

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Contracts and Purchasing

DEPARTMENT: Fiscal Services **DIVISION:** Purchasing and Contracts Division

AUTHORIZED BY: Lisa H. Spriggs  **CONTACT:** Ray Hooper  **EXT.** 7111



Agenda Date 8/8/2006 Regular ☒ Consent ☐ Work Session ☐ Briefing ☐
Public Hearing – 1:30 ☐ Public Hearing – 7:00 ☐

MOTION/RECOMMENDATION:

Request to approve a resolution to the Seminole County Administrative Code, Subsection 22.20 (Purchasing Policy) to incorporate changes in the policies relating to Procurement.

BACKGROUND:

The Administrative Code pertaining to Purchasing and Contracts was last changed on March 13, 2002. Many changes have occurred in County operations and per State Statutes as described below that have caused a need for a revision. Some of the major changes consist of:

Reviewed by:
Co Atty: 
DFS: _____
Other: _____
DCM: _____
CM: 

File No. CFSP00

- The formal bid threshold and procurement signature authority that was established in 1994 is outdated and needs to be revised to a more realistic value to provide more efficient and effective procurement operations.
- State Statutes requiring a Florida Certified Negotiator for procurements greater than \$1M.
- J.D. Edwards' integrated financial system has replaced Pentamotion and this system is being utilized for all Purchasing and Contracts actions.
- Changes have occurred in Florida Statutes 287.055 concerning CCNA, which requires changes in the issuance of work orders and Master Agreements.
- In July 2005, the tangible personal property fixed asset threshold was changed from \$750.00 to \$1,000.00.
- All Contracts actions are now encumbered prior to signature of award in J.D. Edwards.
- Procurement streamlining initiatives have been implemented by eliminating non-value added processes and procedures.
- Changes have occurred in the County Manager's policies pertaining to agenda preparation, contracts signatures, documentation, and Procurement Committee representation.
- Other minor administrative changes, corrections and housekeeping language to further clarify the policy.

The backup provides a copy reflecting deletions and insertions. These changes were reviewed and approved by the County Attorney's Office.

County Attorney's Office and Fiscal Services/Purchasing and Contracts recommend the Board to adopt these revisions to the Administrative Code.

**THE FOLLOWING RESOLUTION WAS ADOPTED BY THE
BOARD OF COUNTY COMMISSIONERS OF SEMINOLE
COUNTY, FLORIDA, AT THEIR REGULARLY SCHEDULED
MEETING ON THE ____ DAY OF _____, 2006.**

WHEREAS, Seminole County Ordinance No. 89-28 created the Seminole County Administrative Code; and

WHEREAS, Seminole County Resolution Numbers 89-R-438 and 05-R-151 adopted the Seminole County Administrative Code; and

WHEREAS, the Seminole County Administrative Code needs to be amended from time to time to reflect changes in the administration of County government; and

WHEREAS, the Board of County Commissioners desire to increase the purchasing authority of the County Manager, Purchasing and Contracts Manager or designee, including the award and execution of contracts, small purchases, purchase orders, and in the settlement of individual claims; and

WHEREAS, the Board of County Commissioners desire to update the Public Notice requirements to reflect those required by the Florida Statutes and to increase the dollar amount for which such public notice is required; and

WHEREAS, the Board of County Commissioners desire to increase the mandatory bid and Request for Quotation (RFQ) amounts and those amounts for which a Department Director or Deputy County Manager shall serve on the evaluating committee; and

WHEREAS, the Board of County Commissioners desire to increase the dollar amount for which contract negotiations shall occur and to designate a Florida Certified Negotiator as a member of the

negotiating committee; and

WHEREAS, the Board of County Commissioners desire to clarify the Purchasing Card Spending Limits, Travel Card Training, Emergency Purchase Card usage and other general "housekeeping" language to further clarify the policy as provided in the attached revised Purchasing Policy,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA THAT,

1. Section 22.20, **"Purchasing Policy"**, Seminole County Administrative Code, is amended as identified in the attached revised Purchasing Policy.

The attached changes are for inclusion in the Seminole County Administrative Code.

ADOPTED this _____ day of _____, 2006.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MARYANNE MORSE
Clerk to the Board of
County Commissioners of
Seminole County, Florida.

By: _____
CARLTON HENLEY, Chairman

Date: _____

RAM/ss
06.22.06
Attachment
Section 22.20 (Purchasing Policy)



SECTION 22. FISCAL SERVICES

22.20 PURCHASING POLICY

AUTHORITY. Resolution 2002-R-47 adopted March 23, 2002

I GENERAL INFORMATION

22.201 PURPOSE. The purpose of this Policy is to provide for the fair and equitable treatment of all persons involved in public purchasing by this County, to maximize the purchasing value of public funds in procurement and to provide safeguards for maintaining a procurement system of quality and integrity. The revised Purchasing Administrative Code approved by the Board will supersede and replace all other Administrative Code provisions, Policies and Procedures for implementing this part.

