

ORDINANCE #08-____

AN ORDINANCE OF WAKULLA COUNTY, FLORIDA REPEALING ORDINANCE 90-40; DELETING ALL THOSE PROVISIONS OF ORDINANCE 85-4, WAKULLA COUNTY CODE, CHAPTER 2, ARTICLE VI, "PURCHASING" BEGINNING WITH SECTION 2.251 CONTINUING THROUGH SECTION 2.277, IN ITS ENTIRETY AND REPLACING SAME WITH THE FOLLOWING PROVISIONS CONCERNING PURCHASING AND BIDS AND RELATED MATTERS; PROVIDING FOR A MISSION; CONCEPTS AND OBJECTIVES; DEFINITIONS; PURCHASING CATEGORIES; ENCUMBRANCE OF FUNDS; PURCHASING GUIDELINES; PROCEDURES FOR BIDS AND PROPOSALS/QUALIFICATIONS AND INVITATIONS TO NEGOTIATE; SOLE SOURCE/SINGLE SOURCE; UNAUTHORIZED PURCHASES; PAYMENT AND PERFORMANCE BONDS; BIDDERS LIST; CONFLICT OF INTEREST; PUBLIC RECORDS; GRANTS; SURPLUS PROPERTY AND DISPOSAL; PROVIDING A PURCHASING MATRIX; PROVIDING FOR A PURCHASING CARD SYSTEM WITH PURCHASING CARD GUIDELINES TO BE ADMINISTERED PURSUANT TO ADMINISTRATIVE POLICY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR PENALTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Wakulla County, Florida, that:

MISSION

The mission of the Purchasing Policy is to maximize the purchasing 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 purchasing by the County.

SECTION 1.0 CONCEPTS AND OBJECTIVES

This policy, set by the Board of County Commissioners of Wakulla County (hereinafter referred to as "Board"), governs all of the procurements made by the Board. No contract or purchase shall be subdivided to avoid the requirement of this policy.

1.1 Concepts

The Purchasing function is to ensure that purchasing laws, rules and regulations are enforced and carried out under the highest ethical standards. 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 procure for the County the highest quality in commodities and services at the least expense and/or the best value to enable the greatest cost effectiveness in performance to the County.

To encourage uniform bidding and to endeavor to obtain full and open competition on all purchases and sales.

To keep informed of current developments in the field of purchasing, prices, market conditions and new products to secure for the County the benefits of research done in the field of purchasing, prices, market conditions and new products and 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.

1.2 Objectives

The objectives of the Purchasing Policy are:

To deal fairly and equitably with all suppliers wishing to do business with Wakulla County.

To assure adherence to all purchasing laws, regulations, and procedures.

To maximize competition for all procurements.

To obtain maximum savings through bulk purchases and other value adding techniques.

To administer the contracting function with internal efficiency.

To purchase goods and services at the lowest price, consistent with quality, performance, and delivery requirements from capable suppliers meeting the County's needs.

To obtain maximum value from transfer, trade, sale or other disposition of surplus and/or obsolete property.

1.3 Purchasing Policy Ethics

Acceptance of gifts at any time, other than advertising novelties, is prohibited. Acceptance of entertainment also is prohibited. Employees must not become obligated to any suppliers and shall not conclude any County transaction from which they may personally benefit.

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 council with respect to the purchase.

The provisions of Section 112.313, Florida Statutes, pertaining to standards of conduct for public officers, employees of agencies, and local government attorneys expressly apply to the Wakulla County Purchasing Policy. A violation of Section 112.313, Florida Statutes, pertaining to purchasing or contractual relationships shall also be deemed a violation of this Policy. Specific statutory provisions pertaining to purchasing and contracting include but are not limited to: Section 112.313 (standards of conduct), Section 218.70, (the Florida Prompt Payment Act), Section 287.055 (consultants' competitive negotiation act), Section 336.41 and 336.44 (county roadwork).

SECTION 2.0 DEFINITIONS

For the purposes of this Policy and any documents pertaining to the use of this Policy (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.

Addendum. A document used to expand or more fully explain the terms of a bid instrument (such as Invitation to Bid or Request for Proposals). An addendum is not to be confused with a contract amendment.

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.

Bid. An offer of price for goods or services specifically given to the County in response to an Invitation

Board. The Board of County Commissioners, the legislative body of the County of Wakulla, 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.

Capital Projects Fund. A fund created to account for financial resources to be used for acquisition or construction of major capital facilities (other than those financed by proprietary

funds, Special Assessment Funds, and Trust Funds).

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

Commodity. A product 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.

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 practice.

