form shall be used by all County officers, employees and authorized persons in order to document expenses and to obtain approval pre and post travel to a convention, conference, or any other event outside of Marion County, unless otherwise approved by the Board of County Commissioners. A copy of the conference itinerary or brochure must be attached to the travel form and the form signed (handwritten or by electronic signature) by all necessary parties, i.e. Director, ACA or County Administrator, whichever is applicable and in accordance with section 15 of the Procurement Manual.

## **CONFERENCES AND CONVENTIONS**

1. No County funds shall be expended for attendance at conferences or conventions unless:
  - a. The main purpose of the conference or convention is in connection with the official business of the County, and is directly related to the performance of the duties and responsibilities of the individual who is participating.

- b. The activity provides a direct educational or other benefit supporting the work and public purpose of the person attending.
  - c. The duties and responsibilities of the traveler attending such meetings are compatible with the objectives of the particular conference or convention.
  - d. The request for payment of travel expenses is otherwise in compliance with this policy.
2. Pre-payment of registration fees and lodging is allowed once the pre approval for the travel has been received. The travel form must be utilized for this purpose. The traveler should check the appropriate box for either registration fee or lodging, and attach the original quote, which clearly shows whom to pay and the full amount. All travel for Directors, travel expenses \$1,000 and above and outside the State of Florida, will need the Assistant County Administrators written approval and all travel outside of the United States, no matter the cost, will need the County Administrators written approval, prior to traveling
- 3. A copy of the program or agenda for the conference or convention itemizing the registration fees, and any meals or lodging included in the registration fee shall be attached to the travel form and submitted for payment. If meals are included in the registration fee, please show zero meal allowance.
  - 4. An authorized traveler may be reimbursed the actual and necessary fees for attending events which are not included in a basic registration fee, that directly enhance the public purpose served by the County's participation in the conference and convention. Such expenses may include banquets and other meal functions. It shall be the traveler's responsibility to substantiate that the charges were proper and necessary. If the traveler is claiming actual lodging expenses plus a meal allowance authorized under section 1.4 of this policy, the actual substantiated cost of the banquet or other required meal function may be allowed in lieu of the meal allowance specified in Section 1.4(1) of this policy for such meal period. The cost of such banquet or other required meal function will be reported on travel for an "incidental expense" and shall be supported by a paid receipt with the traveler's explanation showing why the expense was proper and necessary.
  - 5. Travel Advance is generally not allowed unless, for exceptional circumstances and with prior approval of the County Administrator.

## COMPUTATION OF TRAVEL TIME

For the purpose of calculating reimbursement for travel, the following methods are established:

- 1. Class A and B Travel: The traveler will be reimbursed for lodging and Class C meal allowances if applicable.
- 2. Class C Travel: The traveler will receive an allowance for meals based upon the following schedules and meal allowances listed under **Subsistence Allowance**.
  - a. Breakfast: When travel begins before 6:00 am and extends beyond 8:00 am.
  - b. Lunch: When travel begins before 12:00 noon and extends beyond 2:00 pm.
  - c. Dinner: When travel begins before 6:00 pm and extends beyond 8:00 pm.
- 3. All Class C Travel meals will be subject to the appropriate payroll taxes and will be reimbursed to the employee on the next available payroll cycle. Travel back and forth without use of a hotel must list start and end time of each day.

## **LODGING**

The traveler will receive the necessary and reasonable expenses for lodging at a single occupancy rate to be substantiated by paid bills, plus the Class C meal allowance. The traveler will be allowed to request that a check be sent to the lodging, or they may use a County Procurement Card for all lodging expenses.

## **SUBSISTENCE ALLOWANCE**

1. Employees or the authorized person, who is performing the travel, will be allowed subsistence up to the maximum amounts listed for per diem in the Florida State Statutes.
2. No allowance will be made for meals for routine travel, when the travel is confined to Marion County.
3. Meal amounts spent in excess of maximum amounts will not be reimbursed. If lunch is purchased for a traveler, they may not claim reimbursement.
4. The Board of County Commissioners authorizes the payment for, or reimbursement of, costs for food and beverage, on behalf of Marion County employees, including volunteers when they are performing duties and services in time of fires, emergencies and natural disasters and such service extends into and beyond the normal meal time hours. The decision and approval to pay for or reimburse costs shall be at the discretion of the County Administrator.

## **INCIDENTAL EXPENSES**

The following documentation shall be attached to the traveler's travel form when the traveler is claiming reimbursement for incidental travel expenses:

1. Receipts for taxi fares or public conveyance.
2. Receipts for storage, parking fees, or tolls.
3. If claiming communication expenses, a statement that communication expenses were for County business. Personal communication expenses are not eligible for reimbursement.
4. Reimbursement for tips will only be allowed when a receipt is presented indicating the amount of the transaction and the tip amount. Reimbursement of tips shall not exceed twenty percent (20%) of each transaction amount.
5. Receipts for fax charges for sending or receiving County business documents, if they are not already included on lodging invoice.
6. Receipts for fuel, if mileage is not being paid, and County gas card was not obtained.
7. Lodging invoices (See Lodging Section).
8. Expenses relating to the Visitors and Convention Bureau/VCB/TDC will follow Florida Statute 125.01041(9).

