

**PURCHASING AND CONTRACTS DIVISION
PROCEDURES MANUAL
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MISSION

The mission of the Purchasing and Contracts Division is to provide for fair and equitable treatment of all persons involved in public purchasing by the 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 NEED FOR COMPETITION

The County Council and the County Manager recognize that open and fair competition is a basic tenet of public procurement. This reduces the appearance and opportunity for favoritism and inspires public confidence that Volusia County contracts are awarded equitably and economically. Complete openness and candor are important means of curbing any improprieties and establishing public confidence in the process by which commodities and services are procured.

It is essential to the effective and ethical procurement of commodities and services, that County Departments/Divisions/Activities and Agencies use a system of uniform procedures in managing and procuring commodities and services. A detailed justification of County decisions in procurement must be maintained. Strict adherence to specific ethical considerations by all County officers, employees, and agents, and by the suppliers and contractors is required to maintain the confidence of the public, the County, and the business community, in the expenditures of County funds.

INTRODUCTION

The operation of Volusia County government requires a tremendous diversity of skill, crafts, trades, and professions and covers a multitude of functions and services. It is, in effect, many businesses and utilities working together. By the very nature of its diversification of enterprises and the large scope of work covered, delegation of authority is necessary.

ALL personnel acting on behalf of the County are tasked to operate these many functions as efficiently and economically as possible. Therefore, it is necessary that everyone work together as a team to eliminate excess effort and waste for the efficient and effective operation of County government.

A function that has a significant operational and financial impact on County government is Procurement. The Purchasing and Contracts Division is a service agency that facilitates the procurement of materials, supplies, equipment, professional, technical, and contractual services required for County operation. The Purchasing and Contracts Division also has a control function to ensure that the laws, rules and regulations concerning the purchase and disposal of goods and services are obeyed, and that all transactions are carried out under the highest ethical standards. The Division also provides information resources, research, and information on new products and services, as well as trends and opportunities.

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Since all purchases are made with taxpayer dollars, there are many laws, rules and regulations governing how procurement should be conducted in Volusia County; the most important of which is the Purchasing Ordinance. A copy of the Ordinance is included with this manual.

This manual has been developed to serve as a framework within which well-informed decisions can be made. Due to the diversity of needs and requirements, and differing rules and regulations governing each type of purchase, not all possibilities can be addressed in detail in this manual. This manual is only intended to act as a guide. Its purpose is to point out the duties and responsibilities of those involved with the procurement function, and to assist them in maintaining the County's reputation for fairness and integrity. The goal is the promotion of the County's best interests through intelligent action and fair dealing that will result in obtaining the maximum value for each dollar of expenditure.

The Purchasing and Contracts Division consists of Purchasing Agents and Contract Administration staff who specialize in certain commodity and departmental assignments as well as support personnel. A list of those assignments, along with the Division's organizational chart, can be found on the Purchasing and Contracts Division ENN Site. The Purchasing and Contracts Division has been organized into buying teams to facilitate the purchase of commodities, services and construction. Please contact the appropriate staff member or the Purchasing Director with any questions. There are no "dumb" questions. It is easier to ask how to do something properly than to try to undo or redo something done wrong. Occasionally situations arise for which there is not a preset policy or procedure. The Purchasing and Contracts staff will gladly assist in planning a purchasing activity in advance so that it will be done within the limitations of regulations to meet specific needs.

ORGANIZATIONAL CHART



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QUICK REFERENCE GUIDE

| TOTAL CONTRACT VALUE | QUOTE/BID REQUIREMENTS (Minimum) | AWARD APPROVAL |
|--|--|--|
| \$0 - \$749.00 <u>\$999.00</u> [†] <i>(Revised 11/3/2005)</i> | Single Quote Purchasing Card | Department Director or designee |
| \$0 - \$2,999.99 | Single Quote Delegated Purchase Order | <i>Certified</i> Delegated Purchasing Agents*, ONLY |
| \$0 - \$2,999.99 | Single Quote | Purchasing Agent |
| \$3,000 - \$9,999.99 | 3 Verbal Quotes Minimum | Purchasing Director or Designee |
| \$10,000 - \$24,999.99 | 3 Written Quotes Minimum | Purchasing Director <u>and</u> County Manager |
| \$10,000 - \$24,999.99 <i>(As approved by County Manager on 3-1-2001)</i> | Fuel Purchases 3 Written Quotes Minimum | Purchasing Manager |
| \$25,000 and above | Formal, Advertised Invitations | County Council |
| \$25,000 - \$50,000 <i>(As approved by County Council on 4-18-1996)</i> | Formal, Advertised Invitations for Housing Rehabilitation Projects | County Manager County Council must approve projects over \$50,000 |

[†] Amount may be set lower by Department/Division/Activity Director.