Contract. (a) A deliberate verbal or written agreement between two or more competent parties to perform a specific act or acts; (b) any type of agreement regardless of what it is called for the procurement of goods, services, consultant services, or construction and (c) a purchase order.

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 contracts to perform work or services, or provides commodities to the County.

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

Cooperative Purchasing. Procurement conducted by, or on behalf of, more than one public procurement unit.

County. The County of Wakulla, Florida.

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

Emergency Purchase. An expeditious purchase of goods, services, consultant services and/or construction to reduce an imminent or existing threat to the health, safety of welfare of persons or property within the County.

Fixed Asset/Equipment. Any item of capital nature, of value exceeding \$750.00 and with an estimated life span of over one (1) year. A Capital fixed asset is an item with a value of \$5,000.00 or more.

F.O.B or (Free on Board). A term used in conjunction with an identified physical location to determine the responsibility and basis for payment of freight charges, and the point at which title for the shipment passes from seller to buyer.

Goods. Any tangible personal property other than real property.

Gratuity. A payment, loan, subscription, advance, deposit of money, service, or anything of more than nominal value, presented or promised, for the benefit of an employee, unless consideration of substantially equal or greater value is given by the employee.

Invitation for Bid (Competitive Sealed Bidding). A written solicitation document used for competitive sealed bidding for the purchase of goods, services, and/or construction, when specifications are available and the selection will be based upon the lowest responsive and responsible bidder.

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 bid requirements or other mistake that gives one bidder a substantial advantage over other bidders. A non-material mistake is any mistake that does not affect price, give one bidder an advantage or benefit not enjoyed by other bidders and does not adversely affect the interests of the County.

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 bidders interest in pursuing the task.

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 stating the goods, consultant services, and/or services offered to satisfy the need as requested in the request for proposal.

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

Purchase Order. The County's official legal document of contract between the County and contractor, issued separately or in conjunction with other documents, whether electronic or mechanical, which delineates the responsibilities of both parties in the provision of and payment of goods and services required by the County. The purchase order is also the mechanism by which budgetary and cash balances are encumbered in the County's finance system.

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. A solicitation of responses for goods, consultant services, and/or services for which the scope of work, specifications, or contractual terms and conditions cannot be well defined. 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: A solicitation of responses for services where the specifications of required services are broad and specialized in nature, such as attorney, auditor, CPA's, etc.

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

Responsible Bidder. A vendor submitting a bid 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 Bidder. A vendor submitting a bid that substantially conforms with all material respects to the requirements and criteria set forth in the invitation.

Sensitive Property. Property with a value less than that below the threshold for fixed asset/equipment, but could be easily moved, lost, or stolen. Examples of sensitive property include, but are not limited to: cameras, radios, cell phones, calculators, computer accessory equipment, and electronic devices.

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.

Small Purchases. The procurement of commodities or services with a value within the thresholds set for this category without the requirement of quotes, or bids, from at least three (3) vendors.

Single Source. A commodity that 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.

Sole Source. A commodity that can be legally 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.

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.

Tie (Identical) Bid. When two or more bids are equal with respect to price and it appears the quality and service offered by the vendors are otherwise comparable.

Using Agency. Any department, division, agency, commission board, committee, authority or other unit in the County government using supplies or procuring contractual services as provided for in the Policy.

Vendor. Any business that will be or has been awarded a contract by the County.

SECTION 3.0 PURCHASING CATEGORIES; ENCUMBRANCE OF FUNDS

Please note that the purchasing categories described below pertain only to the threshold amounts required for quotations and bids and do not reflect signature authority thresholds. *(See Purchasing Matrix in Appendix A)*

Purchasing Categories: Threshold Amounts

Small Purchases (no quotes required):

Not to exceed \$999.99

Competitive Verbal Quotes/Proposals:	\$1000.00 to \$2499.99
Competitive Written Quotes/proposals	\$2500.00 to \$9999.99*
Competitive Sealed Bids/Proposals	\$10,000.00 and up

*Purchases under \$5000 may be approved by the Director of the Office of Management and Budget, while purchases between \$5000 and \$9999.99 shall be approved by the County Administrator.

3.2 Encumbrance of Funds

No County employee, except in cases of emergency as determined by the County Administrator, shall issue any order for delivery on a contract or open market purchase 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.

It is the responsibility of the requesting department to ensure sufficient and proper funding is available prior to submitting a purchase order for approval.

A purchase order shall be approved by the Office of Management and Budget only upon receipt of the purchase order authorized by the Department with justification, competitive quotes or bids as required by this policy, and after determination of the availability of funds.

