

Board of County Commissioners

Agenda Request

Date of Meeting: November 3, 2022

Date Submitted: October 28, 2022

To: Honorable Chairman and Members of the Board

From: Heather Encinosa, County Attorney
Evan Rosenthal, Assistant County Attorney

Subject: Public Hearing to Consider Adoption of an Ordinance Amending and Restating the County's Purchasing Policy

Statement of Issue:

This agenda item requests Board approval to hold a Public Hearing to Consider Adoption of an Ordinance Amending and Restating the County's Purchasing Policy.

Background and Analysis:

At a prior Board meeting, the County Attorney discussed issues related to the County's existing purchasing policy and the need to make changes to same in order to ensure that the County's purchases of goods, services, and equipment are done in a manner that is compliant with applicable laws, rules, and regulations, and further achieves the goals of encouraging fair and open competition, efficiently using available County resources, obtaining the best value for the County, and ensuring integrity in the procurement process.

The attached draft Ordinance repeals the County's existing purchasing policy and establishes a revised purchasing policy, to be codified as a new Article I within Chapter 2 of the Code (related to Administration). The Ordinance establishes the following signature authority thresholds (i.e. who has final approval authority over a procurement) and methods of procurement to be followed:

PROCUREMENT THRESHOLDS			
TIERS	PROCUREMENT REQUIREMENTS	THRESHOLD AMOUNTS	SIGNATURE AUTHORITY
Tier 1	Petty Cash	Not to exceed \$100.00	Department Director
Tier 2	Verbal Quotes	\$100.01 to \$2,500.00	Department Director
Tier 3	Written Quotes	\$2,500.01 to \$20,000.00	County Manager
Tier 4	Competitive Sealed Bids/Proposals	\$20,000.01 and up	Chairman

For procurements within the verbal quote threshold (not to exceed \$2,500) the county must obtain at least two quotes. For procurements within the written quote threshold (not to exceed \$20,000) the county must obtain at least three written quotes (or provide written justification as to why obtaining three quotes is not practicable). All purchases that are projected to be over \$20,000 require the use of a formal competitive procurement process and would be approved by the Board of County Commissioners.

For competitive procurements, the County's existing purchasing policy only contemplates use of an invitation to bid process. Procurements can take many forms, and there are times when it would be advantageous to the County to use a different method of procurement, such as a request for proposals, invitation to negotiate, and request for qualifications. These methods are particularly appropriate when the County is unable to clearly define the required scope of services.

The Ordinance authorizes the following methods of competitive procurement:

- Request for Proposals
- Request for Qualifications
- CCNA Procurements (for engineers, architects, surveyors/mappers, and landscape architects)
- Invitation to Bid
- Invitation to Negotiate

The Ordinance further dictates how solicitations are to be prepared and advertised and provides procedures related to the conduct of procurements (including pertaining to the cone of silence, establishment of selection committees, evaluation/scoring of responses, correction/withdrawal of responses, bid protests, etc.).

The Ordinance also establishes certain exemptions from competitive procurement, including for real property, travel, advertisements, utility services, and consultant services. The Board may also waive the requirements of the purchasing policy when deemed to be in the best interests of the County.

Options:

1. Hold a Public Hearing and Adopt the Ordinance Amending and Restating the County's Purchasing Policy
2. Do Not Hold a Public Hearing and Do Not Adopt the Ordinance Amending and Restating the County's Purchasing Policy
3. Board Direction.

Recommendation:

Option #1

Attachments:

1. Ordinance Creating a New County Purchasing Policy Within Chapter 2 of the Code

ORDINANCE NO. 22-11032022-04

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY FLORIDA, ESTABLISHING REGULATIONS AND PROCEDURES APPLICABLE TO COUNTY PURCHASING; PROVIDING PURCHASING CONCEPTS, OBJECTIVES, AND DEFINITIONS; ESTABLISHING GENERAL GUIDELINES AND PURCHASING THRESHOLDS; PRESCRIBING THE METHOD OF PROCUREMENT TO BE FOLLOWED DEPENDENT ON THE CIRCUMSTANCES; AUTHORIZING EMERGENCY PURCHASES; ESTABLISHING REQUIREMENTS APPLICABLE TO COMPETITIVE PROCUREMENTS; ESTABLISHING REQUIREMENTS FOR PAYMENT AND PERFORMANCE BONDS; ESTABLISHING PROVISIONS APPLICABLE TO VENDORS LISTS AND THE SUSPENSION AND DEBARMENT OF VENDORS; ESTABLISHING PROVISIONS APPLICABLE TO CONFLICTS OF INTEREST IN PROCUREMENTS; ESTABLISHING PROVISIONS APPLICABLE TO PROCUREMENTS UNDER COUNTY GRANTS; ESTABLISHING PROVISIONS APPLICABLE TO THE USE OF PURCHASING CARDS; ESTABLISHING PROVISIONS APPLICABLE TO THE ACQUISITION AND DISPOSAL OF SURPLUS PROPERTY; ESTABLISHING PROVISIONS APPLICABLE TO THE SOLICITATION OF MINORITY, WOMEN, AND SMALL BUSINESSES ENTERPRISES; RE-CODIFYING SECTIONS 2-2 AND 2-3 OF THE CODE AS NEW ARTICLES WITHIN CHAPTER 2; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners ("Board") of Jefferson County, Florida ("County"), previously adopted a purchasing policy establishing regulations and procedures applicable to the County's procurement of goods and services; and

WHEREAS, the Board has determined that certain updates and modifications to the County's purchasing policies and regulations are warranted; and

WHEREAS, to ensure that state and federal procurement laws, rules, and regulations are enforced and carried out under the highest ethical standards, to encourage full and open competition, and to the extent possible achieve the best value for the County, the Board now desires to repeal the County's existing purchasing policy and adopt a new Purchasing Ordinance to provide regulations and procedures to guide both County staff and potential vendors and service providers.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Jefferson County, Florida:

SECTION 1. REPEAL OF SECTION 2-1 OF THE JEFFERSON COUNTY CODE OF ORDINANCES. Section 2-1 of the Jefferson County Code of Ordinances entitled "Authority of Officers and Employees to Make Purchases," is hereby repealed in its entirety.

SECTION 2. CREATION OF A NEW ARTICLE I WITHIN CHAPTER 2 OF THE JEFFERSON COUNTY CODE OF ORDINANCES RELATED TO ADMINISTRATION. There is hereby created a new Article I within Chapter 2 of the Jefferson County Code of Ordinances, to be entitled "Purchasing," to read as follows:

ARTICLE I. PURCHASING

Sec. 2-1. Concepts and objectives.

(a) *Purpose.*

- (1) The purpose of this Purchasing Policy is to maximize the value of public funds in procurement; to provide safeguards for maintaining a procurement system of quality and integrity; and to provide for fair and equitable treatment of all persons involved in public procurement; to encourage the growth of small and minority businesses through the promotion of an atmosphere conducive to the development and maintenance of small and minority business participation in the county's procurement system. It is the goal of the Jefferson County Board of County Commissioners (hereinafter referred to as "Board") to develop a comprehensive procurement system. This system will provide greater cost-effectiveness and public accountability in the procurement process.
- (2) This Article governs all of the procurements made by the County. No contract or purchase shall be subdivided to avoid the requirements of this article.

(b) *Concepts.* The procurement function is to ensure that procurement laws, rules, and regulations are enforced and carried out under the highest ethical standards, to encourage full and open competition, and to the extent possible achieve the best value for the county. Strict adherence by all county officers, employees, agents and by the suppliers and contractors to specific ethical considerations is required to maintain the confidence of the public, the county, and the business community in the expenditures of county funds. To this end, the county strives:

- (1) To procure for the county the highest quality in commodities, equipment and services at the least expense and/or the best value to enable the greatest cost effectiveness in performance to the county.
- (2) To encourage uniform bidding and to endeavor to obtain full and open competition on all purchases and sales.
- (3) To keep informed of current developments in the field of procurements, prices, market conditions and new products to secure for the county the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations having national recognition and by private businesses and organizations.

(c) *Objectives.* The objectives of the Purchasing Policy are:

- (1) To deal fairly and equitably with all suppliers wishing to do business with Jefferson County.

- (2) To assure adherence to all purchasing laws, regulations, and procedures.
 - (3) To maximize competition for all procurements.
 - (4) To obtain maximum savings through bulk purchases and other value adding techniques.
 - (5) To administer the contracting function with internal efficiency.
 - (6) To purchase goods and services at the lowest price, consistent with quality, performance, and delivery requirements from capable suppliers meeting the county's needs.
 - (7) To obtain maximum value from transfer, trade, sale or other disposition of surplus and/or obsolete property.
- (d) *Purchasing Policy Ethics.*
- (1) Acceptance of gifts at any time, other than advertising novelties, is prohibited. Acceptance of entertainment is also prohibited. Employees must not become obligated to any suppliers and shall not conclude any county transaction from which they may personally benefit.
 - (2) No county officer or employee shall bid for, enter into, or be in any manner interested in any contract for county purchases nor shall any officer or employee seek to influence the purchase of a product or service from any bidder; except this restriction shall not be construed to restrict persons from evaluating and appraising the quality and value of the product to be purchased or service to be rendered where the person's scope of employment contemplates advice and counsel with respect to the purchase.
 - (3) The provisions of Section 112.313, Florida Statutes, pertaining to standards of conduct for public officers, employees of agencies, and local government attorneys expressly applies to this Purchasing Policy. A violation of Section 112.313, Florida Statutes, pertaining to purchasing or contractual relationships shall also be deemed a violation of this Purchasing Policy. Specific statutory provisions pertaining to purchasing and contracting include but are not limited to: § 112.313, Fla. Stat. (Standards of Conduct), § 218.70, Fla. Stat. (the Florida Prompt Payment Act), § 255.05, Fla. Stat. (Performance and Payment Bonds for Public Works), § 255.0525, Fla. Stat. (Advertising for Competitive Procurements), § 255.101, Fla. Stat. (Minority Business), § 287.055, Fla. Stat. (Consultants' Competitive Negotiation Act), § 287.087, Fla. Stat. (Preference to Businesses with Drug Free Workplace), §§ 336.41 and 336.44, Fla. Stat. (County Roadwork).

Sec. 2-2. Definitions.