* Approved and Appointed only by Purchasing Director.

Contracts for the purchase of any commodities or services may only be signed by the County Manager, the Chairman of the County Council, or the Purchasing Director, as may be applicable.

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ETHICS

All County employees are bound by the Code of Ethics as prescribed in the Volusia County Charter, Article XII; Volusia County Merit System Rules and Regulations, Section 86-45. Conduct of Employees; and Florida Statutes, Chapter 112, Part III, Code of Ethics for Public Officers and Employees.

If there is any question regarding ethical conduct or action, please contact a staff member from Legal, Personnel, or Purchasing and Contracts, **before** any action is taken.

TYPES OF COMMON PURCHASING TRANSACTIONS

Petty Cash

Some agencies maintain a petty cash fund for small purchases for which the purchasing function is not necessary. The Finance Division has regulations regarding a petty cash fund. Please contact Finance to set up a petty cash fund.

Purchasing Card

The Purchasing Card is an ideal tool for small purchases. Purchasing Cards are issued in an employee's name with preset spending controls and limits. The per-transaction limit for purchases is set at seven hundred forty nine dollars or less (\$749.00). Purchasing Cards are only issued upon written request from the Department or Division Director and after the employee has attended mandatory training. The Purchasing Card is intended for small dollar, non-recurring purchases. Please refer to the Purchasing Card Manual for additional details regarding this program.

Delegated Purchase Order (DPO)

Individuals that have completed the annual training and have obtained a signed contract from the Purchasing Director have been delegated the authority and responsibility to issue Delegated Purchase Orders for amounts not exceeding three thousand dollars (\$3,000.00) including freight, shipping and handling. DPOs require a single quote. *(For more details, refer to Delegated Purchasing Agent Manual.)*

Standard "A" Purchase Order

The County standard purchase order begins with an "A" prefix that is issued for routine County purchases of commodities and services. It is requested by the user with a requisition and is issued for the purchase of most types of items and/or services. Standard "A" purchase orders are encumbered in the financial accounting system.

Service Contract Purchase Orders (SCS)

Service Contract Purchase Orders (SCS) are issued as a result of a quote or bid, and are usually for construction or consultant type jobs where progress payments are required throughout the duration of the project OR for payments for transactions where regular specific payments are required over a specified length of time. While the term of a Service Contract Purchase Order may or may not coincide with the fiscal year, the amount of funds encumbered must be available in the current year's budget. Requests for construction, consultants, leases, or similar transactions must begin with the proper agency as listed in "Interaction with Other County Departments/Divisions/Activities", as noted on page 51 of this manual.

Price Agreement Purchase Orders

A Price Agreement is **an** indefinite quantity agreement. It is a tool to facilitate purchases when the exact quantity of a required commodity or service is unknown or may vary depending upon the using agency's requirements. A Price Agreement is used to obtain commodities or services needed frequently for operations and maintenance.

A Price Agreement requires either competition or award according to another political entity's contract, such as a State Contract, SNAPS, GSA, PRIDE, RESPECT, etc. (*For more details, please see Cooperative Purchasing page 48*), OR acceptable written justification as a sole/single source. If usage is anticipated to exceed **\$3,000** in a single year, at least three (3) written quotes must be obtained. If usage is anticipated to exceed **\$25,000** in a single year, formal competition (bid or RFP) must be used to select the vendor, unless the award is made from another political entity's contract, or justified as a sole/single source. **Any formal competition resulting in an award over \$25,000 must be submitted to County Council for approval.**

A Price Agreement may be requested by using agencies or initiated by the Purchasing and Contracts Division. A Price Agreement shall be authorized by the Purchasing Director or designee, and issued for Countywide use. The term of a Price Agreement may not necessarily coincide with the fiscal year.

After review by the Purchasing and Contracts Division, a request for a Price Agreement may be returned to the user with the recommendation to use a more appropriate purchasing method such as a regular Purchase Order, Delegated Purchase Order, Procurement Card or Direct Payment Voucher.