The Board of County Commissioners shall review and approve an annual budget by line item for each department of the County. Upon approval of the line item budget, subsequent purchases that follow the guidelines set forth in this Purchasing Policy shall be considered to be authorized by the Board and the Clerk of the Court, serving as the Finance Officer for the Board, and the custodian of County funds shall be authorized to process payment for such goods and services with the signature of the current Chairman of the Board

SECTION 4.0 PURCHASE GUIDELINE

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 Office of Management and Budget.

4.1 Small Purchases

Procurement for commodities and services when cost thereof is nine hundred ninety nine dollars and ninety nine cents (\$999.99) or less does not require solicitation of quotes, except when deemed practical by the Director of the Office of Management and Budget. Small purchases may be approved by the Division Director and the order may be placed for goods and services.

4.2 Petty Cash

Petty Cash purchases are limited to the immediate need of small cash purchases which do not exceed one hundred fifty dollars (\$150.00) such as tools, supplies, and repair parts when needed immediately to continue working. Misuse of petty cash funds is subject to non-reimbursement and personal liability.

4.3 Competitive Quotes (Verbal)

Procurement for commodities and services when cost thereof is one thousand one dollars (\$1000.00) or greater, but is less than two thousand four hundred ninety nine dollars & ninety nine cents (\$2,499.99) shall require competitive verbal quotations from two or more vendors to the user department. The Department shall then submit the documentation to the Office of Management and Budget for approval.

4.4 Competitive Written Quotes/Proposals (less than \$10,000.00)

Competitive Written Proposals for all purchases of commodities and services when estimated cost thereof is two thousand five hundred dollars (\$2,500.00) or greater, but is less than nine thousand nine hundred dollars and ninety nine cents (\$9,999.99), shall be mailed or faxed to three or more vendors to include general/special specifications.

The Director of the Office of Management and Budget shall have authority to make award of said purchase that is less than five thousand dollars (\$5,000.00) to the lowest and/or best value responsive responsible vendor. The County Administrator shall have the authority to make award of said purchase that is five thousand dollars or more and less than nine thousand nine hundred dollars and ninety nine cents (\$9,999.99) to the lowest and/or best value responsive responsible vendor.

4.5 Competitive Sealed, Written Bids/Proposals (greater than \$10,000)

Competitive Sealed Written Bids for all purchases of commodities and services when the estimated cost thereof shall be greater than ten thousand dollars (\$10,000) comply with Section 5 of this policy and shall be approved by the Board of County Commissioners.

4.6 Request for Proposals (CCNA)

The purpose of obtaining 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, "CCNA"), shall apply herein.

When the County seeks professional services for projects, the basic construction cost of which is estimated to be in excess of \$250,000, or for a planning or study activity when the fee for professional services is expected to exceed \$25,000, or is otherwise required by Section 287.055,

Florida Statutes, the request for proposal process shall be initiated as set forth in Section 5 of this Policy.

4.7 Emergency Procurement

Emergencies under this section shall be as defined in the Policy Definitions, or as provided by Chapter 252, Florida Statutes, as may be amended from time to time.

Following all purchases under this emergency procurement section, a report shall be prepared by the user, with complete documentation, clearly stating the justification for exception from normal purchasing policy procedures.

In the case of emergencies that require the immediate purchase of goods or services, the County Administrator or his designee shall be empowered to secure such goods 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 goods or services procured.

In addition, a Division Head or Department Supervisor, during non- business hours, is authorized to make purchases without competitive bids, when an emergency arises and such purchases are necessary to protect the health, safety, welfare, or property of the County or any of its citizens.

Documentation for emergency purchases pertaining to the above shall be submitted to the County Administrator with a detailed explanation, and support materials attached if applicable, within five working days after the event occurred. Emergency purchases that meet the \$10,000 or greater amount shall be submitted to the Board for ratification.

4.8 Local Preference

In the purchase of, or contract for, goods and services in an amount less than \$10,000, the County may give a preference in an amount not to exceed 5% of the quote by local persons, firms or corporations; provided, however, that this preference in no way prohibits the rights of the County to compare quality of materials proposed for purchase and to compare qualifications, character, responsibility and fitness of all persons, firms, or corporations submitting bids. In the request for proposal (RFP) process, the local preference may be up to 5 points. Local persons, firms or corporations shall be defined as those whose principal place of business is located within the boundaries of the County of Wakulla, Florida.

4.9 Cooperative Purchasing

The Director of the Office of Management and Budget 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 Purchasing to cooperate with other government agencies in the purchase of goods and services required by the County.

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 and services.