For the purposes of this article and any documents pertaining to the use of this article (e.g., contracts, purchasing orders, etc.), the following terms, phrases, words and their derivations shall have the meaning given herein, unless otherwise specifically defined in any specific document:

Agreement. A contract for the procurement or disposal of supplies, services, materials, real property, equipment or construction.

Appropriation. Legal authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited in amount and also to the time when it may be expended.

Award. The determination of a successful response to a solicitation resulting in an offer to provide goods or perform services.

Bid Bond. An insurance contract in which a third party agrees to be liable to pay a certain amount of money in the event that a selected vendor fails to accept the contract as bid.

Board. The Jefferson County Board of County Commissioners, the legislative body of Jefferson County, Florida.

Brand Name or Equivalent Specification. A specification limited to one or more items by manufacturers' names or catalogue numbers to describe the standard of quality, performance, and other characteristics needed to meet the county requirements and which provide for the submission of equivalent products.

Business. Any corporation, partnership, individual, sole proprietorship, joint venture, joint stock company, or any other legal entity, engaged in the commercial provision of commodities, services or labor.

CCNA Thresholds. The monetary threshold in Section 287.017, Florida Statutes, category five, for basic construction cost, and in Section 287.017, Florida Statutes, category two, for planning or study activities.

Change Order. A written order amending the scope of, or correcting errors, omissions, or discrepancies in, a contract or purchase order.

Commodity. Goods or products that the county may contract for or purchase for the use and benefit of the county. It is a specific item and it is different from the rendering of time and effort by a provider.

Competitive Procurement. An open and competitive process for the procurement of commodities, equipment and services, including, but not limited to, invitations to bid, invitations to negotiate, requests for proposals, and request for qualifications.

Cone of Silence. The prohibition of any communication between a vendor and a County officer, contract staff/employee, or agent regarding a pending competitive procurement, except for such communications at a duly noticed pre-proposal conference, oral presentation, or with the BOCC's designated representative noted in the competitive procurement documents. Upon the advertisement of a competitive procurement, the cone of silence shall apply. The cone of silence shall terminate upon the issuance of the notice of award, the rejection of all responses, or the termination of the competitive procurement, whichever occurs first. Violation of the cone of silence by a vendor shall disqualify the vendor from participation in the competitive procurement.

Construction. The process of building, altering, repairing, improving, or demolishing any structure or building, or other public improvements of any kind to any real property including roadways, utilities, and facility site work.

Consultant's Competitive Negotiations Act (CCNA) Professional Services. Services performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice.

Contract. A deliberate written agreement between two or more competent parties to perform a specific act or acts, or for the procurement of goods, services, consultant services, or construction.

Contract Amendment or Modification. Any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quality, or other provision of any contract accomplished by mutual action of the parties to the contract.

Contractor. Any business that provides goods or services to the county.

Contractual Services. The rendering by a contractor of its time and effort rather than the furnishing of specific commodities.

Cooperative Procurement. Competitive procurement conducted by, or on behalf of, more than one public procurement unit or the use of another federal, state or local government procured contract (this term is also known as piggybacking).

County. Jefferson County, Florida.

County Manager. The County Manager for Jefferson County, Florida, or such person's Designee.

Debarment. A vendor is prohibited from submitting bids, proposals, quotes, or responses to any competitive procurement, or otherwise conducting business with the county until such time they are reinstated to the status of active vendor.

Department Director. The director of an official County department.

Designee. The duly authorized representative of a person holding a superior position.

Emergency. Any occurrence or threat thereof whether natural, manmade, or technological, in war or in peace, which results or may result in substantial injury or harm to the public health, safety, or welfare, or substantial damage to or loss of property, or those situations where the operation of an essential department would be seriously impaired if immediate action were not taken.

Emergency Procurement. An expeditious purchase of goods, services, consultant services and/or construction to address an emergency.

Fixed Asset/Equipment. Any item of capital nature, of cost or value exceeding \$1,000.00, and with an estimated life span of over one year. A capital fixed asset is an item with a cost or value of \$5,000.00 or more.

Formal Solicitation. The placement of a notice in a newspaper of general circulation according to legal requirements to inform the public that the county is requesting responses for a specific procurement it intends to make.

Invitation to Bid (ITB). A written solicitation document used for competitive procurement of goods, services, and/or real property, when specifications are available and the selection will be based upon the lowest responsive and responsible bidder. Factors other than price will be considered in the award determination.

Invitation to Negotiate. A written solicitation document used for the competitive sealed bidding of the purchase of goods or services when the scope of the project is not certain and the county desires input from the vendors on the project specifications.

Irregularity. Any change or omission in an offer or contract that does not have an adverse effect on the county's best interest, and does not affect the outcome of the source selection process by giving an offeror an advantage or benefit not enjoyed by any other offeror, and, not inconsistent with applicable laws.

Material Mistake. Any deviation or variance from the procurement requirements or other mistake that gives one vendor a substantial advantage over other vendors in a competitive procurement.

Negotiation Team. A group of members established by the county for the purpose of conducting negotiations as part of a competitive procurement.

Non-Material Mistake. Any deviation or variance from the procurement requirements or other mistake that does not affect price, give one vendor an advantage or benefit not enjoyed by other vendors and does not adversely affect the interests of the county.

Payment Bond. The approved form of security furnished by the vendor and its surety that assures payments, as required by law, to all persons supplying goods or services for the completion of work under the contract, also known as a contract bond.

Performance Bond. The approved form of security furnished by the vendor and its surety as a guarantee that the vendor will fully perform in accordance with the terms of a contract.

Personal Property. Property consisting of movable articles that are either tangible, such as furniture or computers, or intangible, such as stocks, bonds, licenses.

Posting. An act whereby the county places on a bulletin Board, in a designated location, and/or on the county website, a listing which indicates the county's recommendations for bid awards and solicitations for bids and proposals.

Pre-bid Conference. A meeting held with prospective bidders prior to solicitation of, or the date of receipt of bids or proposals, to recognize state of the art limits, technical aspects, specifications, and standards relative to the subject, and to elicit expertise and bidder's interest in pursuing the task.

Procurement Office. The County department which is designated with the primary responsibility for preparing, advertising, and overseeing all County purchases in accordance with this Article. The Procurement Office shall be the Office of the County Manager unless otherwise designated by the County Manager.

Professional Services. The technical, and/or unique functions performed by independent contractors whose business is the rendering of such services. This includes accountants, appraisers, attorneys, auditors, medicine and the medical arts, architects, engineers, surveyors, management and systems consultants, research, the arts and other professionals as designated by the procurement services manager.

Proposal. An executed formal document submitted to the county describing the goods, consultant services, and/or services offered to satisfy the need as requested in the request for proposal.

Purchase Order. A document generated by the county documenting a written sales agreement between the county and a seller detailing the exact commodities, equipment or services to be rendered from a single vendor.

Purchase/Procurement. Buying, procuring, renting, leasing, or otherwise acquiring any supplies, materials, equipment, goods, consultant services, construction, and/or services required by the county for public purposes.

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

Real Property. Property consisting of land and all rights, privileges, or improvements belonging to and passing to lands, as buildings, crops, or mineral rights.

Request for Proposals (RFP). A solicitation of responses for the supply of commodities, equipment or services for which the scope of work, specifications, or contractual terms and conditions cannot be well defined. The RFP outlines the procurement process and contract terms, and provides guidance on how the response should be formatted and presented. The RFP process requires a technical and management approach and a fee proposal; however, evaluation of a proposal or response is based on prior established criteria which involves more than price. The RFP shall state the relative importance of price and other evaluation criteria.

Request for Qualifications (RFQ). A solicitation of responses for services where the specifications of required services are broad and specialized in nature, such as attorney, auditor, CPAs, etc. The RFQ outlines the procurement process and contract terms and provides guidance on how the response should be formatted and presented. RFQ solicitations focus on the qualifications of the potential providers, rather than price. Primary qualifications include experience of key staff, relevant past experience of the company and client references.

Request for Quotation. An informal request either oral or written to solicit prices for specific, defined goods and/or services.

Responsible Vendor. A vendor submitting a response who has the capability in all respects to perform fully the contract requirements and the experience, capacity, facilities, equipment, credit, sufficient qualified personnel, and having the integrity and reliability with a record of timely and acceptable past performance that will assure good faith performance.

Responsive Vendor. A vendor submitting a response that substantially conforms with all material respects to the requirements and criteria set forth in the competitive procurement.

Selection Committee. A group of members established by the county for the purpose of evaluating requests for proposals, requests for qualifications and invitations to negotiate as part of a competitive procurement.

Services. The furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than that which is not defined as supplies and which is merely incidental to the required performance. This term shall not include employment agreements or collective bargaining agreements.

Single Source. A commodity that can be procured from multiple sources, but, in order to meet certain functional or performance requirements (repair parts, matching existing equipment or materials) there is only one economically feasible source for the purchase.

Sole Source. A commodity that can be legally procured from only one source. This is usually due to the source owning patents and/or copyrights. A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one potential supplier for that item. Use of brand names and model numbers does not constitute a sole source.

Specifications. A description of the physical or functional characteristics of the nature of a material, supply, service, construction, or equipment item. It may include a description of any requirement for inspection, testing, recycled or degradable materials content, or preparing a material, supply, service, construction, or equipment item for delivery.

Surplus Property. Any tangible personal property or real property in excess of the needs of the county and not required for its foreseeable need.

Suspension. A vendor is prohibited from submitting bids, proposals, quotes, or responses to any competitive procurement, or otherwise conducting business with the county for a definite period of time.

Vendor. Any business that will be or has been awarded a contract or purchase order by the county.

Sec. 2-3. General Guidelines.

The procurement method and authorizing authority varies based upon the amount of the purchase. Generally, all purchases for commodities, equipment and services, when the estimated cost thereof shall equal or exceed \$20,000.01, shall be purchased competitively. Purchases below \$20,000.01 shall be handled in the manners specified herein, which are designed to maximize competition and ensure the county is receiving a fair price while balancing that against the need for an efficient use of staff resources. The Board may at any time waive the competitive procurement requirements when deemed to be in the best interest of the county.

- (1) *Procurement Categories: Summary and Signature Authority.* The following procurement thresholds and procedures are hereby established to govern the procurement of commodities, equipment and services. Additionally, the authority for approving purchases within the established thresholds set forth below is hereby delegated to the persons with designated signature authority.