A list of commodities or services available for purchase from current Price Agreements may be obtained from the Purchasing and Contracts Division Intranet site on ENN. Departments/ Divisions/Activities may request a commodity or service be purchased through the Price Agreement method at anytime during the fiscal year.

Refer to page 35 of this manual for details on how to request and/or utilize a Price Agreement.

Letter Contracts

Letter Contracts are issued for contracts for which there is no competitive function (such as charitable contributions approved each fiscal year by County Council, or payments to other governmental agencies). Letter contracts are only issued to other governments or to non-profit organizations. Letter Contracts usually are issued each fiscal year for those payments approved in each fiscal year budget. Letter Contracts may be requested and issued any time during the fiscal year for approved transactions.

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Direct Payment Voucher

For certain approved transactions for which there is no competitive Purchasing function, a using agency may make a request for payment directly to Accounting without processing through the Purchasing and Contracts Division. Direct Payment Vouchers require all the necessary approvals and signatures as a requisition. **Only the following transactions are approved for payment using a Direct Payment Voucher:**

- Bond related expenses
- Case related expenses such as transportation, towing, forensic services, witness expenses, storage expenses, copies of records, transcripts
- Charitable contributions (one time payment only)
- Child support payments
- Clerk of Court fees and expenses
- Debt service payments
- Indigent burials
- Inmate medical services
- Instructor fees
- Insurance (approval by Risk Management only)
- Land purchases (Public Works /Right-of-Way including legal fees and related costs)(Council approval required)
- Medical insurance refunds (Personnel only)
- Outside Counsel (Legal only)
- Payments to Other Government Agencies (all types of taxes, assessments, fees, permits, utility deposits)
- Postage (U.S. Post Office only - no invoice required)
- Pre-approved interview and/or moving expenses (Personnel only)
- Railroad signal maintenance
- Refunds on overpayment (i.e.: tag & title fees, taxes, parking violations, payroll deductions, utility deposits, etc.)
- Risk Management Claims settlements
- Sheriff's tags
- Subscriptions to, and public and legal advertisements in newspapers and periodicals
- Tax deed application expenses and surpluses
- Tuition, lab fees, books, required course materials to approved schools (registration forms required)

Emergency Purchase Order

Emergency purchases are **ONLY** for commodities or services necessary because of certain emergency conditions that may affect the health, safety, and welfare of the citizens of Volusia County. Please refer to EMERGENCY PURCHASING, page 9, for the complete set of procedures

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THE PURCHASING FUNCTION

The purchasing function begins with a "need" by a using agency. For everyone, the user, the vendors, and the Purchasing and Contracts Division, to function efficiently and effectively, needs must be **planned** as far in advance as possible. Each need must be thoroughly reviewed as to the type of procurement process that will best facilitate the delivery of the commodity or service required, at the time it is needed, and at the best possible price. A review of approved budget at the beginning of each fiscal year is recommended, in order to plan a procurement strategy and timetable.

Planning should include coordination with other Departments / Divisions / Activities as necessary. Procurement requirements should be prioritized by time of need. The Purchasing and Contracts Division services the needs of ALL County Departments / Divisions / Activities, each with their own set of priorities. When planning a purchasing strategy, do not hesitate to contact a staff member to assist in the development of a reasonable timetable and appropriate methodology.

REQUESTING A PURCHASE

Most purchases are requested using a REQUISITION FORM. Please complete every blank on the requisition form applicable to the request for purchase, including the "Bill To/Ship To" code, so that needs are communicated properly. Requisitions received without the necessary information may slow down the approval process.

A requisition form can include three (3) different forms - (1) the INITIAL REQUISITION FORM, (2) a CONTINUATION FORM for additional commodities not allowed by restricted space on the initial form, and (3) a TEXT FORM to provide additional information about each commodity not allowed by restricted space on the initial requisition form. Additional information can be attached with the requisition form(s).

The requisition form was designed to mirror the data input requirements of the Local Government Finance System / Extended Purchasing Subsystem computerized accounting and purchasing systems (LGFS/EPS).

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SPECIFICATIONS

The term "specification" means any description of the physical or functional characteristics, or of the nature of the supply or service, or construction item. It may include a description of any requirement for inspecting, testing, or preparing a supply, service, or construction item for delivery.