When any other government agency has competitively bid and awarded any contract for any product or service, Wakulla County may purchase that product 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 policy, the County, when participating in such a purchase, shall be deemed to have complied with the provisions of this policy.

Wakulla County may bid and award the purchase of any product or service with the stipulation that any other government agency may also purchase the awarded product or service at the same awarded price.

Documentation requirements: The following documentation is the minimum required to use another government entities awarded contract.

FLORIDA STATE CONTRACTS: The current Florida State Contract Number is required. If the contract has fixed unit prices, a copy of the contract is 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 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.

FEDERAL GSA CONTRACTS: A copy of the GSA contract showing the contract name, number and contract term is required. The ordering information page(s) and the page(s) 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.

Contracts from other Government Entities: Required are: (a) complete copy of the original bid/RFP; (b) copy of award letter/memo/agenda item by the government entity to the vendor; and (c) complete copy of vendor's proposal.

4.10 Receiving and Inspection

It shall be the responsibility of each department to have an individual, immediately upon receipt of product or service, to inspect that product or service to ensure that it meets the specifications as set forth in the purchase order. The person should inspect for proper quantities, proper quality, prompt delivery, and no damage. The receiving person should have available a copy of the purchase order for verification purposes. Any deviations should be immediately documented and sent to the supplier and to the Office of Management and Budget.

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 goods should not use the items and immediately notify the vendor for the corrective action. Failure to timely advise the vendor and/or freight carrier may limit your 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 carrier for inspection.

When signing for services performed, sign only for what was actually performed. Never sign blank invoices or service tickets. Always insist that your Department receives a copy of the service/delivery ticket for the work performed.

4.11 Payment of Invoice

It is the responsibility of the using department to request payment of goods or services received. The County Finance Office has certain policies and procedures to follow and will furnish those upon request and provide instruction.

All payments to vendors shall be in accordance with the Florida Statutes, "Prompt Payment Act," governing payment for goods or services by government agencies. It is imperative that all invoices are paid as promptly as possible.

4.12 Fixed Asset Procedure

Items with a value of more than \$750.00 and with an estimated life span of more than one year shall be considered a fixed asset and shall be added to the property inventory per established policy.

SECTION 5.0 COMPETITIVE PURCHASES/SOLICITATIONS

(Including but not limited to Requests for Proposals; Qualifications and Invitation to Negotiate)

5.1 Standard Format

All bids shall be developed using a standardized bid format and language, unless an exception is made in writing by the County Administrator and/or County Attorney. It should be noted on all bids, requests and invitations that the County retains the right to reject any and all bids or proposals for any or no reason and may choose to re-bid or withdraw the invitation or request at the discretion of the Board or their designee.

5.2 Competitive Sealed Bids/Proposals

All purchases for commodities and services, when the estimated cost thereof shall equal or

exceed ten thousand dollars (\$10,000), shall be purchased by competitive sealed bid or proposals after due notice inviting proposals. The Board may waive the sealed bid/proposal requirements when deemed to be in the best interest of the County. The preparation of the technical specifications are to be prepared by the using Division Head, who will coordinate with the Office of Management and Budget on legal ads, dates, opening, vendor lists and other pertinent information as may be required by the Office of Management and Budget or the County Administrator.

5.3 Notice Inviting Bids/Proposals

Newspaper - Notice inviting bid/proposals (unless otherwise provided by law) shall be published once in at least one newspaper of general circulation in the County, and at least fourteen (14) calendar days prior to the last day set for the receipt of bids or proposals. Section 255.0525, Florida Statutes, states that any construction project that is projected to cost more than two hundred thousand dollars (\$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 (5) calendar days prior to any scheduled pre-bid conference. If the construction project is expected to cost more than five hundred thousand dollars (\$500,000.00), it must be advertised at least 30 calendar days prior to the bid received date and at least five (5) calendar days prior to any pre-bid conference.

Written Notice - 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 bids.

Bidder's List - Vendors on the bid list shall be provided notice of the Invitation to Bid 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. Bidders List procedures are contained in Section 8.0 herein.

Website - When advertised in the newspaper, the notice shall also be listed on the official County website.

5.4 Development of Request for Proposal

The division 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 service.

The division shall outline specific needs and objectives that shall be addressed by the proposers.

The Division Head shall prepare the criteria and development of the proposal which should include, but not be limited to, the following:

Introduction
General Conditions
Terms and Conditions
Background
Scope of Service Required
Submittals Evaluation Criteria
Proposal Schedule
Selection Process

Purchasing policy requires RFP's to be advertised for a minimum of fourteen (14) calendar days. Requests for a period of time less than that must be approved by the Board. The public notice must include a general description of the project and must indicate how interested consultants may apply for consideration.