22.202 PURCHASING COMMITTEE CREATED; POWERS AND DUTIES.

The Purchasing Committee, hereinafter "Committee," is hereby created.

(1) Composition: The Committee shall be composed of the following officials and employees who shall be appointed by the County Manager as needed without additional compensation:

(a) Positions:

- (i) Deputy County Manager
- (ii) Fiscal Services Director
- (iii) Purchasing and Contracts Manager
- (iv) ~~Assistant~~ County Attorney or designee
- (v) A County Department Director
- (vi) A County Division Manager
- (vii) A County professional, mid-management, or supervisory

employee

(2) Powers and Duties of the Committee. The Committee shall:

(a) Propose, review and recommend to the County Manager procedures consistent with This Section, and the Seminole County Purchasing Code governing the procurement, management, control, and disposal of any and all supplies, services, and



(3) The Director of Library and Leisure Services has the authority to award purchases, leases, or acquisitions of books, pamphlets, periodicals, maps, audio-visual, electronic databases and other library materials not to exceed TWENTY FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00). Purchase, lease, or acquisition of the aforementioned library materials is exempt from the encumbrance of funds prohibition of Section 220.15, Seminole County Code. The Director of Library and Leisure Services shall have the authority to sign all purchase orders in excess of TWENTY FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00) for library material purchases, leases, or acquisitions that have been awarded by the Board of County Commissioners, County Manager or Purchasing and Contracts Manager, provided, however, that the Director of Library and Leisure Services shall indicate on the face of the purchase order the date when the purchase was awarded by the Board of County Commissioners, County Manager or Purchasing and Contracts Manager. The Director of Library and Leisure Services shall have the authority to award and execute contracts for Tennis Pros and Assistant Tennis Pros. Internal purchasing procedures for library materials shall be developed by the Director of Library and Leisure Services and be approved by the Purchasing and Contracts Manager prior to this subsection taking effect.

(4) The County Manager, Purchasing and Contracts Manager or designee shall have the authority to award and execute purchases of goods and services not to exceed ONE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$100,000.00-50,000.00) including change orders, and rental and software agreements and amendments. All purchases over TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00) and under FIFTY TWENTY-FIVE THOUSAND AND NO/100 (\$50,000.00-25,000.00) should be obtained competitively by written quotes, except as provided within the Purchasing Code or this Administrative Code. All purchases over FIFTY TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$50,000.00-25,000.00) will be obtained competitively by bid, PS or RFP, except as provided within the Purchasing Code or the Administrative Code. The County Manager, Purchasing and Contracts Manager or designee is authorized to renew options on approved contracts, as long as it is per the terms, conditions and renewal period specified in the original contract and the total dollar amount for each contract or purchase order is within the Board approved budget. All purchases of goods and services, including library materials, in excess of ONE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$100,000.00-50,000.00) shall be awarded by the Board of County Commissioners, except as otherwise provided within the Purchasing Code or this Administrative Code. The County Manager, Purchasing and Contracts Manager or designee shall have the authority to sign all purchase orders, work orders, release orders, and amendments in excess of ONE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$100,000.00-50,000.00) on approved contracts within the Board approved budget. as long as the cumulative dollar amount of Purchase Orders, change orders, excepting construction contracts, and amendments do not exceed the dollar amount approved by the Board of County Commissioners during the award process and renewal process of the project. Work Orders will be processed in accordance with established processes for professional and consultant services. Purchasing will be responsible for



(1) Adequate Public notice for the construction projects shall be given in accordance with Section 255.0525, Florida Statutes. Public notice of the solicitation for goods, services over FIFTYTWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$50,000.0025,000.00) or construction projects more less than TWO HUNDRED THOUSAND AND NO/100 (\$200,000.00) shall be given. Such notice shall include publication in a newspaper of general circulation and may be placed on the Internet. The public notice shall state the date and time of bid opening and RFP closing. Public notices shall satisfy all statutory public notice requirements.