The specification is the basis for obtaining a commodity or service suitable for the County's needs considering the total costs of ownership and operation as well as the initial purchase costs. It is the policy of the County that specifications permit maximum practical competition consistent with this purpose. Specifications shall be drafted with the objective of clearly describing the user's functional and/or performance requirements.

If a purchase is made without knowing the exact requirements of the requesting agency, errors and frustration are common results. It is the responsibility of the using agency to clearly understand the agency's needs and requirements and communicate those needs to the Purchasing and Contracts Division. Purchasing and Contracts Division staff will assist the using agency in writing specifications for any product or service required. Certain technological or standardized purchases require participation from other County agencies in drafting the specifications.

It is the general policy of the County to purchase standard commercial products whenever practical. When developing specifications, accepted commercial standards shall be used and unique requirements shall be avoided, to the extent practical. Specifications that list a Brand Name "Or Equal" description are intended to be descriptive and not restrictive, and to indicate the minimum quality and characteristics of the products that will be accepted. Proposals offering "equal" products will be considered for award if such products are clearly identified in the proposal and are determined by the user and the Purchasing and Contracts Division to fully meet or exceed the salient characteristics listed in the specifications.

PURCHASING REQUIREMENTS

SMALL PURCHASES

A Small Purchase is defined as any purchase whose total value is below the bid threshold limit, currently set by the Purchasing Ordinance at \$25,000.

The estimated value of the purchase determines what steps must be completed before a purchase order can be issued.

OBTAINING QUOTES

While it is the Purchasing and Contracts Division's responsibility to obtain quotes, the using agency can shorten the time involved by obtaining one or more quotes. The Request for Quotes must be identical in the description of quantity, quality, terms and conditions. An adequate description of the specifications must be included so that the Purchasing and Contracts staff member may contact vendors for quotes/bids to obtain the commodity or service when it is needed, delivered to the proper place, of the quality and in the quantity specified, and, of course, at the best price. Even if quotes are provided with the user agency's requisition, a complete description of the user agency's needs, required delivery time, and all

special conditions must be clearly written on the requisition or attached as a memo. **If in the best interest of the County, The Purchasing and Contracts staff member may obtain additional quotes.**

Single Quote

(1) **Estimated Value under \$749.00**

Use the Purchasing Card for this type of purchase. See Purchasing Card Procedures Manual for guidelines.

(2) **Estimated Value under \$3,000.00**

While this dollar limit only requires a single quote, the user agency should check the marketplace to ensure that the best value is being obtained. If the vendor and cost including freight and/or shipping is known, complete a requisition form with all the information available and submit it to the Purchasing and Contracts Division. The requisition will be reviewed by the appropriate staff member. If the staff member agrees with the recommendation for purchase, the requisition will be processed. If the staff member questions whether the commodity can be purchased from another vendor, for a better price, or is available from another source or contract, the requestor will be contacted to discuss the change.

Verbal Quotes

(3) **Estimated Value \$3,000.01 - \$9,999.99**

Requisition forms for purchases for this dollar value are completed in the same manner as above. However, a **minimum** of three (3) VERBAL quotes is required. The user may obtain the necessary quotes and furnish them with the requisition form, or provide sufficient specifications so that the appropriate Purchasing and Contracts staff member can obtain quotes. If a user obtains the quotes, list the firm name, telephone number, name of the person contacted, and each unit price including any freight costs, either on the requisition or on a separate page.

Written Quotes

(4) **Estimated Value \$10,000.0 - \$24,999.99**

Requisition forms for purchases of this dollar value are completed in the same manner as above. However, a **minimum** of three (3) WRITTEN quotes is required. Obtain the necessary quotes and furnish the original of each written quote with the requisition form, or provide sufficient specifications so that the Purchasing and Contracts Division staff member can obtain quotes.

FORMAL SOLICITATIONS

If the estimated value is greater than \$25,000, the Purchasing and Contracts Division must prepare and solicit formal, sealed, advertised Invitations (Invitation To Bid, Request For Proposals, Request For Statements of Qualifications, or Request For Information).

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If available, specifications for the requested purchase shall accompany the requisition. The appropriate Purchasing and Contracts Division staff member will review the specifications to ensure that they are adequate for the Invitation to Bid document or will work with the requesting agency to write additional specifications, terms and conditions. The Purchasing and Contracts Division staff member will coordinate all of the details of the invitation such as a pre-proposal conference, if applicable, and the suggested opening, evaluation and award dates, etc. After the Formal Opening, the staff member and the using agency will evaluate the bids or proposals based upon predetermined criteria for award. The using agency shall transmit in writing its recommendation for award to the Purchasing and Contracts Division.