5.5 Advertisement/Notice of Proposal

A current (qualified) vendor list is prepared by the Office of Management and Budget.

The RFP will be advertised in a local publication a minimum of fourteen (14) calendar days prior to submission deadline.

RFP's will be provided to the firms on the vendor list and to those who have responded to the advertisement.

The County Administrator shall appoint a Selection Committee. Meetings of the selection committee shall be in accordance with Section 286.011, Florida Statutes (the Sunshine Law) and shall be noticed as appropriate.

A copy of the RFP is issued to each member on the Selection Committee. Copies of the RFP will be issued to other interested persons as requested.

Upon receipt, all RFP's are clocked in at the County Administrator's Office and held unopened until the opening date. RFP's are opened publicly at the time and place specified in the RFP and verified for compliance with requirements of the RFP.

Ranking Firms

The Proposal is distributed to the Selection Committee for review in accordance with the established time frame. The Selection Committee shall use an appropriate form, as approved by the Director of the Office of Management and Budget when short listing firms. The initial shortlist shall depict all firms submitting RFP's. A numerical ranking shall be indicated for each firm. Also, each Selection Committee member's name shall be listed on the form.

Once the Selection Committee has completed shortlist of the firms they shall then notify the

appropriate staff of the Committee's decision.

All firms will then be notified within a timely fashion of the Committee's ranking, by the Director of the Office of Management and Budget, or designee, and presentations shall be scheduled. Presentations may be made to the Selection Committee to allow for a second round of short listing, or directly to the Board for their ranking, as deemed appropriate by the County Administrator or designee.

5.7 Request for Qualifications

Request for Qualifications shall be prepared by administrative staff, as appropriate, and noticed as in Section 5.5 above. This should be utilized in the recruitment of qualified professional consulting and/or legal assistance. The Notice should include the following:

- Introduction
- General Conditions
- Background
- Scope of Service Required
- Evaluation Criteria
- Schedule and Selection Process

Proposers shall be ranked by a committee designated by the Board or County Administrator and presentations may be made to the Board for consideration.

Invitation to Negotiate

This format should be utilized when the scope of the project is not clearly defined. The Invitation shall invite vendor input on the scope, schedule, and process for initiating the project. Invitations to Negotiate shall be noticed as indicated in Section 5.3 of this policy and shall include:

- Introduction
- General Conditions
- Background
- Evaluation Criteria
- Schedule and Selection Process.

Proposers shall be ranked by a committee designated by the Board or County Administrator and presentations may be made to the Board for consideration.

Contract Negotiations

Upon approval by the Board of the ranking, the County Administrator or designee will negotiate a contract with the top ranked firm. Should the County Administrator or designee be unable to negotiate a satisfactory contract with the top ranked firm within a reasonable time, negotiations

with that firm shall be formally terminated. The County Administrator or designee shall then undertake negotiations with the second most qualified firm. Failing to satisfactorily negotiate with the second most qualified firm, the County Administrator or designee shall terminate negotiations. The County Administrator or designee shall then undertake negotiations with the third most qualified firm.

Should the County Administrator or designee be unable to negotiate a satisfactory contract with any of the selected firms, the County Administrator or designee shall, with the approval of the Board, select additional firms from the original shortlist to continue negotiations or re-advertise.

Once a satisfactory contract has been reached, the Board may approve the contract and authorize the Notice to Proceed.

5.10 Bid Bonds/Deposits

The County Administrator and/or Director of the Office of Management and Budget shall determine if bid bonds/deposits shall be prescribed. This bond/deposit shall be for five percent (5%) of the amount of the bid. Unsuccessful bidders shall be entitled to full return of their bond/deposit. Upon determination by the Board, the successful bidder shall forfeit this bond/deposit or a portion thereof, upon failure to enter into a contract or act on the purchase order issued within ten (10) working days of the bid award date.

5.11 Bid Submission

Bid/proposals shall be submitted to the County no later than the date and time designated in the instructions. The envelope containing the bid/proposal shall be sealed and marked according to instructions in the specifications. The Director of the Office of Management and Budget, or designee, shall date and time stamp each bid/proposal as it is received and file the bid/proposals, unopened, in a secure file until the time designated for the opening.

Bid/proposals received after the designated time shall be returned unopened to the sender.

Pre-bid/proposal conferences may be held when deemed necessary by the affected Division Head, Director of the Office of Management and Budget, or the County Administrator. Notification of the Pre-bid/proposal conferences will be outlined in the bid/proposal package or provided by separate notice. However, any written material to be distributed to potential respondents must be approved in advance by the Office of Management and Budget and made part of the bid/proposal package.