~~(2) Adequate public notice for construction projects shall be given in accordance with Section 255.0525, Florida Statutes. The solicitation of competitive bids for projects anticipated to cost more than TWO HUNDRED THOUSAND AND NO/100 DOLLARS (\$200,000.00) shall be publicly advertised at least once in a newspaper of general circulation and the Internet and at least twenty-one (21) days prior to the established bid opening, and at least five (5) days prior to any scheduled pre-bid conference. Construction projects that are expected to cost more than FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$500,000.00) shall be publicly advertised at least thirty (30) days prior to the established bid opening and at least five (5) days prior to any scheduled pre-bid conference.~~

22.205 SOURCE SELECTION.

(1) The procurement of all goods, material, equipment, services and combinations of goods and/or services by or on behalf of the Board, including those transactions through which the Board shall receive revenue, in an amount equal to or in excess of the mandatory bid amount of FIFTYTWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$50,000.0025,000.00), shall be competitively awarded based on the submission of sealed bids, proposals submitted in response to an RFP, proposals submitted in response to a request for information/qualifications, or proposals submitted for competitive negotiations, as specifically provided in the Purchasing Code or the Administrative Code, except as otherwise provided herein, or by State or Federal law. Competitive bidding shall be the preferred method of procurement. Departmental requirements are not to be split to avoid the competitive bidding thresholds. It is in the best interest of the County to combine requirements and competitively bid these requirements to ensure a fair and reasonable price.

(a) Types of solicitations used to compete the County's requirements are Request for Proposals (RFPs), Invitations for Bids (IFBs), and Request for Information (RFIs), which are defined in Chapter 220, Seminole County Code. Request for Quotations (RFQs) are generally used for requirements under FIFTYTWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$50,000.0025,000.00). Some mMethods of procurements, i.e., A+B method, incentives, Design Build are described in the County Manager's Internal Procedures.

(b) Nothing in the foregoing shall prohibit the County from renewing purchase orders or contracts with vendors/contractors originally selected through a



(4) Bid Opening/RFP Closing: Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the solicitation. All proposals shall be open to public inspection per Chapter 119, Florida Statutes.

(5) Corrections, Additions to and Withdrawal of Bids (IFBs):

(a) The following shall govern the correction of information submitted in an IFB when that information is a material factor in determining the responsiveness of the bid:

(i) Errors in the extension of unit prices stated in a bid or in multiplication, division, addition, or subtraction in a bid may be corrected by the Purchasing and Contracts Manager or designee prior to award. In such cases, the unit prices bid shall not be changed. When bidders quote in words and in figures on items on the bid form, and the words and figures do not agree, the words shall govern and the figures shall be disregarded. Any discrepancies in the proposal other than error in extension of unit prices will be sufficient to consider the proposal as non-responsive.

(ii) After bid opening, bidder shall not be permitted to correct a bid error that would cause such bidder to have the low bid, except that any bidder may correct errors in extension of unit prices stated in the bids, or in multiplication, division, addition, or subtraction. In such cases unit prices bid shall not be changed and such error must be readily apparent on the face of the bid form.

(iii) Nothing herein is intended to prohibit the acceptance of a voluntary reduction in price from a low bidder after bid opening and prior to contract award, provided such reduction is not conditioned on, or does not result in, the modification or deletion of any specifications or conditions contained in the solicitation.

(b) A bidder who alleges a judgmental error of fact may not be permitted to withdraw his/her bid after bid opening. A bidder who alleges a nonjudgmental error of fact may be permitted to withdraw his/her bid only when reasonable proof that such a mistake was made. If a bidder unilaterally withdraws his/her bid without permission after bid opening, the Purchasing and Contracts Manager may suspend the vendor from receiving new orders from the County for up to two (2) years, beginning with the date of the unilateral withdrawal, and retain any bid security submitted with the bid.

22.206 RESPONSIBLE BIDDER. Information in a bid shall not necessarily be considered conclusive at the time of bid opening, except when the Invitation for bids unequivocally states that the bid shall not be considered responsive unless the particular information is provided in the bid. The prospective contractor shall supply information requested by the County concerning the responsibility of such contractor. If such contractor fails to supply the requested information, the County shall base the determination of responsibility upon any available information or may find the vendor non-responsible if such information is not submitted within the time specified by the



- (b) a satisfactory record of performance on similar projects;
- (c) a satisfactory record of integrity;
- (d) qualified legally to contract with the County; and
- (e) supplied all necessary information in connection with the inquiry concerning responsibility including but not limited to any licenses, permits, insurance, price sheets or required organizational papers.

(3) The solicitation for RFPs shall state the relative importance of price and other evaluation factors. ~~Award can be made to~~ The most responsive, responsible offeror whose proposal is determined to be the most advantageous to the County in accordance with the evaluation criteria contained in the RFP should be selected. Evaluation of offerors and/or proposals may be made in a multi-step selection or proposal process as set forth in the RFP or RFI. Discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and conformance to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. Conducting Best and Final Offers shall be permitted as way of clarification and to make minor changes to the scope. In conducting discussions, there shall be no exchange of information regarding the content or feasibility of the proposals by competing offerors.