PUBLIC ADVERTISEMENTS

All formal invitations must be publicly advertised at least a week in advance of the specified opening date in the *Daytona News Journal*. There are other advertising requirements depending upon the type and value of the proposed contract. Other advertising is suggested if a wide selection of potential proposers is required.

Public Advertising Requirements:

| Type | Times | Minimum** | Recommended |
|--|---------|-------------------|--------------|
| County Bids, RFP's, RSQ's ¹ | 1 | 5 days | 20-30 days |
| Construction < \$200,000 ² | 1 | 21 days | 30 days |
| Construction > \$200,000 ² | 1 | 30 days | 30 days |
| Sale or Lease of County Real Property ⁴ | 2 | 14 days | 30 days |
| Road Projects ³ | 2 | 30 days | 30 days |
| Federal Aviation Authority Projects | 2 | 10 days | 20-30 days |
| Federal Transit Authority Capital Equipment | 1 | 10 days | 20-30 days |
| Federal Transit Authority -projects | 2 | 10 days | 20-30 days |
| Grants | 1/grant | 1/grant or 5 days | 20-30 days |
| Addendum - changing closing date | 1 | 5 days | 10 - 15 days |

*Minimum - number of days from date Public advertisement appears in the newspaper until closing date.

** Public advertisement must also be at least 5 days before any pre-bid meeting.

¹ Volusia County Code Section 2-271;

³ Florida Statutes 336.44 (2);

² Florida Statutes 255.0525 (2);

⁴ Florida Statutes 125.35

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Pre-Solicitation, Pre-Bid, Pre-Proposal Conferences

Conferences may be scheduled and conducted by the Purchasing Director, or designee, before the official time and date set for the Formal Opening to explain the procurement requirements and to solicit information from potential bidders/proposers.

A MANDATORY conference may be scheduled and conducted if the technical or physical requirements of the Invitation require the physical presence of potential proposers. Proposals from anyone not attending the mandatory conference will not be considered. Mandatory conferences restrict competition and therefore must be justified in writing to the Purchasing Director, and approved by the Purchasing Director, prior to release of the Invitation.

Formal Opening

All invitations shall be opened publicly at the date, time and place designated in the Invitation under the direct control of the Purchasing and Contracts Division. The name of each bidder or proposer shall be read aloud and tabulated along with the pertinent information as described in the Invitation.

Late Proposals

Any bid, proposal, or offer received at the place designated in the Invitation after the official date and time specified for receipt of proposals shall be considered late and will not be considered for award. Any request for withdrawal or modification received after the date and time specified shall not be considered. The time clock in the Volusia County Purchasing and Contracts Division is the official time for all Formal Openings.

Bidders List

The Purchasing and Contracts Division maintains a computerized database of vendors with whom the County has done business in the past, and a list of firms who have expressed interest in submitting quotes and bids to the County. Any firm wishing to register with the County can request a "Bidders Registration Form" from the Purchasing and Contracts Division or download it from our website. The vendor must complete the form, select the applicable Commodity Codes, and return it to the Purchasing and Contracts Division, who will forward it to Finance Accounting for assignment of a vendor number.

Users can call the Purchasing and Contracts Division to see if a certain vendor is included in the database. (Those users on-line to the LGFS system can look up vendors on their computer.) Users may suggest additional potential bidders they would like to receive an invitation, request for quote or bid or they may request a Bidders Application Form be mailed or faxed to a potential bidder with whom they are interested in doing business.

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AWARD OF CONTRACTS AND APPROVALS

Award

All quotes and invitations shall be awarded to the lowest responsive and responsible bidder, or upon criteria established before the bids are opened. If no criteria are specified in the quotes or Invitation to Bid, the award will be based upon the price alone.