Registration or certification under Florida Statute Chapter 489 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.

5.12 Bid/Proposal Opening

Bid/proposals 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 bid.

The purpose of the bid/proposal opening is to record the bid/proposals received, not to analyze them.

A recording of all bid/proposals received shall be available for public inspection. A copy may be provided upon request and a copying charge may apply.

5.13 Rejecting Bids

The Director of the Office of Management and Budget, after consultation with the affected Division Head, County Administrator and/or the County Attorney, shall have the authority to reject any and all bids for any or no reason. The County will not be held responsible for any costs incurred by vendors/bidders in the case of rejection.

5.14 Correction or Withdrawal of Bids; Material Mistakes; Cancellation of Awards

A bid submitted to the County as part of a competitive bid procedure may not be withdrawn unilaterally by the bidder. Correction or withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards or contracts based on such bid mistakes, may be permitted where appropriate. Mistakes discovered before bid opening may be modified or withdrawn by written notice received in the office designated in the invitation for bids prior to the time set for bid opening.

After bid opening, corrections in bids shall be permitted only to the extent that the bidder can show by clear and convincing evidence that a mistake of nonjudgmental character was made, the nature of the mistake, and the bid price actually intended. The County Administrator reserves the right to reject any bid containing a material mistake. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interests of the County or fair competition shall be permitted. Unit price when applicable will be the prevailing decision when an extension price is in error. In place of bid correction, a low bidder establishing a non-judgmental material mistake of fact may be permitted to withdraw its bid if:

The bid was submitted in good faith;

The magnitude of the error made would make enforcement a severe hardship;

The miscalculation was not the result of gross negligence;

The bid error was reported immediately to the County;

It is not later than twenty-four (24) hours after bid 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.

All decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by a written determination by the County Attorney.

5.15 Award

When the proposal is ten thousand dollars (\$10,000.00) or greater, the contract shall be awarded to the lowest and/or best value responsive responsible bidder.

The contract shall be awarded with reasonable promptness by appropriate written notice to the lowest and/or best value responsive and responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids. An award is not final until a notice of award is mailed to the successful bidder or proposer. In the event the lowest and/or best value responsive responsible bid for a construction project exceeds the architectural or engineering cost estimates, the County Administrator or designee is authorized, when time or economic considerations preclude re-bidding of work of a reduced scope, to negotiate an adjustment of the bid price with the lowest and/or best value responsive responsible bidder, in order to bring the bid within the amount of available funds.

1. Contracts

Written Contract--A contract refers to a written document, whether it is a purchase order, or other written agreement between the supplier, contractor, and/or vendor and Wakulla 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.

A formal written contract is used when engaging in construction, purchase of goods and/or services over \$10,000 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 is used as backup and processed as encumbrance of funds. The user department, County Attorney, County Administrator, and/or Board must approve the written contract where applicable per the purchasing policy. The original contract, signed by all parties, will be housed with the Clerk of the Court's Recordkeeping Department.

Purchase Order -- A purchase order is the County's official legal document of contract between the County and contractor, issued separately or in conjunction with other documents. A purchase order is a contract 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, and bids or per the Purchasing Policy limits 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.

Change Order -- A change order is processed whenever a change to the original purchase order is necessary. Change orders are completed for modifications to descriptions, unit cost, quantities, etc. The Division Head shall execute any change order. Should the change order increase the total dollar amount such that the approval levels, in accordance with the purchasing matrix, change then the contract will be required to be re-approved by appropriate management. Change orders shall not be used to avoid ANY standard purchasing procedure for procurement by the competitive procedures. The change order must be clearly and concisely defined as to what changes and justification why the change is being requested.

In determining lowest and/or best value of a bidder, in addition to price, the following will be considered:

- A. Ability, capacity and skill of the bidder to perform the contract.
- B. Whether the bidder can perform the contract within the time specified, without delay, interference, or conflict with current workload.
- C. Character, integrity, reputation, judgment, experience and efficiency of the bidder.
- D. Quality of performance of previous contracts.
- E. Previous and existing compliance by the bidder with laws and regulations relating to the contract.
- F. Sufficiency of the financial resources and ability of the bidder to perform the contract or provide the product or service.
- G. Quality, availability and adaptability of the supplies or contractual services to the particular use required.
- H. Ability of the bidder to provide further maintenance and service for the use of the subject of the contract.
- I. Number and scope of conditions attached to the bid.
- J. Qualifications of personnel, licensing and corporate qualifications.