22.208 AWARD.

(1) Award shall be made in accordance to the criteria in the solicitation and it can either be to the lowest responsive and responsible bidder or the overall best value bidder whose proposal meets the requirements and criteria set forth in the solicitation. It shall be effective upon issuance of a purchase order, execution of a contract, or written notice of award by the Purchasing and Contracts Manager or designee. In the event only one bid is received, the County may award or negotiate with the sole bidder or rebid.

(2) In the event all bids exceed budgeted funds as certified by the Fiscal Services Department or the low bidder is willing to negotiate a lower price, the Purchasing and Contracts Manager is authorized, when time or economic considerations preclude resolicitation, to negotiate an adjustment of the bid price and/or bid specifications with the low responsive and responsible bidder in order to bring the bid within the amount of budgeted funds or at a more competitive rate.

22.209 CHANGES AFTER AWARD. If there is a major change that is outside the scope of the original project or procurement as determined by the Purchasing and Contracts Manager, a solicitation must be issued as a new procurement unless an

**22.212 SMALL PURCHASES/MISCELLANEOUS CONTRACTS (EXCEPT FOR PROFESSIONAL SERVICES (PS)) Consultant Competitive Negotiation Act (CCNA).**

Any purchase for an amount less than the mandatory bid amount may be made in accordance with those procedures promulgated in the Internal Procedure for Purchasing and Contracting, provided, however, no purchase shall be artificially divided so as to constitute a small purchase under this Section. The mandatory bid amount shall be ~~FIFTY-TWENTY-FIVE~~ THOUSAND AND NO/100 DOLLARS (~~\$50,000.00~~~~25,000.00~~.) Written quotes shall be obtained for purchases between TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00) and ~~FORTY-NINE-TWENTY-FOUR~~ THOUSAND NINE HUNDRED NINETY-NINE AND 99/100 DOLLARS (~~\$49~~24,999.99.) Informal quotes shall be obtained for purchases between FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00) and TEN THOUSAND AND NO/100 (\$10,000.00.) and a competitive environment should be utilized unless there is a time or quality constraint. Department/Division/Offices shall maintain documentation with their requisition on all quotes received or as to why competition was not obtained. All purchase prices must be considered fair and reasonable. Award shall be made to the business offering the lowest acceptable quotation. The name of the business submitting a quotation, and the date and amount of each quotation, shall be recorded and maintained as a public record.

22.213 SALES TAX RECOVERY (RESOLUTION NO. 96-R-177).

When construction project is proposed, it will be determined prior to the bid or proposal process, if Sales Tax Recovery Program will be utilized. Nothing herein shall prohibit the County from deleting items within the Invitation for bids and purchasing said items directly from a supplier, without further bidding, in an effort to benefit from the County's tax exempt status. When the County undertakes the construction of new or renovated facilities, the Sales Tax Recovery Resolution No. 96-R-177 will apply when deemed to be in the best interest to the County. Sales tax recovery can be utilized for construction of new and renovated County facilities. The purchasing provisions for sales tax recovery in County bid documents may be integrated with the purchasing criteria provided by the Florida Department of Revenue, so as to permit Seminole County's awarded general contractor for construction of new or renovated facilities to solicit material bids and to require issuance of Seminole County purchase order that will be authorized by Seminole County Purchasing and Contracts Manager or designee and said purchases shall be exempt from the County's Purchasing Code, preserving the sales tax exemption to the benefit of Seminole County.

22.214. DIRECT PAY. Certain purchases, due to their very nature, are exempt from the competitive bid requirements. Items listed under Section 220.2(b). Seminole County Purchasing Code are exempt and User Department/Division/Office can utilize the direct method and submit directly to the Finance Department.

22.215 CONTRACT CLAUSES AND THEIR ADMINISTRATION. All County contracts for supplies, services and construction shall include provisions necessary to define the responsibilities and rights of the parties to the contract. The Purchasing and Contracts Manager or designee, after consultation with the County Attorney's Office, may issue clauses providing for adjustments in prices, time of performance, audit, cost

**22.219 COUNTY PROCUREMENT RECORDS.**

(1) Contract File: All determinations and other written records pertaining to the solicitation, award, or performance of a contract shall be maintained for the County in a contract file in the Purchasing and Contracts Division.

(2) Retention of Procurement Records: All procurement records shall be retained and disposed of by the County in accordance with records retention guidelines and schedules approved by the Division of Archives of the State of Florida. If a contract is being funded, in whole or in part, by assistance from a federal agency, then all procurement records pertaining to that contract shall be maintained for three years from the closeout date of the funding Agreement or the final disposition of any controversy arising out of the funding Agreement.