PROCUREMENT THRESHOLDS			
TIERS	PROCUREMENT REQUIREMENTS	THRESHOLD AMOUNTS	SIGNATURE AUTHORITY
Tier 1	Petty Cash	Not to exceed \$100.00	Department Director
Tier 2	Verbal Quotes	\$100.01 to \$2,500.00	Department Director
Tier 3	Written Quotes	\$2,500.01 to \$20,000.00	County Manager
<i>For procurements not exceeding \$5,000.00 the purchasing card method is highly recommended with obtaining appropriate quotes.</i>			
Tier 4	Competitive Sealed Bids/Proposals	\$20,000.01 and up	Chairman

- (2) *Budget and authority.*
- a. It is the responsibility of each department director to ensure sufficient and proper funding is available prior to obligation and/or expenditure.

- b. No county employee, except in cases of emergency as defined in this Purchasing Policy, or as provided by Chapter 252, Florida Statutes, and as instructed by the County Manager, shall issue any order for delivery on a contract or open market procurement until there is, to the credit of the using department concerned, a sufficient unencumbered appropriation balance, in excess of all unpaid obligations, to defray the amount of such order and the order is for a budgeted commodity or service.
- c. After determination of availability of funds, a purchase order shall be approved by the finance department after receipt of the purchase order or contract authorized by the county with justification, and competitive quotes/proposals or bids as required and set forth in section 2-3(1) of this Purchasing Policy.
- d. The Board shall review and approve an annual budget by line item for each department of the county. Upon approval of the line item budget, subsequent procurements that follow the guidelines set forth in this Purchasing Policy shall be considered to be authorized by the Board and the clerk of court, serving as the finance department for the Board, and the custodian of county funds shall be authorized to process payment for such goods and services with the appropriate signature authority as outlined in section 2-3(1) above.

Sec. 2-4. Procurement guidelines.

(a) Tier 1: Petty Cash (not to exceed \$100.00).

- (1) Commodities, equipment, and services with an estimated cost within the thresholds authorized in section 2-3(1) for tier 1 shall be procured through petty cash. Petty cash transactions are limited (maximum of \$100.00) to the immediate need of making change for citizen's purchases or small cash purchases necessary to continue productivity, such as tools, supplies and repair parts which do not individually exceed \$100.00. Purchases at this level do not require competitive quotes, except when deemed advisable by the procurement office. Employees who are authorized cardholders in the county's purchasing card program, are strongly encouraged to use the purchasing card whenever possible to reduce administrative time and costs.
- (2) Purchases from any petty cash fund or the reimbursement for a purchase shall be governed by the following requirements:
 - a. No purchase of any single item from any petty cash fund or for reimbursement shall exceed the authorized dollar limit for petty cash (tier 1) in section 2-3(1).
 - b. Reimbursement for employee travel expenses from a petty cash fund shall not be allowed.
 - c. The custodian of petty cash should perform a weekly reconciliation and inform the finance department of any discrepancies.

- (3) Misuse of petty cash funds is subject to personal liability and disciplinary action up to and including termination of the county employee, as determined by the County Manager. Petty cash purchases must be authorized in advance by the department director.
- (b) *Tier 2: Verbal Quotes (not to exceed \$2,500.00).*
- (1) Commodities, equipment, and services with an estimated cost within the thresholds authorized in section 2-3(1) for tier 2 shall be procured by competitive, verbal quotes. Purchases at this level do not require written quotes, except when deemed advisable by the procurement office. Additionally, if there is an ongoing need for certain commodities, equipment, or services on a fairly regular basis that would otherwise qualify as a tier 2 purchase if viewed in isolation, then competitive procurement is required if \$20,000.01 or more will be spent within a single fiscal year.
 - (2) At least two quotations must be obtained for each purchase, which must then be approved by the department director. In those instances where the securing of two quotations is not practicable, the department director or procurement office shall provide written justification of such. The county employee soliciting the quotes shall clearly document the commodities, equipment, or services requested on a consistent basis from each vendor to assure a like-to-like comparison and shall document the date, vendor, and quotation received for the purchasing file. Quotes may also be obtained from reputable internet vendors. All vendors providing verbal quotes must have the required expertise and capability to perform the work or supply the commodities or equipment. In determining if a vendor has the capability to perform the work or supply the commodities or equipment, consideration shall be given to the vendor's geographic proximity to the county for future ease of delivery, mobilization, or customer support after a purchase. The lowest cost, responsible and responsive vendor who is capable of performing the services or supplying the commodities or equipment will be issued a purchase order or awarded the contract.
 - (3) Employees who are authorized cardholders in the county's purchasing card program, are strongly encouraged to use the purchasing card whenever possible to reduce administrative time and costs. Misuse of purchasing cards is subject to personal liability and disciplinary action up to and including termination of the county employee, as determined by the County Manager. Purchases in this tier must be authorized by the department director.
- (c) *Tier 3: Written Quotations (not to exceed \$20,000.00).*
- (1) General.
 - a. Commodities, equipment, and services with an estimated cost within the thresholds for tier 3 in section 2-3(1) shall be procured by competitive, written quotations.
 - b. At least three written quotations must be obtained for each purchase. In those instances where the securing of three quotations is not practicable, the department director or procurement office shall provide written justification

of such. The county employee soliciting the quotes shall prepare a written quotation solicitation form that clearly documents the commodities, equipment, or services requested and when needed, contact information, the due date for the quotation, any vendor requirements, and other relevant transactional terms. The requested commodities, equipment, or services must be adequately described on a consistent basis to assure a like-to-like comparison among vendors. This written quotation solicitation form shall be emailed, mailed, or otherwise transmitted to at least three vendors who have the required expertise and capability to perform the work or supply the commodities or equipment. Additionally, all written quotation solicitations shall be posted on the county website for a minimum of seven days so that interested vendors may submit.

- c. Quotes must be on company letterhead, a county approved quote form, or in a similar format with a date and signature of an authorized representative of the vendor.
 - d. All vendors providing written quotes must have the required expertise and capability to perform the work or supply the commodities or equipment. In determining if a vendor has the capability to perform the work or supply the commodities or equipment, consideration shall be given to the vendor's geographic proximity to the county for future ease of delivery, mobilization, or customer support after a purchase. The award will be made to the lowest cost, responsible and responsive vendor who is capable of performing the services or supplying the commodities or equipment.
 - e. The procurement office shall review the written quotations and may require additional quotations prior to award to ensure the county is receiving a fair and competitive price for the services, commodities, or equipment. The County Manager shall approve all final awards. Upon award approval, the county employee will generate a disbursement request and send to the procurement office for final review and approval. The procurement office will be responsible for obtaining appropriate signatures and will send the disbursement request to the finance department for payment processing.
- (d) Tier 4: Competitive Procurements (greater than \$20,000.01). Commodities, equipment, and services with an estimated cost equal to or greater than \$20,000.01 must comply with the competitive procurement provisions of section 2-5 of this Purchasing Policy and be approved by the Board.
- (e) Emergency Procurement.
- (1) Emergencies under this section shall be as defined in section 2-2 hereof, or as otherwise provided by applicable law.
 - (2) Following all purchases under this emergency procurement section, a report shall be prepared by the department director who initiated the procurement. The report must include complete documentation clearly stating justification for exception from normal purchasing procedures, an itemization of all individual transactions relating to the emergency procurement, an itemization of any additional work hours

above and beyond the affected employees' usual work schedule, and documentation of communication with other governmental entities (FEMA, SERT, etc.) that have taken place. This report must be submitted to the Board in concurrence with any ratification for payment items and retained by the department director as required by the records retention schedule.

- (3) In the case of emergencies that require the immediate purchase of commodities, equipment or services, the County Manager, or their designee, shall be empowered to secure such commodities, equipment or services without competitive bidding. In this event, all measures as are reasonably possible under the circumstances shall be taken to assure the maximum cost benefit to the county of the commodities, equipment or services procured.
- (4) In addition during non-business hours, a department director, is authorized to make purchases without competitive bids, when an emergency arises and such immediate purchases are necessary to protect the health, safety, welfare, or property of the county or any of its citizens or to continue operations of the department.
- (5) Documentation for emergency purchases pertaining to the above shall be submitted to the County Manager with a detailed explanation, and support materials attached if applicable, within five working days after the event occurred. Emergency purchases that are equal to or greater than \$20,000.00 shall be submitted to the Board for ratification.

(f) *Cooperative Procurement.*

- (1) The procurement office shall have the authority to purchase from and join with other units of governments in cooperative purchasing ventures when the best interest of the county would be served thereby. It is standard policy of the county to cooperate with other government agencies in the purchase of commodities, equipment and services required by the county.
- (2) The most common form of cooperative purchasing is purchasing from contracts issued by the State of Florida, Federal General Services Administration, and other government pricing for specific commodities, equipment and services.
- (3) When any other government agency has competitively procured and awarded any contract for any commodities or service, Jefferson County may purchase that commodity or service from the awarded vendor at the awarded price if the original bid specifications and award allow it. Where the public purchasing unit administering a cooperative purchase complies with the requirements of this purchasing policy, the county, when participating in such a purchase, shall be deemed to have complied with the provisions of this article. Such purchases shall be made without additional county competitive procurement provided that funding has been appropriated and approved by the Board and the purchase has been authorized by the person with signature authority as provided in section 2-3(1).
- (4) The County may bid and award the purchase of any commodities, equipment or services with the stipulation that any other government agency may also purchase the awarded product or service at the same awarded price.

- (5) Documentation requirements. The following documentation is the minimum required to use another government awarded contract.

- a. *Florida Contracts.* The procurement office is authorized to purchase commodities, equipment or services for any dollar amount from authorized vendors listed on the respective state contracts (state term continuing supply contracts, SNAPS agreements (state negotiated agreement price schedules), agreements resulting from invitations to negotiate (ITN), the Florida Sheriffs Association statewide purchasing contract, or other such contracts authorized by statute for use by local governments) of the Florida Department of Management Services, other state agencies and groups.

For all cooperative procurements off state contracts, the required documentation includes:

1. The current state contract number.
2. If the contract has fixed unit prices, a copy of the contract is required.
3. If the contract is a percent discount from list, then a copy of the original manufacturer's list price must be attached. This will usually be in a form of a published price list. If only some of the items on the contract are being sought, then only the pages with those prices are required.