- K. Evidence of improper litigation.
- L. Use of one or more subcontractors with a record of poor performance.

NOTE: For the purposes of this Section, the County may consider evidence from the ten year period preceding the subject bid.

5.16 Bid Challenge

Any bid award recommendation may be challenged on the grounds of material irregularities in the bid procedure, or material irregularities in the evaluation of the bid. Such notice of intent of bid challenge shall be made in writing and delivered to the County within 72 hours after posting of the intended recommendation of award. A formal written bid challenge shall be filed within 5 working days in the County Administrator's Office after the date on which the notice of intent of bid challenge has been submitted. Failure to file a timely notice of intent of bid challenge or failure to file a timely formal written bid challenge shall constitute a waiver of bid challenge proceedings. Bidders who do not submit a legitimate bid do not have standing to file a protest. Furthermore, bidders who would not be awarded the subject contract even if the protest were successful lack standing.

The notice of intent of bid challenge shall contain at a minimum: the name of the bidder, the bidder's address, fax number and phone number, the name of the bidder's representative to whom notices may be sent, the name and bid number of the solicitation, and a brief factual summary of the basis of the intended challenge.

The formal written bid challenge shall: identify the challenger and the solicitation 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 challenger deems applicable to such grounds, and specifically request the relief to which the challenger deems itself entitled by application of such authorities to such grounds. The challenger shall mail a copy of the notice of challenge and the formal written challenge to the apparent best bidder. The County Administrator shall, within ten (10) 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 Administrator's decision to the challenge prior to award of the bid. 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.

Nothing herein relinquishes the County's rights to waive irregularities and formalities in accordance with its bid package and instructions. Further, nothing herein shall create any rights in the unsuccessful bidder. All decisions of the Board shall be final.

5.17 Exemption from Competitive Bidding

The requirement for competitive bidding procedures shall be waived for the purchase of:

1. 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;
2. All heavy equipment repairs may be exempted from the competitive bidding requirements. The affected Division Head or designee shall solicit and evaluate quotations and make a recommendation for award. The Director of the Office of Management and Budget shall review the quotations and provide a recommendation to the County Administrator for awarding the bid. Should a purchase exceed \$25,000, the County Administrator shall agenda the item for ratification by the Board at a regularly scheduled Board Meeting;
3. Commodities or services from established State of Florida, PRIDE, RESPECT, government pricing, Federal General Services Administration contracts and other contracts competitively bid by government entities;
4. The purchase, lease, or rental of real property, except to the extent required by State law; Abstracts of titles for real property; Title insurance for real property;
5. Supplies, professional and contractual services from a single source upon certification by the Director of the Office of Management and Budget stating the conditions and circumstances requiring the purchase. This certification shall set forth the purpose, need and justification that the item or service is the only one that will produce the desired results;
6. Public utility services;
7. Consultant Services, other than those regulated by Florida Statutes Section 287.055;
8. Supplies or equipment where compatibility of equipment, standardization of products or services, accessories or replacement parts permits only one reasonable source of supply;
9. Social Services (e.g., burials and indigent patient services);
10. Advertisements; Postage; Legal Services, Expert Witnesses; Court Reporter services;
11. Dues and memberships in trade or professional organizations; Fees and costs of job-related seminars and training; travel;
12. Artists, music ensembles (bands) and other entertainment providers;
13. Emergency purchases;

14. Other commodities or services, as determined by the Board.

5.18 Sole Source/Single Source

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.

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.

Purchases of goods and/or services from a sole/single source may be exempted from the quoting or bidding requirements upon written demonstration that: (1) the use is justified based on costs or interchangeability factors; (2) the use is recommended by the project architect, engineer, or affected Division Head; (3) the rationale for sole/single source is approved by the County Administrator

SECTION 6.0 UNAUTHORIZED PURCHASES

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 materials, supplies, equipment, professional or contractual services or to make any contract within the purview of this Policy other than through the guidelines established in this policy. Any purchase order or contract made contrary to the provisions herein shall not be approved, and the County shall not be bound thereby.

Purchases, orders, or contracts that are subdivided to circumvent the Purchasing policy shall be considered unauthorized purchases and are prohibited.

SECTION 7.0 PAYMENT AND PERFORMANCE BONDS

The County Administrator and/or Purchasing Manager shall determine if payment and performance bonds shall be prescribed. Said bond(s) as a requirement shall be included in bid documents, if applicable. 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% of the contract price.

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 his 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 Office of Management and Budget. Alternative surety devices, such as Letters of Credit, may be authorized by the Board.