## **MILEAGE**

Mileage may be claimed for personal vehicle use only when a County vehicle is not available. The traveler must have approval from the Assistant County Administrator, or his/her designee,

for use of a personal vehicle. If a County vehicle is utilized, the fact must be specified on the travel form. When riding with another County employee in a County vehicle or another personal vehicle, the traveler must indicate this on the travel form in the appropriate spot. All mileage must be shown from point of origin, to destination, and return. When possible, it must be computed on the basis of the Official Road Map published by the State Department of Transportation. The time of departure and the time of return must be shown. During travel, the traveler may incur vicinity mileage while conducting County business. This mileage must be listed on the travel form once the traveler returns. Vicinity mileage may not exceed 10 miles per day, unless prior written approval is given by the Assistant County Administrator, before travel takes place. Mileage is allowable to the airport and from the office or home, whichever is less when a traveler is performing authorized travel. Mileage is not allowable for commuting to and from work. Mileage will be reimbursed at the standard Internal Revenue Service (IRS) rate.

### **OTHER TRAVEL INFORMATION**

1. When absent from official duty during travel status for sick leave or for annual leave, the exact hours of beginning and ending such absence must be shown on the travel form.
2. If a handicapped traveler incurs additional expenses and those expenses, are to permit the safe travel of the handicapped traveler, those additional expenses will be reimbursed by the County. All documentation for these additional expenses must be provided, in order for a proper audit to be conducted.
3. County employees may only use County vehicles for official County business. The general public may only ride in a County vehicle when on OFFICIAL COUNTY BUSINESS. All travel must be by County vehicle, unless prior authorization from the Assistant County Administrator is given, in writing, to use another means of transportation. No family members may travel in County vehicles.
4. A shared room, vehicle, etc., may be claimed on one travel form. Reference should be made on travel form. Marion County policy is to share rooms and transportation, if possible.
5. Fleet Maintenance or Assistant County Administrator must approve, in writing, any repairs to County vehicles needed because of vehicle failure on the road. For afterhours vehicle failures, call Sheriff's Communication Center at (352) 732-9111.
6. Assistant County Administrators will sign all out of state travel, all Director travel forms, and all travel that exceeds \$1,000.00.
7. Assistant County Administrators will grant permission to utilize a personal vehicle over a County vehicle; in writing.
8. Assistant County Administrators will grant permission to authorize more tips than is specified in this travel policy; in writing and when they deem it to be necessary.
9. The County Administrator will approve all out of Country travel.
10. Travel Forms will not be required for \$0.00 travel.

## SECTION 17

### LEGAL ASPECTS OF PROCUREMENT

The purpose of this section is to educate users of the legal aspects of the procurement system, and to educate any staff involved in the 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 or a public contractor who has contracted with a governmental entity to assist in a competitive procurement to knowingly and intentionally influence or attempt to influence the competitive solicitation undertaken by any governmental entity for the procurement of commodities or services, by:
  - a. Disclosing, except as authorized by law, material information concerning a vendor's response, any evaluation results, or other aspects of the competitive solicitation when such information is not publicly disclosed.
  - b. Altering or amending a submitted response, documents or other materials supporting a submitted response, or any evaluation results relating to the competitive solicitation for the purpose of intentionally providing a competitive advantage to any person who submits a response.
2. It is unlawful for a public servant or a public contractor who has contracted with a governmental entity to assist in a competitive procurement to knowingly and intentionally obtain a benefit for any person or to cause unlawful harm to another by circumventing a competitive solicitation process required by law or rule through the use of 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 or a public contractor who has contracted with a governmental entity to assist in a competitive procurement 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 or a public contractor who has contracted with a governmental entity to assist in a competitive procurement acting in violation of subsection (1) or subsection (2).

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 18**

### **ETHICS**

Procurement Department staff must have a highly developed sense of professional ethics to protect their own and the county's reputation for fair dealing. To strengthen ethical awareness, and to provide guidelines for staff, The Procurement Services Department 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 outside conflicting 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.
9. Procurement Staff will treat all internal and external customers with equal respect and will not give preferential treatment to any person, company or agency.
10. Each member of the Procurement Services Department will sign a statement of ethics.

## **SECTION 19 CONCLUSION**

Government entities funded by public money require rigid and complicated procedures, resulting in complex systems. In order to ensure that 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 Procurement Services. This will ensure that Marion County will maintain an efficient procurement system that is responsive to the needs of all the users of the system.