- b. *Federal GSA Contracts.* The procurement office is authorized to purchase commodities, equipment or services for any dollar amount from authorized vendors listed on the eligible federal supply schedules issued by the Federal Grant Services Administration.

For all cooperative procurements off federal GSA contracts, a copy of the GSA contract showing the contract name, number and contract term is required. The ordering information pages and the pages with the pricing are also required. If the contract is a percent discount from list, then a copy of the original manufacturer's list price must be attached. This will usually be in the form of a published price list. If only some of the items on the contract are being sought, then only the pages with those prices are required.

- c. *Contracts from Other Government Entities.* The procurement office shall have the authority to join with other units of government in cooperative purchasing ventures when the best interest of the county would be served thereby, and the same is in accordance with county and state law. Such cooperative purchasing ventures may take the form of joint procurements issued collectively by the county and one or more other government entities for commodities, equipment, or services required by the county and such other government entities. The procurement office may also purchase commodities, equipment, or services utilizing contracts that were competitively procured by other government entities. The procurement office shall appropriately document such cooperative procurement arrangements. All cooperative procurements conducted under this section shall be through contracts awarded through full and open competition, including use of source selection

methods equivalent to those required by this article. Each selection method shall clearly state the intention to include participation by other units of government as a requirement for use in cooperative procurement. For all cooperative procurements from other government entities, the required documentation includes:

1. A complete copy of the original bid/RFP;
2. A copy of award letter/memo/agenda item with minutes by the government entity to the vendor to document award;
3. A complete copy of vendor's proposal; and
4. A complete copy of the current contract with the vendor and any amendments thereto.

(g) *Receiving and Inspection.*

- (1) It shall be the responsibility of each department to have an individual inspect commodities or services immediately upon receipt or performance to ensure that it meets the specifications as set forth in the contract. The person should inspect for proper quantities, proper quality, prompt delivery, and any damages. The receiving person should have available a copy of the contract for verification purposes. Any deviations should be immediately documented and sent to the supplier and to the procurement office.
- (2) Signing a delivery slip does not necessarily constitute acceptance of an order. Any problems with an order should be documented and reported to the vendor as soon as possible to resolve the issue. Time is of the essence when dealing with problems on an order. If items received are damaged or defective, the department receiving the commodities should not use the items and immediately notify the vendor and freight carrier for the corrective action. Failure to timely advise the vendor and/or freight carrier may limit the County's remedies. Also if an item is delivered damaged, the receiving user has the responsibility to protect it and all packing materials from any further damage, and to make it available to the vendor and/or freight carrier for inspection.
- (3) When signing for services performed, the designated County staff person should sign only for what was actually performed. County staff shall never sign blank invoices or service tickets. It is the obligation of the designated County staff person to ensure that the County receives a copy of the service/delivery ticket for the work performed.

(h) *Payment of Invoice.*

- (1) All payment requests shall be made on authorized forms, be accompanied by the original documentation, have proper signatures based on purchase conditions and amount and shall be date and time stamped when turned in. Goods or services must be received or performed before payment is requested. All payments to vendors shall be in accordance with the "Florida Prompt Payment Act," which governs payment for commodities, equipment and services by government agencies. It is imperative that all invoices are paid as promptly as possible.

- (2) It is the responsibility of the department to request payment for commodities, equipment and services received and to attach all necessary documentation required to process payment. All requests for payments for a new vendor will require the department to obtain a W-9 form from the vendor before the payment will be processed. The finance department will provide instruction as needed on policies and procedures for processing payment requests.
 - (3) A request to release a payment that has not been approved by the Board must be made in writing to the County Manager and must include justification for the exception. The County Manager has discretion to approve or deny the request if good cause is shown. All approvals will be ratified by the Board at its next available meeting.
 - (4) All purchases shall be made utilizing the county's tax-exempt certificate and number to exercise the county's tax-free benefit. A copy of the certificate may be obtained from the clerk or the procurement office.
- (i) *Fixed Asset Procedure.*
- (1) Items with a cost or value of \$1,000.00 and/or an estimated lifespan of at least one year shall be considered a fixed asset and be added to the County's property inventory. The fixed asset officer assigned by the clerk's office has the discretion to determine if an item should be added to the property inventory if the item has a cost or value less than \$1,000.00.
 - (2) It is the responsibility of the department making the purchase to include all information required to enter the asset into inventory with the request for payment. Payments will not be processed without the required information. The fixed asset officer will issue a unique number to each qualifying item, will conduct an annual audit of all assets to ensure county property is properly assigned to each department and functional, will maintain record of all transactions relating to purchase, transfer and disposal of all inventory and will provide details and instructions regarding county property as required.
- (j) *Federal and State Funded Grant Procurements.* Prior to procuring any goods or services under a federal or state funded grant award, the employee or department responsible for the procurement shall consult with the procurement office and the county attorney's office concerning applicable procurement requirements to be followed under the grant award. For federal and state grant funded projects the county shall follow the procurement processes and procedures required by the funding agency, the grant agreement, and applicable state and federal law.

Sec. 2-5. Competitive Procurements.

- (a) **Standard Formats.** All competitive procurements shall be developed using a standardized format, unless an exception is made by the County Manager and/or county attorney. All competitive procurements shall contain language indicating that the county retains the right to reject any and all responses for any or no reason and may choose to reissue the procurement.
 - (1) **Requests for Proposals.**

- a. The request for proposals method of procurement is used when it is not practicable for the county to specifically define the scope of work for which the commodities or contractual services is needed. Instead, the county can describe what it wants to accomplish but the methods or means to accomplish the desired outcome cannot be easily defined. There may be several methods available to accomplish a task, and the county is considering all the available options.
 - b. The procurement office and department director shall decide, based on the services needed, if professional services are required. This decision can be made once it is determined that in-house resources are not available to adequately provide such service.
 - c. The department director shall outline needs and objectives that will make up the scope of services to be addressed by the proposers. The procurement office, in conjunction with the department director, shall prepare the criteria and development of the request for proposal which should include, but not be limited to, the following:
 - Introduction
 - Terms and conditions
 - Background
 - Scope of services required
 - Evaluation criteria, including price
 - Proposal schedule
 - Selection process
 - Required forms
 - Proposed contract
 - d. Proposers shall be ranked by an evaluation committee designated by the Board or County Manager and presentations may be made to the evaluation committee or Board for consideration.
- (2) Requests for Qualifications.
- a. The request for qualifications method of procurement is used in the recruitment of qualified professional consulting and/or legal services. There may be several providers available to accomplish the work and the county is considering all the available options.
 - b. The procurement office and department director shall decide, based on the specific services needed, if professional services are required. This decision can be made once it is determined that in-house resources are not available to adequately provide such services.
 - c. The department director shall outline specific needs and objectives that will make up the scope of services to be addressed by the proposers. The procurement office, in conjunction with the department director, shall

prepare the criteria and development of the request for qualifications which should include, but not be limited to, the following:

- Introduction
 - Terms and conditions
 - Background
 - Scope of services required
 - Evaluation criteria
 - Proposal schedule
 - Selection process
 - Required forms
 - Proposed contract
- d. Proposers shall be ranked by an evaluation committee designated by the Board or County Manager and presentations may be made to the evaluation committee or Board for consideration.

(3) Consultants' Competitive Negotiation Act (CCNA) Procurements

- a. The purpose of obtaining CCNA Professional Services is to offer to the County special expertise, practical experience, knowledge, resources and an objective outside professional opinion. The provisions and exemptions contained in Section 287.055, Florida Statutes (commonly known as the Consultants' Competitive Negotiation Act, or "CCNA"), shall apply herein for the procurement of all professional architecture, engineering, landscape architecture, or registered surveying and mapping Services for projects that exceed the CCNA Thresholds.
- b. The following provisions are applicable to the County's selection, engagement, and use of CCNA Professional Services for County projects exceeding CCNA Thresholds and for which CCNA Professional Services are required to be secured pursuant to Section 287.055, Florida Statutes, the Consultants Competitive Negotiation Act.
1. The Competitive Procurement of CCNA Professional Services shall be conducted in accordance with the procedures in Section 2-5(a)(2) hereof (for Requests for Qualifications) with the following exceptions:
- i. Price and compensation shall not be considered in the initial evaluation of Proposals.
 - ii. In ranking responding Vendors' qualifications, the selection committee may consider: ability and adequacy of professional personnel; if applicable; past performance; willingness to meet time and budget requirements; location; recent, current, and projected workloads; and other factors relevant to the specific procurement, if any.

- iii. The selection committee will rank all Vendors in numerical order and select no fewer than the top ranked three firms deemed to be the most highly qualified for purposes of competitive negotiations. In the event three qualified Vendors do not respond, the Procurement office will reject all Proposals and reissue the Request for Qualifications. In the event the County does not receive three qualified Proposals on the second procurement, the Procurement office may proceed with less than three (3) Proposals. The Intent to Award and Notice of Award shall contain the selection committee's numerical rankings.
 - 2. The County may request, accept, and consider Proposals for compensation only during the competitive negotiation phase.
 - 3. The County may enter into continuing contracts, as defined in Section 287.055, Florida Statutes, with Vendors providing CCNA Professional Services; provided, however, that individual projects exceeding those amounts in Section 287.055(2)(g), Florida Statutes, shall not be authorized under a continuing contract.
 - c. At the procurement office's discretion, the County may procure design-build contracts with Vendors pursuant to this Section 2-5(a)(3) or through an Invitation to Bid or a Request for Proposals subject to the following conditions:
 - 1. The CCNA Professional Services Vendor that prepares the design-criteria package must be procured in accordance with this Section and said Vendor will not be eligible to provide design-build Services on the same project.
 - 2. The County shall solicit, through a Competitive Procurement process, responses based on the design criteria package and evaluate the Proposals based upon the evaluation criteria in the Competitive Procurement documents which shall include price, technical, and design aspects of the public construction project, weighted for the project.
 - 3. At the procurement office's discretion, the County may procure a construction manager at risk pursuant to this Section 2-5(a)(3) and Section 255.103, Florida Statutes, which Vendor shall provide advice to the County during the project planning phase on cost effectiveness of various design and construction alternatives, scheduling, value engineering, and management, and will then take on the obligation for construction of the project.
- (4) Invitation to Bid.
- a. The invitation to bid should be utilized when the county is capable of establishing precise specifications for a commodity or defining, with specificity, a scope of services for the commodities or contractual services sought and when the estimated cost of these commodities, equipment or services exceeds the amount specified in section 2-4(d) of this article.