SECTION 8.0 BIDDERS LIST

A bidders list for the purpose of bid solicitations may be maintained by the County. The list shall consist of firms that apply with the County to be placed on the list. It is the responsibility of any potential bidder to ensure that it is placed on the active bidders list for a particular category of products or services.

The County may remove firms from the bid list for any of the following reasons:

Consistent failure to respond to bid invitations three (3) consecutive instances.

Failure to update the information on file including address, product or service description or business description.

Failure to perform according to contract provisions.

Conviction in a court of law of any criminal offense in connection with the conduct of business.

Clear and convincing evidence of a violation of any federal or state anti-trust law based on the submission of bids or proposals or the awarding of contracts.

Clear and convincing evidence that the vendor has attempted to give a County employee a gratuity of any kind for the purpose of influencing a recommendation or decision in connection with any part of the Board's purchasing activity.

Other reasons deemed appropriate by the Board.

SECTION 9.0 CONFLICT OF INTEREST

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. 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. 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 sub-agreements.

Violations of these standards of conduct may result in disciplinary action as set forth in Section 112.371, Florida Statutes provided that such disciplinary action does not conflict with the jurisdiction of the State of Florida Commission on Ethics.

SECTION 10.0 PUBLIC RECORDS

The County is governed by the Florida Statutes Public Records Laws. All bids, RFPs, quotes, and all documentation are open for public inspection once a recommendation for award is made. Certain proprietary and financial information from vendors may be excluded under very strict circumstances. All memos and internal correspondence concerning any purchasing matter are open for public inspection. Official records and documents shall be retained per the requirements set forth in the Florida State Statutes regarding records retention.

SECTION 11.0 GRANTS

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 Purchasing of them, and to ensure that all requirements are followed.

Unless otherwise specified in the grant, all grant purchases shall follow the County's Purchasing Policy.

SECTION 12.0 PURCHASING CARD

Implementation of a purchasing card policy shall be by administrative order of the Board of County Commissioners, prepared and recommended by County administrative staff for approval by the Board of County Commissioners.

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.

The Board of County Commissioners encourages the use of the P-Card for purchases under \$1,000 as well as travel expenditures. This process enables the cardholder to procure small dollar commodities and some services without issuance of a purchase order. Under the P-Card Program, the cardholder may order commodities or services within procurement guidelines and within authorized monthly or single transaction dollar limit which is established by the Division Director and approved by the Assistant County Administrator. Using the P-card will:

- * Expedite the delivery of commodities and services.
- * Reduce the number of small dollar purchase orders.
- * Reduce paperwork from vendors and provide immediate payment to vendors.
- * Permit purchasing in emergency situations.
- * Lower overall purchasing transaction costs and increase accountability.
- * Provide electronically, certain management information that is currently unavailable.

When a P-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.

The Purchasing Card function is managed by the Office of Management and Budget, Purchasing Office. Please refer to the Board of County Commissioners Purchasing Card Procedures for detailed guidelines and procedures relating to the Purchasing Card functions.

SECTION 13.0 SURPLUS PROPERTY AND DISPOSAL

13.1 Obtaining Surplus Property

The Director of the Office of Management and Budget has the authority to obtain property from authorized surplus property programs such as other government agencies, manufacturers, business's or public auction when purchased in accordance of the Purchasing Policy thresholds.

Surplus property obtained from another government agency (a County, a City) is reviewed and the appropriate process determined by the Office of Management and Budget and the County Administrator on a case-by-case basis.

13.2 Disposing of Surplus Property

The County will routinely dispose of surplus property at a public auction held by the County, when there is sufficient amount of surplus property to dispose of, or by donation to non-profit and civic groups as approved by the Board. Other government agencies are also invited to participate in these auctions.

Departments identifying property as surplus shall advise the Office of Management and Budget and provide all pertinent information regarding the item. After the Board approves the list of surplus property, the Director of the Office of Management and Budget shall initiate and coordinate disposal as directed by the Board. Any auctions shall be advertised and posted on the County's official website.

Penalties. Violations of this ordinance shall be a second degree misdemeanor pursuant to applicable Florida law.

Effective Date. This Ordinance shall become effective as provided for by law.

PASSED AND ADOPTED this ____ day of _____, 2008.

BOARD OF COUNTY COMMISSIONERS
OF WAKULLA COUNTY, FLORIDA

BY: _____
EDWARD BRIMNER, Chairman

ATTEST:

BRENT X. THURMOND, Ex Officio
Clerk to the Board

APPROVED AS TO FORM:

RONALD A. MOWREY
County Attorney