Approvals

Before any purchase order can be issued, the following approvals are required based upon the total value of the purchase:

| | |
|---|---|
| Value up to \$10,000 | Purchasing Director |
| Value less than \$25,000 for Fuel Purchases | Purchasing Director |
| Value over \$10, 000 and less than \$25,000 | Purchasing Director and County Manager |
| Value \$25,000 and Greater | County Council |
| Value up to \$50,000 for Housing Rehabilitation Projects | County Manager (Approved by County Council On 4-18-1996) |

Purchase of Capital Equipment

The County Manager shall have the authority to award all contracts for capital equipment from the capital equipment list approved by the County Council provided that:

1. The final cost per item does not exceed the approved budget cost by more than ten percent; and
2. The final cost per item does not exceed the approved budget cost by more than \$10,000.

Protest Procedures

A vendor/bidder may protest the award of any contract any time prior to its award by contacting the Purchasing Director by formal written notice on company letterhead. The Purchasing Director shall respond to the protest within a reasonable amount of time, not to exceed ten (10) business days. If the vendor/bidder is not satisfied with the Purchasing Director's resolution of the problem, the vendor/bidder must direct the protest to the County Manager within five (5) business days for a solution. If a solution cannot be reached with the County Manager, the vendor/bidder may appeal directly to the County Council at their next scheduled meeting. The decision of the County Council is final. Any further protest must be resolved through the Florida Judicial System.

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CONSULTANT SELECTION PROCESSES

The County regularly requires the services of certain types of professionals to accomplish the missions of the County. While some of these services may be solicited based upon price and related criteria, sometimes it is better to choose the professional service provider based on their qualifications. Under Florida Statute Chapter 287.055, the acquisition of all architectural, engineering, landscape architectural, surveying, and mapping services must be procured through the qualifications only process known as the Consultants Competitive Negotiation Act (CCNA). The External Auditor selection process is also a qualifications only process governed by Florida Statute Chapter 11.45. Other types of professional service providers may also be chosen based on qualifications as the needs of the County dictates.

For the purpose of these policies and procedures, the term “consultant” means an independent contractor who is considered to have education, specialized knowledge, experience or special abilities not generally available within County government. This includes but is not limited to: accountants, actuaries, appraisers, architects, artists, auditors, counselors, designers, economists, educators, engineers, financial analysts, lobbyists, management and systems analysts, medical practitioners, planners, promoters, researchers, scientists, sociologists, surveyors, trainers, and other professionals as designated by the Purchasing Director.

The following basic procedures shall be followed to select a consultant based upon qualifications when the estimated total cost of the contract is above the formal invitation amount, or when required by statute. This process shall be referred to as the Request for Statements of Qualifications (RSQ) process. The Request for Proposal process shall be followed to select a consultant when the evaluation criteria include items in addition to qualifications. These processes may be modified to accommodate specific requirements of the County.

The using agency shall define and prepare a written basic scope of services required for the project or series of projects that will require contracting for professional services as described above. If the required services are for architectural, engineering, landscape architectural, surveying, or mapping services, the scope of services shall be sent directly to the Contracts Team for review and to see if the services are already under contract. All others shall be sent to the appropriate Purchasing and Contracts Division staff member.

After receipt of the scope of services, the Contracts Team shall prepare a rough draft Request for Statements of Qualifications (RSQ). This will be given to the requesting using agency for review. Recommended changes shall be incorporated in the RSQ as applicable and a final draft RSQ shall be prepared and submitted to the using agency for approval.

The Purchasing Director will work with the Chief Financial Officer to determine which of the following processes (A, B, C, D) to use on each selection. The County Council or the County Manager may choose to modify a process or use a different process if such better serves the needs of the County, except in CCNA selections.

If Processes C or D are chosen, the Purchasing Director shall submit the final draft RSQ to the County Manager and County Attorney, via the Chief Financial Officer, with a staff recommendation on the selection process to be used and a recommended selection committee.

Any resultant consultant contract shall be limited to a maximum term of three (3) years unless a different term is specified by the County Council. Each consultant contract shall have a clause to permit the termination of the contract without cause at the County's convenience.

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PROCESS “A”

Technical Selection Committee Makes Selection and County Council Approves the Selection Committee’s Ranking

This process shall be used to select consultants for “routine” services when there are no public policy issues involved. The Purchasing Director shall appoint the selection committee. This type of selection committee shall normally be comprised of three (3) members: using representative, and two (2) knowledgeable third parties not from the using agency; however, additional members may be included as required. All members will have equal voting privileges. The Purchasing Director, or designee, will be the non-voting chair of the selection committee to ensure and certify the integrity of the selection process.