III CONTRACT ADMINISTRATION

22.220 PURPOSE. To establish a policy for the proper processing of contracts, including contract compliance, which are entered into by the Board of County Commissioners or its authorized designees.

22.221 DIRECTIVES.

(1) The Purchasing and Contracts Division shall determine if it is in the best interest of the County to enter into a contractual agreement. The Purchasing and Contracts Division is responsible for improving Countywide contract administration. In addition, the Purchasing and Contracts Division will assist individual Departments/Divisions/Offices in complying with County Purchasing policies, procedures and code. It is the Department/Division/Office's responsibility to ensure contract compliance and take the necessary step to document contract performance related issues.

(2) The Purchasing and Contracts Division, in conjunction with the County Attorney's Office, is responsible for overseeing contract policies and procedures. The County Attorney's Office is charged with the responsibility of developing the contract and ensuring that all contractual agreements that Purchasing processes are legally and responsibly in compliance with Florida Statutes, County Code, resolutions, procedures, ordinances, and Federal law as applicable. The user agency's Director has the primary responsibility of ensuring that contracts are properly administered in compliance with Seminole County Code, resolutions, procedures, contract compliance requirements and Board Action.

(3) Contract administration involves negotiation between the parties; approval and execution of contracts and other written documents; encumbrance of funds; cost analysis; and monitoring of contracts. Those parties involved in Contract administration, their responsibilities and the procedures that they should follow are noted in the Internal Procedures for Purchasing and Contracting.



existing contract is fully approved (signed) or renewed, the contract is referred to as retroactive. The County does not allow for retroactive contracting. It is the Department/Division/Office's responsibility to plan accordingly to ensure retroactive contracts are avoided. The County will not be responsible for payment of services or goods under a retroactive contract.

~~(5) Purchasing Information Systems: The Department/Division/Offices shall participate in a Countywide comprehensive purchasing information system, if applicable.~~

IV BONDS AND BID SECURITY

22.223 SURETY BONDS. The Purchasing and Contracts Division Office is responsible for insuring that surety bonds are maintained. Before commencing work on the construction of a public building or repairs upon a public building or public work, the contractor shall deliver to the County a payment and performance bond which will be recorded in the public records of the County. The bonds must state the name and principal business address for both the principal and the surety and must contain a description of the project sufficient to identify it. Performance bonds for sub-divisions do not need to be recorded in the public records of the County.

22.224. BID SECURITY.

(1) Requirement for Bid Security: Bid security shall be required for all competitive sealed bidding for capital improvement construction contracts when the price is estimated to exceed TWO HUNDRED THOUSAND AND NO/100 DOLLARS (\$200,000.00) or when the Purchasing and Contracts Manager or designee deemed appropriate. Bid security shall be an original bond provided by a surety company authorized to do business in the State of Florida or the equivalent in the form of a cashiers or certified check. The Purchasing and Contracts Manager may require bid security for other types of bids and RFPs.

(2) Amount of Bid Security: The amount of the bid security shall be indicated in the Contract Documents.

(3) Rejection of Bids for Noncompliance with Bid Security Requirements: When the Invitation for bids of RFPs requires security, noncompliance requires that the bid be rejected.

(4) Withdrawal of Bids: If a bidder is permitted to withdraw its bid before award, no action shall be brought against the bidder or the bid security.

22.225. CONTRACT PERFORMANCE BONDS AND PAYMENT BONDS.

(1) As determined by the Purchasing and Contracts Manager or designee or mandated by Florida Statutes, the following bonds or security shall be delivered to the County and shall become binding on the parties upon the execution of the contract:

**22.229. COMPETITIVE SELECTION.**

(1) Recommendations for appointment of evaluation committee members who have knowledge and interest in the project should be suggested by the Project Manager for acquisition of professional and consultant services under an RFP or PS. The evaluation committee should consist of: Division Manager or designee, Project Manager, a staff member outside the requesting Division, and a staff member. The committee should be appointed by the Department Director. If the professional services to be provided is estimated to be over ~~SEVEN HUNDRED FIFTY FIVE HUNDRED~~ THOUSAND AND NO/100 (\$500,000.00) per year, a Department Director should be on the evaluation committee. If the contract value exceeds FIVEONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) per year, ~~the~~ a Deputy County Manager will be part of the evaluation committee.