Through this process, vendors are able to compete on a cost basis for like items or services. The selection will be based upon the lowest priced, responsive, and responsible bidder.

- b. The department director shall outline specific needs and objectives that will make up the scope of services to be addressed by the proposers. The procurement office, in conjunction with the department director, shall prepare the criteria and development of the invitation to bid which should include, but not be limited to, the following:
 - Introduction
 - Terms and conditions
 - Background
 - Scope of service or commodities required
 - Schedule
 - Selection process
 - Required forms
 - Proposed contract

(5) *Invitation to Negotiate.*

- a. The invitation to negotiate should be utilized when the scope of the project is not clearly defined and the county has determined that negotiations may be necessary to receive the best value. The invitation shall invite vendor input on the scope, schedule, and process for initiating the project. This method of procurement is frequently used in areas experiencing constant change in the marketplace and the county wants the opportunity to obtain current up-to-date goods or services at the time of contracting.
- b. The department director shall outline the general scope of services to be addressed by the proposers. The procurement office, in conjunction with the department director, shall prepare the criteria and development of the invitation to negotiate which should include, but not be limited to, the following:
 - Introduction
 - General conditions
 - Background
 - Evaluation criteria
 - Schedule and selection process.
- c. Proposers shall be ranked by an evaluation committee designated by the Board or County Manager and presentations may be made to the evaluation committee or Board for consideration.

(6) *Request for Quotations.*

- a. The request for quotations format should be utilized when the county is capable of establishing precise specifications for a commodity or defining, with specificity, a scope of services for the commodities or contractual services sought and when the estimated cost of these commodities, equipment or services does not exceed the amounts specified in section 2-4(c) of this article. Through this process, vendors are able to compete on a cost basis for like items or services. The selection will be based upon the lowest priced, responsive, and responsible bidder.
 - b. The department director shall outline specific needs and objectives that will make up the scope of services to be addressed by the proposers. The procurement office, in conjunction with the department director, shall prepare the criteria and development of the request for quotations which should include, but not be limited to, the following:
 - Terms and conditions
 - Scope of service or commodities required
 - Schedule
 - Selection process
- (b) *Noticing Requirement for Competitive Procurements.*
- (1) Newspaper.
 - a. Noticing of all requests for proposals, requests for qualifications, invitations to bid, and invitations to negotiate (unless otherwise provided by law or waived by the Board) shall be done by publishing once in a newspaper of general circulation in the county at least 14 calendar days prior to the date set for the receipt of the competitive procurement.
 - b. Section 255.0525, Florida Statutes, states that any construction project that is projected to cost more than \$200,000.00 shall be publicly advertised at least once in a newspaper of general circulation in the county at least 21 calendar days prior to the bid received date and at least five calendar days prior to any scheduled pre-bid conference. If the construction project is expected to cost more than \$500,000.00, it must be advertised at least 30 calendar days prior to the bid received date and at least five calendar days prior to any pre-bid conference.
 - c. The notice shall include a general description of the goods or services to be purchased, the location where specifications may be obtained, closing date, and the time and place for receipt of and the opening of the competitive procurement.
 - d. Noticing of all requests for written quotations pursuant to section 2-4(c) shall not require a newspaper ad.

- (2) Active Vendor List. Vendors on the active vendor list shall be provided notice of the competitive procurement which states the same information appearing in the written notice. This may be via e-mail, mail or other communicative technology as deemed appropriate by the county. Active vendors' list procedures are contained in section 2-8(a) hereof.
- (3) Website.
 - a. When advertised in newspapers, the notice shall also be listed on the official county website.
 - b. All requests for written quotations shall be listed on the official county website for a minimum of seven days.
- (c) *Cone of Silence.* Prospective vendors shall not communicate or attempt to communicate with any county staff, officers, or agents regarding the competitive procurement beginning with the date of the advertisement of the competitive procurement and ending with the issuance of a notice of award, the rejection of all responses, or the termination of the competitive procurement, whichever occurs first. No interpretation of the meaning of plans, specifications or other documents can be made to a prospective vendor orally. Vendors who violate this cone of silence will be disqualified from participating in the competitive procurement. The cone of silence does not apply to:
 - (1) Communications at any public proceeding or meeting, including pre-bid conferences, site visits, selection committee presentations, or pre-award meetings.
 - (2) Communications during contract negotiations between designated BOCC contract staff/employees and the vendor named in the notice of award.
 - (3) Communication with a vendor by an BOCC contract staff/employee or agent following competitive procurement opening to clarify the vendor's proposal.
 - (4) Communication following the filing of a challenge to a competitive procurement between the protesting vendor or the selected vendor and designated BOCC contract staff/employees or agents concerning the challenge.
 - (5) Purchases exempt from competitive procurement pursuant to this policy.
 - (6) Communications with a designated County staff person or agent specified in the solicitation documents for the purpose of asking questions or seeking clarification regarding aspects of the procurement.
- (d) *Competitive Procurement Process.* All competitive procurements are to be prepared by the procurement office in conjunction with staff, who will provide input on the scope of the commodities, equipment or services needed, the legal ads, dates, opening, vendor lists and other pertinent information as may be required by the procurement office.
 - (1) *Response Submission.*

- a. Responses to all competitive procurements shall be submitted to the county no later than the date and time designated in the instructions. The envelope containing the competitive procurement shall be sealed and marked according to instructions in the specifications. The procurement office, or designee, shall date and time stamp each response as it is received and file the responses, unopened, in a secure file until the time designated for the opening. Responses received after the designated time shall be returned unopened to the sender.
- b. Mandatory and non-mandatory conferences may be held when deemed necessary by the affected department director, procurement office, or the County Manager. Notification of the conferences will be outlined in the competitive procurement package or provided by separate notice. However, any written material to be distributed to potential respondents must be approved in advance by the procurement office and made part of the competitive procurement.
- c. Registration or certification under Chapter 489, Florida Statutes, is required before any contract is awarded for construction work on buildings or other improvements to real property, except for roads or utilities as specified in Section 489.113, Florida Statutes, or is otherwise exempt under Section 489.103, Florida Statutes.

(2) *Opening of Responses.*

- a. Upon receipt, all responses shall be clocked in at the procurement office and held unopened until the opening date. All competitive procurements shall be opened in public at the time and place stated in the public notice with at least two witnesses present. At least one witness shall be a county employee to record the opening, the other witness may or may not be an employee of the county but they cannot be a respondent to the competitive procurement.
- b. The purpose of the opening is to record the responses received and to ensure that the responses are in compliance with the basic requirements of the competitive procurement. Responses are not analyzed for quality or substance at the opening. A recording of all responses received shall be available for public inspection unless the procurement responses result in the reissuance of the procurement. A copy may be provided upon request and a copying charge may apply.

(3) *Rejecting Responses.* The procurement office, after consultation with the affected department director, County Manager and/or the county attorney, shall have the authority to reject any and all responses for any or no reason. The county will not be held responsible for any costs incurred by vendors/bidders in the case of rejection.

(4) *Correction or Withdrawal of Responses; Material Mistakes; Cancellation of Awards.*

- a. A response submitted to the county as part of a competitive procurement may not be withdrawn unilaterally by the respondent. Correction or withdrawal of inadvertently erroneous responses before or after the competitive procurement opening, or cancellation of awards or contracts based on such mistakes, may be permitted where appropriate, as determined by the County. Mistakes discovered before the competitive procurement opening may be modified or withdrawn by written notice received in the office designated in the procurement prior to the time set for opening.
- b. After the competitive procurement opening, corrections of mistakes shall be permitted only to the extent that the vendor can show by clear and convincing evidence that a material mistake of nonjudgmental character was made, the nature of the mistake, and the price actually intended. After the competitive procurement opening, no changes in prices or other provisions prejudicial to the interests of the county or fair competition shall be permitted. The assigned unit price, when applicable, will be the prevailing decision when an extension price is in error. In place of correction, a low bidder establishing a non-judgmental material mistake of fact may be permitted to withdraw its bid if:
 - 1. The response was submitted in good faith;
 - 2. The magnitude of the error made would make enforcement a severe hardship;
 - 3. The miscalculation was not the result of gross negligence;
 - 4. The error was reported immediately to the county;
 - 5. It is not later than 24 hours after the competitive procurement opening, except that if the following day is not a business day for the county. In such case, a withdrawal may be made until 12:00 noon the next county business day.
- c. All decisions to permit the correction or withdrawal of responses, or to cancel awards or contracts based on material mistakes, shall be supported by a written determination by the county attorney.

(5) *Evaluation of Invitations to Bid.*

- a. In an invitation to bid process, the county may consider the following factors in addition to price when determining whether a bidder is responsive and responsible:
 - 1. Ability, capacity and skill of the bidder to perform the contract.
 - 2. Whether the vendor can perform the contract within the time specified, without delay, interference, or conflict with current workload.

3. Character, integrity, reputation, judgment, experience and efficiency of the vendor.
 4. Quality of performance of previous contracts.
 5. Previous and existing compliance by the vendor with laws and regulations relating to the contract.
 6. Sufficiency of the financial resources and ability of the vendor to perform the contract or provide the product or service.
 7. Quality, availability and adaptability of the supplies or contractual services to the particular use required.
 8. Ability of the vendor to provide further maintenance and service for the use of the subject of the contract.
 9. Number and scope of conditions attached to the bid or quote.
 10. Qualifications of personnel, licensing and corporate qualifications.
 11. Evidence of improper litigation.
 12. Use of one or more subcontractors with a record of poor performance.
- b. For the purposes of this section, the county may consider evidence from the ten-year period preceding the subject bid.
 - c. In the event the lowest, responsive, responsible bid for a construction project exceeds the architectural or engineering cost estimates, the County Manager is authorized, when time or economic considerations preclude rebidding of work of a reduced scope, to negotiate an adjustment of the scope of work with the lowest, responsive, responsible bidder, in order to bring the bid within the amount of available funds.
- (6) *Evaluation of Requests for Proposals, Requests for Qualifications, and Invitations to Negotiate.*
- a. The procurement office will evaluate proposals for responsiveness. All responses to a request for proposals, requests for qualifications, and invitations to negotiate that are deemed to meet the basic requirements of the competitive procurement and have not been rejected shall be distributed to the selection committee for review in accordance with the established time frames outlined in the competitive procurement.
 - b. The selection committee shall consist of at least three persons appointed by the procurement office, the County Manager, or the Board. Eligible selection committee members include county employees, persons holding positions on advisory councils or committees appointed by the Board, employees of other government agencies, employees or associates of governmental support organizations and employees or associates of other support agencies (i.e., local planning councils, etc.). Persons who are not county employees, may serve on a selection committee as either a voting

member or as an advisory, non-voting member. No supervisor will serve on a selection committee with an individual under their direct supervision. Selection committee members must be physically present at all meetings of the committee. Selection committee members must be free of conflicts and the appearance of conflicts.

- c. Selection committee members will be identified prior to the advertisement and release of a competitive solicitation. The procurement office will provide a copy of the competitive solicitation to all selection committee members at the time of release. The selection committee shall use an appropriate form, as approved by the procurement office when evaluating responses and shall conduct its evaluation in accordance with the selection criteria outlined in the competitive procurement. Selection committee members must not seek additional information or perform independent research on vendors submitting proposals. Selection committee members must evaluate and score proposals individually and must not discuss proposals with other selection committee members outside of a duly noticed public meeting, unless otherwise exempt from Section 286.011, Florida Statutes. The selection committee may hear presentations from all, or selected vendors based on the selection criteria outlined in the competitive procurement. Any presentations, ranking or shortlisting of responses shall be done at a duly noticed public meeting, unless otherwise exempt from Section 286.011, Florida Statutes.
- d. When price is included as part of an evaluation, the lowest price proposal will receive the maximum weighted score for the price criteria. Scoring of other proposals is based on the ratio of that proposal's price in relation to the lowest price. The ratio will be multiplied by the score assigned for the pricing criteria. For example:

Lowest price \$10.00 assigned maximum score of 25 points
Next lowest price \$11.00
 $\$10.00 \text{ divided by } \$11.00 \text{ equals } 0.90$
Multiply maximum score of 25 by 0.90 equals 22.5 points
Next lowest price score is 22.5 points

(7) *Intent to Award.*

- a. Once the successful vendor has been determined, the procurement office shall prepare and post a notice of intent to award the competitive procurement.
- b. The notice of intent to award shall be sent by electronic mail to the selected vendor and all responsive vendors to the competitive procurement within 24 hours of the determination. The notice of intent to award shall also be posted in the county administration building and on the county website within 24 hours of the determination.

- c. Upon the distribution of the notice of intent to award to all responsive vendors, which shall be considered done once the notice is sent by the county, the time period for a procurement challenge, as outlined in section 2-5(g) below, shall begin to run.

(8) *Notice of Award.*

- a. After the challenge period in section 2-5(g) has expired, the procurement shall be awarded with reasonable promptness by the entity authorized to approve the purchase, as provided in section 2-3(1) of this article. The notice of award shall be sent to the successful vendor.
- b. The notice of award shall also be posted in the county administration building and on the county website. After conclusion of contract negotiations, as outlined in section 2-5(f) below, all procurements will be formalized by entering into either a contract with the successful vendor or issuing a purchase order to the successful vendor, as described below.
 - 1. *Contracts (written contract).* A written contract, as described below, is used when engaging in construction, purchase of goods and/or services where a purchase order is not adequate to describe all the terms and conditions, and is required to be executed by both parties. A purchase order, as described below, may be used as backup to a contract and processed as encumbrance of funds. The department director, county attorney, County Manager, and/or Board must approve the written contract where applicable per this purchasing policy. A contract refers to a written document, between the supplier, contractor, and/or vendor and Jefferson County. This document establishes the legal working relationship between two parties. It specifies everything that is to be provided: what, when, where, how much, how many, what size, what color, how delivered, where delivered, etc. It specifies how and when payments of goods and services are to be made, maintenance terms, guaranties, etc. The contract establishes in advance the ground rules of the terms and conditions.
 - 2. *Purchase Order.* A purchase order is the county's official legal document between the county and contractor, issued separately or in conjunction with a contract. A purchase order is used to authorize a vendor to proceed with the purchase of goods, services and/or construction as specified, and obligates the county for payment. The purchase order is used in support of other contracts or by itself to establish legal financial obligations. A purchase order may result from price research, informal quotations, sole source or competitive negotiations, or formal solicitation of bids. A purchase order shall be issued upon receipt of an acceptable, authorized requisition, after having justification, competitive quotes, or bids (as determined in accordance with the purchasing policy limits contained in Section 2-3(1)) and after confirming the availability of funding. A purchase

order is issued only after a requisition has been completed and approved. The purchase order must be written so that all the pertinent information is clear, concise and complete, therefore preventing any unnecessary misunderstandings with the vendor.

3. *Change Order or Contract Amendment.* A change order or contract amendment is processed whenever a change to the original agreement is necessary. Change orders or contract amendments are completed for modifications to scope, descriptions, unit cost, quantities, completion times etc. Change orders and contract amendments must be executed by the entity originally approving the purchase order or contract as provided in section 2-3(1). Should the change order or contract amendment increase the total dollar amount such that the approval levels, in accordance with section 2-3(1), change, then the change order or contract amendment will be required to be reapproved by the appropriate authority. Change orders and contract amendments shall not be used to avoid any standard purchasing procedure for procurement by the competitive procedures. The change order and contract amendment must be clearly and concisely defined as to the modifications and justification why the change is being requested.
- (e) *Bid Bonds/Deposits.* The County Manager and/or the procurement office shall determine if bid bonds/deposits shall be prescribed. All contracts for construction or facility improvements governed by 2 CFR § 200.326, shall require bid bonds/deposits in accordance therewith for such projects exceeding the simplified acquisition threshold, as set pursuant to 48 CFR Subpart 2.1. If required, a bid bond/deposit shall be for five percent of the amount of the bid. Unsuccessful bidders shall be entitled to full return of their bid bond/deposit. Upon determination by the Board, the successful bidder shall forfeit this bid bond/deposit or a portion thereof, upon failure to enter into a contract or act on the purchase order issued within ten working days of the notice of award and presentation of a contract by the county, whichever occurs later.
 - (f) *Contract Negotiations.* Upon approval of the selection, the County Manager with the assistance of the county attorney, if requested, will negotiate a contract with the top ranked vendor. Should the County Manager be unable to negotiate a satisfactory contract with the top ranked vendor within a reasonable time, negotiations with that vendor shall be formally terminated by letter to the vendor. The County Manager shall then undertake negotiations with the second ranked vendor, if any. Failing to satisfactorily negotiate with the second most qualified vendor, the County Manager shall terminate negotiations by letter to the vendor. The County Manager shall then undertake negotiations with the third ranked vendor, if any. Should the County Manager be unable to negotiate a satisfactory contract with any of the selected vendors, the County Manager shall, with the approval of the Board, select additional vendors from the original shortlist to continue negotiations or reissue the procurement. Once a satisfactory contract has been reached, the contract shall be presented for approval and execution by the appropriate authority as provided in

section 2-3(1). Upon execution by both parties, the notice to proceed shall be issued.

(g) *Procurement Challenge.*

- (1) Any procurement award recommendation may be challenged on the grounds of material irregularities in the procurement procedure, or material irregularities in the evaluation of the response. To initiate a challenge, the vendor must file a notice of intent to challenge the procurement in writing with the procurement office within 72 hours of posting of the notice of intent to award. A formal written procurement challenge shall be filed within five working days in the County Manager's office after the date on which the notice of intent to challenge has been submitted. Failure to file a timely notice of intent to challenge or failure to file a timely formal written procurement challenge shall constitute a waiver of procurement challenge proceedings. Vendors who do not submit a legitimate response to the competitive procurement do not have standing to file a protest. Furthermore, vendors who would not be awarded the subject contract even if the protest were successful lack standing.
- (2) The notice of intent to challenge shall contain at a minimum: the name of the vendor, the vendor's address, e-mail address, phone number, the name of the vendor's representative to whom notices may be sent, the name and procurement number of the competitive procurement, and a brief factual summary of the basis of the intended challenge.
- (3) The formal written procurement challenge shall: identify the vendor and the competitive procurement involved, include a clear statement of the grounds on which the challenge is based, refer to the statutes, laws, ordinances, or other legal authorities which the vendor deems applicable to such grounds, and specifically request the relief to which the vendor deems itself entitled by application of such authorities to such grounds. The vendor shall mail a copy of the notice of challenge and the formal written challenge to the selected vendor. The County Manager shall, within ten working days of receipt of the formal written challenge, cause the challenge to be investigated. In the event the challenge is not resolved, the Board shall, within a reasonable time, be presented with the written challenge and the County Manager's decision to the challenge prior to award of the procurement. The procurement, which is the subject of the protest, shall not proceed until a final decision has been made, unless the Board makes a determination that the contract must proceed without delay to protect substantial interest of the county.
- (4) Nothing herein relinquishes the county's rights to waive irregularities and formalities in accordance with its procurement package and instructions. Further, nothing herein shall create any rights in the unsuccessful respondent. All decisions of the Board shall be final.

(h) *Exemption from Competitive Procurement.*

- (1) The requirement for competitive procurement is hereby waived for the purchase of the following unless the county determines that a competitive procurement is warranted for a specific purchase:
- a. All books, periodicals, software, printed materials, artwork, photographs, film, film strips, video tapes, disk or tape recordings or similar material where such materials are purchased directly from the producer or publisher, the owner of the copyright, an exclusive agent with the state, a governmental agency, or a recognized educational institute;
 - b. Heavy equipment repairs;
 - c. All purchases of used equipment having a value of \$20,000.00 or less; however, each such purchase shall be supported by one independent estimate of value;
 - d. Cooperative purchasing (ref: section 2-4(f));
 - e. The purchase, lease, or rental of real property, except to the extent required by state law;
 - f. Abstracts of titles for real property and title insurance;
 - g. Sole source purchases (ref: section 2-5(i));
 - h. Public utility services whose rates are determined and controlled by the public service commission or other governmental authority, including but not limited to electricity, water, sewer, telephone and cable television services are exempt from the competitive procurement requirements;
 - i. Consultant services, other than those regulated by Section 287.055, Florida Statutes;
 - j. Social services (e.g., burials and indigent patient services);
 - k. Advertisements; postage; legal services, expert witnesses; court reporter services;
 - l. Dues and memberships in trade or professional organizations; fees and costs of job-related seminars and training;
 - m. Travel;
 - n. Artists, music ensembles (bands) and other entertainment providers;
 - o. Emergency purchases (ref: section 2-4(e));
 - p. Statutorily dictated procurements (such as medical examiners, forestry fire assessments, etc.); and
 - q. Other commodities, equipment or services, as determined by the Board.
 - r. Vehicle collision damage or county building damage covered by insurance claims.