(2) Notification of Need for Services:

(a) The evaluation committee shall determine specific qualifications necessary for the project consultant and specify the form for submittal of qualifications by prospective consultants. The architect/engineer evaluation criteria shall be the sole means of "short listing" firms who have submitted qualification packages and shall be provided to each interested party prior to their submittal.

(b) For publicly announced requirements, the Department/Division/Office will provide the Purchasing and Contracts Division a PS request and scope of services, evaluation criteria and the Purchasing and Contracts Division will publish the notice in a newspaper of general circulation in Seminole County and on the Internet and shall indicate how interested consultants may apply for consideration. Trade journals or trade magazines may also be utilized for public advertisement for consultant services. Purchasing will administer the ~~opening~~ closing of the proposals and the selection/negotiation committee meetings.

(c) Florida Statutes require reasonable notice to the public, such as evaluation/selection/negotiating sessions with consultants. The notice will include the committee's name and purpose, location of meeting, date and time of meeting. A copy of the meeting notice shall be posted in the Purchasing and Contracts Division and on the County's web site. Part of the notice of public meeting shall include the statement: "Persons with disabilities needing assistance to participate in any of these proceedings should contact the Employee Relations Department, ADA Coordinator, 48 hours in advance of the meeting. If a person decides to appeal any decision made at this meeting, they will need a record of the proceedings, and, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, per Section 286.010, Florida Statutes." The Chairman of the meeting will ensure a record of the meeting is maintained, either through a written or recorded method and in accordance with the Public Records Law of the State of Florida.



(2) Detailed discussions must be held by the firm and the County to clearly establish the scope of the project and the exact services to be performed by the Consultant. Such negotiations are usually successful. However, should the two parties fail to agree upon the level of cooperation, negotiations with the first firm are terminated and negotiations are commenced with the second ranked firm. If again unsuccessful the process is repeated with the next highest ranked firm. This process is continued until a mutually agreeable contract is concluded or the project is abandoned or resubmitted.

(3) When required by Florida Statutes or at the direction of the Purchasing and Contracts Manager, for all lump sum or cost plus fixed fee contracts of SIXTY THOUSAND AND NO/100 DOLLARS (\$60,000.00) or more, the firm awarded the contract must execute a truth-in-negotiation certificate stating that the wage rates and other factual unit costs are accurate, complete, and current, at the time of contracting. Any contract requiring this certificate shall contain a provision that the original contract price and any additions shall be adjusted to exclude any significant sums by which the County determines the contract price was increased due to inaccurate, incomplete, or non-current wage rates and other factual unit costs. All such contract adjustments shall be made within one year following the end of the contract.

(4) At times, audit provisions of the contract must be enforced. The best method for this audit is for an external audit to validate rates and invoices in accordance with contract language.

22.231. RESERVATION OF AUTHORITY. The authority to issue or revise this Policy is reserved to the Board of County Commissioners subject to the provisions of Chapter 287, Florida Statutes.

VI DEBARMENT OR SUSPENSION

22.232. AUTHORITY TO DEBAR OR SUSPEND. The Purchasing and Contracts Manager may suspend or debar for cause the right of a vendor to be included on a vendor list and any bid or response from that vendor may be rejected, provided that the Board shall have the authority to waive or remove such suspension or debarment.

22.233. Suspension. A vendor may be suspended for a period not to exceed three years as determined by the Purchasing and Contracts Manager based upon the following:

(1) Vendor defaults or fails to fully comply with the conditions, specifications, time limits, or terms of a bid, quotation, proposal or contract with the County; or

(2) Vendor commits any fraud or misrepresentation in connection with a bid, quotation, proposal or contract with the County; or



22.235. DECISION. After the Purchasing and Contracts Manager has determined he/she has cause to suspend or debar a vendor and has the concurrence of the County Attorney's Office, he/she shall notify the vendor in writing of the debarment or the period of suspension and the reasons for the action taken. A copy of this decision will be provided to all Board members.

22.236. PUBLIC ENTITY CRIME. Any vendor who has been convicted of a public entity crime as defined by Section 287.133, Florida Statutes, shall not be able to transact business with the County to the extent as specified in Section 287.133(3)(a), Florida Statutes.

22.237. FINALITY OF DECISION. The suspension or debarment shall be final and conclusive unless the suspended or debarred vendor initiates protest proceedings pursuant to Section 330.41, Florida Statutes, within thirty (30) business days after the date of notification.

VII PROTESTS, APPEALS AND REMEDIES

22.238 PROTESTS.

(1) Right to Protest: Only bidders that submit proposals are eligible to submit a protest.

(2) Posting: The Purchasing and Contracts Division shall post a recommendation of award at the location where bids or proposals were or on the County's website.

(3) Protest Submission: A formal written protest must be filed no later than 5:00 p.m., local time, five (5) business days after the posting date of the award recommendation, unless the aggrieved person did not know or could not, with the exercise of diligence, have known of the facts giving rise to the protest prior to any of the aforementioned events. The aggrieved person has the burden to show he or she did not know and could not, with the exercise of diligence, have known of the facts giving rise to the protest. The bidder, offeror or contractor has the responsibility to contact the County and request the award recommendation results. Failure to contact the County for the award recommendation results to determine if a bid protest is warranted is considered lack of due diligence and a protest received after the five (5) business days specified will not be considered.

(4) The formal written protest shall: identify the protesting party and the solicitation involved; include a clear statement of the grounds on which the protest is based; refer to the statutes, laws, ordinances, or other legal authorities which the protesting party deems applicable to such grounds; and, specifically request the relief to which the protesting party deems itself entitled by application of such authorities to such grounds. The protesting party shall mail a copy of the formal written protest to the



presumed that the County Manager concurs in the Appeal Committee's decision and the decision of the Appeal Committee shall be the final and conclusive administrative action.

(10) **Appeal Bond:** Any person who files an action appealing a decision shall post with the Purchasing and Contracts Manager at the time of filing the formal written appeal a bond payable to the County in an amount equal to five percent (5%) of the County's estimate of the total contract value or *FIVE THOUSAND AND NO/100 DOLLARS* (\$5,000.00), whichever is less. The bond shall be conditioned upon the payment of all costs which may be adjudged against appellee in the administrative hearing in which the action is brought and in any subsequent appellate court or court proceeding. In lieu of a bond, the County may accept a cashier's or certified check, or money order in the above referenced amount. If, after completion of the administrative hearing process and any court or appellate court proceedings, the County prevails, it shall recover all costs and charges which shall be included in the final order or judgment, excluding attorney's fees. Upon payment of such costs and charges by the person appealing the decision, the bond, cashier's check, or money order shall be returned to him. If the person appealing the decision prevails, he shall recover from the County all costs and charges which shall be included in the final order of judgment, excluding attorney's fees.

(11) **Reservation of Powers to Settle Actions Pending before the Courts:** Nothing in this Section is intended to affect the existing powers of the Board to settle actions pending before the Courts.

22.239 CONTRACT CLAIMS.

(1) **Decision of the Purchasing and Contracts Manager:** All claims by a contractor against the County relating to a contract shall be submitted in writing to the Purchasing and Contracts Manager for a decision. Claims include, without limitation, controversies arising under a contract, and those based upon breach of contract, mistake, misrepresentation, or other cause for contract modification or rescission.

(2) **Notice to the Contractor of the Purchasing and Contract Manager's Decision:** The decision of the Purchasing and Contracts Manager shall be issued in writing, and shall be mailed or otherwise furnished to the contractor. The decision shall state the reasons for the decision reached, and shall inform the contractor of its appeal rights.

(3) **Finality of Purchasing and Contracts Manager's Decision; Contractor's Right to Appeal:** The Purchasing and Contracts Manager's decision shall be final and conclusive unless, within five (5) business days from the date of receipt of the decision, the contractor delivers a written appeal to the ~~Division of Purchasing~~ Purchasing and Contracts Division with an appeal bond.

(4) **Render Timely Decision:** The Purchasing and Contracts Manager with concurrence of the County Attorney shall issue a written decision regarding any contract



AND NO/100 DOLLARS (\$25,000.00) and cannot be exceeded without the express approval of the County Manager. Each cardholder's credit limit is recommended by the cardholder's supervisor on the "Purchase Card Request Form" and must be approved by the cardholder's Department Director and by the Purchasing Card Program Manager. Requests for a credit limit exceeding TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00) must be justified in writing and approved by the County Manager prior to submission to the Purchasing Card Program Manager.

(b) ~~The County's single item purchase limit for goods and services areis set to ensure tangible personal property is properly recorded on the County's inventory through the purchasing system. Accordingly, the single item purchase limit for goods is established by Chapter 274, Florida Statutes, as the value at which the item becomes tangible personal property a maximum of \$750.00. This purchase limit for goods and services may not be exceeded without the approval of the County Manager. See the County Manager's Internal Purchasing Procedures for the current single item purchase limit's specific dollar amount.~~

(c) ~~The single total transaction purchase(s) limit is defined as the maximum total transaction dollar limit per card. for a single transaction. The total transaction maximum single purchase limit is set at TWO THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$2,500.00) and can not be exceeded without the express approval of the County Manager. Each cardholder's total transaction single purchase limit is recommended by the cardholder's supervisor on the "Purchase Card Request Form" and must be approved by the cardholder's Department Director and by the Purchasing Card Program Manager. Requests for a total transaction single purchase limit exceeding TWO THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$2,500.00) must be justified in writing and approved by the County Manager prior to submission to the Purchasing Card Program Manager.~~