- s. Appraisal services related to the purchase or sale of real property or buildings.
- (2) The requirement for competitive procurement may be waived for the purchase of:
 - a. Single source purchases (ref. section 2-5(j)); and
 - b. Other commodities, equipment or services, as determined by the Board.
- (i) *Sole Source.*
 - (1) The term "sole source" means that the commodity can be legally and reasonably purchased from only one source. This is usually due to the source owning patents and/or copyrights. A requirement for a particular proprietary item does not justify a sole source purchase if, there is more than one potential supplier for that item. Use of brand names and model numbers does not constitute a sole source.
 - (2) A contract may be awarded, except as otherwise provided for under state law, for a supply, service, material, equipment or construction item(s) without competition when the procurement office, with the concurrence of the County Manager, certifies in writing, after conducting a good faith review of available sources, that there is only one available source for the required material, supply, service, equipment, or construction item(s).
 - (3) Such awards will be made within the authorized procurement limits identified in section 2-3(1) of this article. When a purchase exceeds the threshold amount for staff approval, the item will be placed on the agenda for Board approval and certification that the vendor has been determined to be a sole source.
 - (4) The procurement office shall be authorized, after initial sole source certification, to make additional purchases for a sole source vendor for not less than one year or until such time as contrary evidence is presented regarding sole source eligibility, whichever period is less.
- (j) *Single Source.*
 - (1) The term "single source" means that a commodity can be purchased from multiple sources, but, in order to meet certain functional or performance requirements (repair parts, matching existing equipment or materials) there is only one economically feasible source for the purchase.
 - (2) Purchases of goods and/or services from a single source may be exempted from the competitive procurement requirements upon confirmation that: (1) the use is justified based on costs or interchangeability factors; (2) the use is recommended by the project architect, engineer, or affected department director; (3) the rationale for single source is approved by the County Manager. Such awards will be made within the authorized procurement limits identified in section 2-3(1) of this article.

- (3) When a purchase exceeds the threshold amount for staff approval, the item will be placed on the agenda for Board approval and certification that the vendor has been determined to be a single source.
- (4) The procurement office shall be authorized, after initial single source certification, to make additional purchases for a single source vendor for not less than one year or until such time as contrary evidence is presented regarding single source eligibility, whichever period is less.

Sec. 2-6. Unauthorized Procurements.

- (a) *Ultra Vires Procurements.* Except as herein provided, it shall be a violation of Board policy for any officer, employee or agent of the Board to order the purchase of any commodities, equipment or services or to make any contract within the purview of this article other than through the guidelines established in this article. Any purchase order or contract made contrary to the provisions herein shall be considered to be an ultra vires act, shall not be approved, and the county shall not be bound thereby.
- (b) *Subdividing Procurements.* Purchases, orders, or contracts that are subdivided to circumvent the requirements of this article shall be considered unauthorized purchases and are prohibited.
- (c) Any purchase made contrary to the provisions herein may subject employees, agents, volunteers or contractors to disciplinary action, up to and including termination.

Sec. 2-7. Payment and Performance Bonds.

- (a) The County Manager and/or procurement office shall determine if payment and performance bonds shall be required. All contracts for construction or repairs of public buildings and public works require payment and performance bonds in accordance with Section 255.05, Florida Statutes. All contracts for construction or facility improvements governed by 2 CFR § 200.325, require payment and performance bonds in accordance therewith for such projects exceeding the simplified acquisition threshold in 2 CFR § 200.88. Any required bond(s) will be noted in the competitive procurement documents, if applicable. Vendors are not required to secure a surety bond from a specific agency or bonding company.
- (b) All contracts that require payment and performance bonds from a surety company shall require approval by the Board. Payment and performance bonds shall be at least 100 percent of the contract price. At the discretion of the County Manager or Board, an entity entering into a contract that is for \$200,000.00 or less, may be exempted from executing payment and performance bonds.
- (c) A contractor or vendor shall provide a surety bond from a surety company authorized to do business in the State of Florida to guarantee the full and faithful performance of their contractual obligations and the payment of labor and material expended pursuant to the contract whenever and in such amounts as is deemed necessary by the procurement office. Alternative surety devices, such as letters of credit, may be authorized by the Board.

Sec. 2-8. Vendors List, Suspension and Debarment.

- (a) *Active Vendors' List.* A vendors list for the purpose of competitive procurements shall be maintained by the county. The list shall consist of vendors that apply with the county to be placed on the list for the provision of particular commodities, equipment, and services. It is the responsibility of any potential vendor to ensure that it is placed on the active vendors' list for a particular category of commodities, equipment or services.
- (b) *Suspension and Debarment.* As set forth below, the County Manager may suspend or debar, for cause, the right of a vendor to be included on the county's vendor list. Any subsequent bid or proposal from that vendor during the pendency of such suspension or debarment shall be rejected by the county. The county shall only solicit offers from, award contracts to, and consent to subcontracts with vendors known to be reliable, ethical, and responsible. To that end, the suspension or debarment of vendors from county work that do not meet these criteria may be undertaken. The serious nature of suspension or debarment requires that such sanction be imposed only when it is in the public interest for the county's protection, and not for purposes of punishment. Such suspension or debarment shall be imposed in accordance with the procedures contained in this section 2-8(b). Suspension or debarment applies to all officers, principals, directors, partners, qualifiers, divisions or other organizational elements of the suspended or debarred vendor. The suspension or debarment applies to any existing affiliates of the vendor if they are specifically named and are given written notice of the proposed suspension or debarment and an opportunity to respond.
- (1) *Suspension.* A vendor may be suspended based upon the following:
- a. Failure to fully comply with the conditions, specifications, or terms of a contract with the county.
 - b. Failure to fulfill a bid, proposal or quote upon award.
 - c. Commission of any misrepresentation in connection with a bid, quotation or proposal.
 - d. Charged by a court of competent jurisdiction with the commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract. If charges are dismissed or the vendor is found not guilty, the suspensions shall be lifted automatically upon written notification and proof of final court disposition provided by the vendor to the county.
 - e. Charged by a court of competent jurisdiction with the following: embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty may affect the responsibility as a county government contractor. If charges are dismissed or the vendor is found not guilty, the suspensions shall be lifted automatically upon written notification and proof of final court disposition provided by the vendor to the county.
 - f. Vendor becomes insolvent, proceedings in bankruptcy regarding the vendor are filed or, vendor compounds its debts or assigns over its estate or effects for payment thereof, or has a receiver or trustee appointed over its property.

- g. Commission of any act or omission to perform any act which is grounds for debarment.
 - h. Any other cause the County Manager determines to be compelling as to materially and adversely affect the responsibility of a vendor as a county government contractor, including but not limited to, suspension by another governmental entity.
 - i. Violation of the ethical standards set forth in local, state or federal law.
- (2) *Debarment.* A vendor may be debarred for the following:
- a. Repeated failure to fully comply with the conditions, specifications, or terms of a contract with the county.
 - b. Repeated failure to fulfill a bid, proposal or quote upon award.
 - c. Conviction by or judgment obtained in a court of competent jurisdiction for commission of those offenses in connection with the vendor's commercial enterprise stated in section 2-8(b)(1)d. and e. If the conviction or judgment is reversed through the appellate process, the debarment shall be removed immediately upon written notification and proof of final court disposition from the vendor to the county.
 - d. Conviction for the commission of any fraud or act of collusion in connection with any sale, bid, quotation, proposal or other act incident to doing business with the county.
- (3) *Effect of Suspension and Debarment.* The county shall not solicit offers from, award contracts to, or consent to subcontracts with suspended or debarred vendors, unless the County Manager determines that an emergency exists justifying such action and obtains approval from the Board. Such vendors are also excluded from conducting business with the county as agents, representatives, subcontractors, or partners of other vendors.
- (4) *Contract Provision.* All proposed county contracts shall incorporate this provision and specify that suspension or debarment may constitute grounds for termination of such contracts.
- (5) *Suspension and Debarment Process.* The following procedures shall be utilized for the suspension or debarment of a vendor:
- a. The county department requesting the suspension or debarment shall submit to the County Manager a written complaint which shall state with specificity the facts supporting such a request for suspension or debarment and shall identify a recommended suspension or debarment period.
 - b. The County Manager shall review the complaint, verify whether it is compliant with the provisions of this article, direct any appropriate changes and forward the complaint to the vendor.
 - c. The vendor shall review the complaint and provide a written response, with supporting documentation, to each allegation. The response shall be provided to the County Manager within ten business days of receipt of the

complaint. In the event the vendor fails to respond to the complaint within the prescribed time period, the complaint, as forwarded to the vendor, shall become an effective suspension or debarment decision without further appeal.

- d. In the event the vendor files a timely and complete response to the complaint, the County Manager shall determine whether the vendor should be suspended or debarred and, if applicable, the time period for such suspension. The County Manager's decision shall be based on the facts set forth in the complaint, the vendor's response and the parameters set forth in this article.
- e. If the vendor chooses to appeal the County Manager's determination, the vendor shall have three business days to file an appeal to the Board. At its next available meeting, the Board shall review the suspension or debarment record compiled by the County Manager and the vendor. If the original decision to suspend or debar is determined to be proper and justified, the vendor shall be suspended or debarred. The Board's determination shall constitute final action by the County with respect to the matter.