(d) The daily transaction limit is defined as the number of credit card transactions allow in a twenty-four (24) hour period. The maximum daily transaction limit is set at 10 transactions per day and can not be exceeded without the express approval of the County Manager. Each cardholder's daily transaction limit is recommended by the cardholder's supervisor on the "Purchase Card Request Form" and must be approved by the cardholder's Department Director and by the Purchasing Card Program Manager. Requests for a daily transaction limit exceeding ten (10) per day must be justified in writing and approved by the County Manager prior to submission to the Purchase Card Program Manager.

(2) Purchasing Card Use:

(a) The purchasing card is to be used for COUNTY PURPOSES ONLY. The purchasing card may be used for all legitimate county purchases unless specifically prohibited in this section. The purchase card can be used for those items listed in Section 220.2 (b), Seminole County Purchasing Code, that are exempted from the purchasing process.



(a) Initial Training: Each cardholder will be provided with initial training prior to issuance of the purchasing and travel card. The training will cover the proper use and restrictions of the purchasing and travel card.

(b) Annual Training: Annual Training will be provided at least once per year. Annual training will be mandatory for all cardholders and all approving officials. Cardholders missing the scheduled annual training will be given an opportunity to take makeup training. Failure to accomplish mandatory annual training will result in loss of card privileges. Approving officials who miss the scheduled annual training will be given an opportunity to makeup training. Failure to accomplish mandatory annual training will result in loss of Approving Official authority and cardholder privileges for cardholders reporting to that official.

~~(b) Travel Card Orientation: Each travel cardholder will be given orientation on the proper use and restrictions on the travel card prior to being issued the card.~~

(4) Emergency Purchase Cards: The Purchasing and Contracts Division has four purchase cards designated as "Emergency Purchase Cards". These cards are secured in the Purchasing and Contracts office and are only to be used in the event of a declared emergency as provided in Section 220.41, Seminole County Purchasing Code. Emergency purchase cards are only to be used by Purchasing and Contracts Division personnel or other County employees designated by the County Manager. Purchases made with emergency purchase cards must follow procedures outlined in the Seminole County Administrative Code. However, during declared emergencies, emergency purchase cards may used without regard to dollar limits or exempt items. Any purchase that could be made with a purchase order may be made with the emergency purchase card during emergencies.

(5) Purchase Card Program Internal Controls:

(a) The Purchase Card Program Manager will establish automated card restrictions as allowed by the issuing bank's software. Restrictions will be in compliance with this Code and internal policies. The Program Manager will establish a County Finance account allowing access to the issuing Bank's database. This will allow County Finance to view cardholder information and statements online.

(b) County Finance will review each statement and supporting documentation. County Finance will contact cardholders directly and attempt to resolve any statement discrepancy found. If unable to resolve the issue with the cardholder directly, County Finance will elevate the problem to the Purchasing Card Program Manager for resolution. A form will be used to assist and document the issue. In addition, County Finance will notify the Purchasing Card Program Manager of all missing signatures, discrepancies, late statements, or suspicious purchases so the Program Manager may investigate and take appropriate action.



- Second Offense: Suspension of cardholder privileges for a minimum of thirty (30) days.
- Third Offense: Immediate termination of cardholder privileges and a written reprimand from the Purchasing Card Program Manager to be maintained in the employee's County personnel file.

(d) The Purchasing Card Program Manager will notify the County Manager of the violation above and any action that was taken.



(b) Termination of contracts; or

(c) Debarment or suspension as provided in the Seminole County Administrative Code.

X SMALL BUSINESS/MINORITY/WOMEN

22.245 SMALL BUSINESS/MINORITY/WOMEN/ENTERPRISES. To facilitate increased participation from small business enterprises including minority and women owned businesses, the Purchasing and Contracts Division will:

(1) Encourage maximum small, minority and women owned business participation in all Seminole County procurements.

(2) Endeavor to identify on an annual basis local small business enterprises, including minority and women owned businesses, which are eligible for certification in all areas of providing County services, supplies, materials, equipment, and construction.

(3) Provide assistance in preparation of bid/quote responses to any vendor requesting assistance.

(4) Participate in workshops and programs sponsored by the County or other Federal, State, County or Municipal governments which are intended to educate, certify and/or promote a greater participation of small business enterprises, including minority and women owned businesses.

XI DESIGN/BUILD CONTRACTS - Reserved