(6) *Suspension or Debarment Period.*

- a. *Suspension.* The County Manager, or the Board in the case of an appeal, shall determine the period of suspension. Such period shall be commensurate with the severity of the cause(s). At the conclusion of the suspension period, the vendor shall automatically be reinstated to the status of active vendor and be eligible to submit bids, proposals, quotes, or otherwise conduct business with the county.
- b. *Debarment.* The period of debarment shall remain in effect until the vendor is reinstated to the status of active vendor.
- c. *Reinstatement.* A suspended or debarred vendor may appeal for reinstatement at any time during the suspension or debarment period based on one or more of the following reasons:
 - 1. Newly discovered material evidence;
 - 2. A reversal of the conviction, civil judgment or other action upon which the suspension or debarment was based;
 - 3. Bona fide change in ownership or management;
 - 4. Elimination of other causes for which the suspension or debarment was imposed; or
 - 5. Other reasons that the Board deems appropriate.
- d. *Appeal for Reinstatement.* The vendor's appeal for reinstatement shall be based on one or more of the aforementioned reasons. The County Manager, with the assistance of the affected department, shall have 30 days from receipt of such appeal to render a written decision to the vendor. If the vendor chooses to appeal the County Manager's determination, the vendor

shall have three business days to file an appeal to the Board. The Board's determination shall constitute final action by the County with respect to the matter.

Sec. 2-9. Conflict of Interest.

- (a) No elected official, employee, or agent of the county shall participate in the selection or in the award or administration of a contract if a conflict of interest, real or apparent, would be involved.
- (b) Such a conflict would arise when the elected official, employee, or agent, or his or her immediate family has a financial or other interest in the firm selected or considered for award or any other circumstance concerning the selection, award or administration of any contract that would violate the standards of conduct in Section 112.313, Florida Statutes. The county's elected official, employees, or agents shall neither solicit nor accept gratuities, favors, or anything, regardless of value, from contractors, potential contractors, or parties to subagreements.
- (c) Violations of these standards of conduct may result in disciplinary action as set forth in Section 112.317, Florida Statutes, provided that such disciplinary action does not conflict with the jurisdiction of the State of Florida Commission on Ethics.

Sec. 2.10. Public Records and Public Meetings.

(a) *Public Records.*

- (1) The county is governed by the state public records laws provided in Chapter 119, Florida Statutes. Pursuant to current state law, responses to competitive procurements received by the county are exempt until such time as the county provides notice of an intended decision or until 30 days after opening, whichever occurs first. Certain proprietary and financial information from vendors may also be confidential or otherwise exempt from public disclosure under certain circumstances.
- (2) Official records and documents shall be retained per the requirements set forth in the Florida State Statutes regarding records retention.

(b) *Public Meetings.*

- (1) The county is governed by the state public meeting laws as provided in Section 286.011, Florida Statutes. Any meetings of a Board or committee where presentations, rankings, short listings, or other award decisions are to be made shall be done at a duly noticed public meeting, unless otherwise exempt from Section 286.011, Florida Statutes.
- (2) Any portion of a meeting at which a negotiation with a vendor is conducted pursuant to a competitive procurement, at which a vendor makes an oral presentation as part of a competitive procurement, or at which a vendor answers questions as part of a competitive procurement is exempt from Section 286.011, Florida Statutes.
- (3) Any portion of a negotiation team meeting at which negotiation strategies are discussed is exempt from Section 286.011, Florida Statutes.

- (4) A complete recording shall be made of any meeting, or portions thereof, that are exempt from state public meeting laws. The recording of, and any records presented at, the exempt meeting are exempt from Section 119.07(1), Florida Statutes, until such time as the county provides notice of an intended decision or until 30 days after opening the bids, proposals, or final replies, whichever occurs first.

Sec. 2-11. Grants.

- (a) Expenditures from funds other than general fund tax dollars may require special processing because of specific legal terms and conditions placed by the funding agency. Grants often have certain purchasing requirements that are different or additional to the county's purchasing policy and they require special purchasing procedures. It is the responsibility of the using department to identify any special purchasing requirements or provisions, notify the procurement office of them, and to ensure that all requirements are followed.
- (b) Unless otherwise specified in the grant, all grant purchases shall follow the county's purchasing policy.
- (c) The provisions of 2 CFR 200 and Rule 73C-23, F.A.C. are hereby incorporated herein by reference and shall be applicable to procurements funded pursuant to a grant agreement that is governed by those provisions.

Sec. 2-12. Purchasing Cards.

- (a) Utilization of the purchasing card is limited to the authorized cardholder whose name appears on the face of the card. Purchasing cards are issued by the county's purchasing card administrator following:
 - (1) Completion (and approval) of a cardholder profile information form; and
 - (2) Completion of purchasing card program training.
- (b) The Board encourages the use of the purchasing card for purchases under \$5,000.00, as well as approved travel expenditures. This process enables the cardholder to procure small dollar commodities and some services without issuance of a purchase order.
- (c) Under the purchasing card program, the cardholder may order commodities, equipment or services within procurement guidelines provided by the procurement office and within their authorized monthly or single transaction dollar limit which is established by the department director and approved by the purchasing card administrator. Using the purchasing card is intended to:
 - (1) Expedite the delivery of commodities, equipment and services;
 - (2) Reduce the number of small dollar purchase orders;
 - (3) Reduce paperwork from vendors and provide immediate payment to vendors;
 - (4) Permit purchasing in emergency situations;
 - (5) Lower overall purchasing transaction costs and increase accountability; and
 - (6) Provide certain management information in an electronic format.

- (d) When a purchasing card is issued to an employee, it constitutes a delegation of purchasing responsibilities to that employee. Therefore, cardholders must follow good purchasing practices and comply with all applicable purchasing statutes and procedures.

Sec. 2-13. Surplus Property and Disposal.

(a) *Obtaining Surplus Property.*

- (1) The procurement office has the authority to obtain property from authorized surplus property programs such as other government agencies, manufacturers, businesses or public auction when purchased in accordance of the purchasing policy thresholds.
- (2) Surplus property obtained from another government agency (i.e. a county, city, etc.) shall be reviewed and the appropriate process determined by the County Manager on a case-by-case basis.

(b) *Disposing of Surplus Property.*

- (1) The county will routinely dispose of surplus property held by the county, when there is sufficient amount of surplus property to dispose of, by means of public auction, recycling, scrapping, cannibalization, trade or donation to non-profit and civic groups as approved by the Board. Other government agencies are also invited to participate in these government auctions.
- (2) Departments identifying property as surplus shall advise the County Manager and provide all pertinent information regarding the item. After the Board approves the list of surplus property, the County Manager shall initiate and coordinate disposal as directed by the Board, in accordance with established regulations. Any auctions shall be advertised and posted on the county's official website.

Sec. 2-14. Minority, Women, and Small Business Enterprise Program.

- (a) The purpose of the minority, women, and small business enterprise program is to provide guidance in the outreach of W/MBEs to ensure awareness and opportunities of doing business with Jefferson County. The minority, women, and small business enterprise program shall only apply to those projects, services or commodities funded by a federal or state grant/contract/agreement having W/MBE requirements and not otherwise covered by a W/MBE or disadvantaged business enterprise program.
- (b) The procurement office will ensure compliance with this purpose by ensuring its requirements are included in competitive procurements as it applies to both primary and subcontractors.
- (c) The county will accept certification of W/MBE status from the City of Tallahassee, Leon County, and State of Florida, Office of Supplier and Diversity as well as the Florida Department of Transportation (FDOT), DBE program in lieu of creating its own certification program. The county may also consider and accept certification from other State of Florida, county or city programs on a case-by-case basis.
- (d) The minimum W/MBE requirements to be included in each applicable competitive procurement are as follows. The County shall also include any such additional

requirements as necessary to ensure compliance with a federal or state grant/contract/agreement or as otherwise required by applicable state or federal law:

- (1) The county will utilize the State of Florida, City of Tallahassee, Leon County, and FDOT directories to notify certified W/MBE firms of procurement opportunities in Jefferson County. The efforts of such outreach shall be maintained in the original procurement solicitation file.
- (2) Each primary contractor that intends to use subcontractors shall also use the State of Florida, City of Tallahassee, Leon County and FDOT directories of W/MBE to solicit W/MBEs for subcontracting opportunities under a primary contract.
- (3) Each primary contractor that intends to use subcontractors shall be responsible for documenting outreach activities in accordance with the competitive procurement document.

Secs. 2-14 – 2-20. Reserved.

SECTION 3. CREATION OF A NEW ARTICLE II WITHIN CHAPTER 2 OF THE JEFFERSON COUNTY CODE OF ORDINANCES RELATED TO ADMINISTRATION.

Section 2-2 of the Jefferson County Code of Ordinances, entitled "Cemetery Maintenance," is hereby recodified in a new Article II within Chapter 2 of the Jefferson County Code of Ordinances, as Section 2-21.

SECTION 4. CREATION OF A NEW ARTICLE III WITHIN CHAPTER 2 OF THE JEFFERSON COUNTY CODE OF ORDINANCES RELATED TO ADMINISTRATION.

Section 2-3 of the Jefferson County Code of Ordinances, entitled "Economic Development Fund," is hereby recodified in a new Article III within Chapter 2 of the Jefferson County Code of Ordinances, as Section 2-22.

SECTION 5. REPEAL OF PREVIOUSLY ADOPTED COUNTY PURCHASING POLICIES.

All purchasing and/or procurement policies and procedures adopted by the Board prior to the effective date of this Ordinance are hereby repealed in their entirety. Nothing herein shall be deemed to invalidate or otherwise effect the validity of any County purchases or contracts entered into prior to the effective date of this Ordinance.

SECTION 6. CODIFICATION IN THE CODE OF ORDINANCES. It is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Jefferson County Code of Ordinances, and that the sections of this Ordinance may be renumbered to accomplish such intent.

SECTION 7. SEVERABILITY. Should any section or provision of this Ordinance or any portion thereof, or any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof other than the part declared to be invalid.

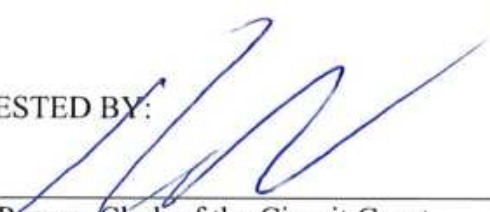
SECTION 8. EFFECTIVE DATE. A certified copy of this Ordinance shall be filed with the Department of State within 10 days after its enactment by the Board and shall take effect as provided by law.

PASSED AND DULY ENACTED by the Board of County Commissioners of Jefferson County, Florida in regular session, this 3RD day of NOVEMBER, 2022.

**JEFFERSON COUNTY, FLORIDA
BOARD OF
COUNTY COMMISSIONERS**


Gene Hall, Chair

ATTESTED BY:


Kirk Reams, Clerk of the Circuit Court

APPROVED AS TO FORM & SUBSTANCE:


Heather J. Encinosa, County Attorney