The Purchasing and Contracts Division will set the official closing time and date for the RSQ and will be responsible for the public notification and distribution of the RSQ to potential respondents and the proper receipt of any submittals. Any proposal or submittal received after the official closing time and date shall not be considered.

The Purchasing and Contracts Division will be responsible for the proper public notice of the selection committee meeting(s).

The selection committee shall review all responsive submittals and will determine whether presentations are required. The Purchasing and Contracts Division will coordinate the presentation process. The selection committee will rank the respondents in accordance with the requirements of the project and/or using agency. This does not prohibit the selection of multiple respondents without ranking for specific periods and/or projects.

The Purchasing and Contracts Division will prepare the agenda item recommending that County Council approve the ranking of the selection committee and authorize the County Manager to appoint a negotiating team to negotiate the final contract. Any contract or task assignment over \$25,000.00 shall be submitted to the Council for approval.

If the Council rejects the ranking submitted by the selection committee, the current solicitation process shall be terminated. If the Council rejects the ranking, the Council may direct that a new RSQ be prepared and issued and shall direct the selection process (A, B, C, D) to be used. This does not prevent the Council from choosing another method of determining the most qualified respondent(s).

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PROCESS “B”

Selection Committee Makes Initial Ranking and County Council Approves Ranking

This process shall be used to select consultants when there are not any significant public policy or program issues, but the participation of a Council member will provide insight into the Council’s objectives.

If this process is chosen, the Council Chair shall be requested to appoint a Council member to participate in the selection committee. The Purchasing Director shall appoint the rest of the selection committee. This type of selection committee shall normally be comprised of three (3) members: Council member, using representative, knowledgeable third party not from the using agency; however, additional members may be included as required. The Council member will have voting privileges equal to all other voting members. The Purchasing Director, or designee, will be the non-voting chair of the selection committee to ensure and certify the integrity of the selection process.

The Purchasing and Contracts Division will set the official closing time and date for the RSQ and will be responsible for the public notification and distribution of the RSQ to potential proposers and the proper receipt of any submittals. Any proposal or submittal received after the official closing time and date shall not be considered.

The Purchasing and Contracts Division will be responsible for the proper public notice of the selection committee meeting(s) and will coordinate the selection committee meeting(s) with the Council Member’s schedule.

The selection committee shall review all responsive submittals and will determine whether presentations are required. The Purchasing and Contracts Division will coordinate the presentation process. The selection committee will rank the respondents in accordance with the requirements of the project and/or using agency. This does not prohibit the selection of multiple proposers without ranking for specific periods and/or projects,

The Purchasing and Contracts Division will prepare the agenda item recommending that County Council approve the ranking of the selection committee, and authorize the County Manager to appoint a negotiating team to negotiate the final contract. Any contract or task assignment over \$25,000.00 shall be submitted to the Council for approval.

If the Council rejects the ranking submitted by the selection committee, the current solicitation process shall be terminated. If the Council rejects the ranking, the Council may direct that a new RSQ be prepared and issued, and shall direct the selection process (A, B, C, D) to be used. This does not prevent the Council from choosing another method of determining the most qualified respondent(s).

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PROCESS “C”

Selection Committee Makes Initial Shortlist without Ranking and County Council Receives Presentations and Makes Final Ranking and Selection

This process shall be used for selection of consultants when there are some significant public policy or program issues that require County Council direction and participation. This process may also be used when the outcome of the selection process involves another political jurisdiction or when there may be significant public involvement in the outcome.

If this process is chosen, the Council Chair shall be requested to appoint a Council member to participate in the selection committee to provide insight into the Council’s goals and objectives and anticipated outcomes. With the consent of the County Manager, the Purchasing Director shall appoint the rest of the selection committee. This type of selection committee shall normally be comprised of three (3) members: Council member, using representative, knowledgeable third party not from the using agency; however, additional members may be included as required. The Council member will have voting privileges equal to all other voting members. The Purchasing Director, or designee, will be the non-voting chair of the selection committee to ensure and certify the integrity of the selection process.

The Purchasing and Contracts Division will set the official closing time and date for the RSQ and will be responsible for the public notification and distribution of the RSQ to potential proposers and the proper receipt of any submittals. Any proposal or submittal received after the official closing time and date shall not be considered.

The Purchasing and Contracts Division will be responsible for the proper public notice of the selection committee meeting(s) and will coordinate the selection committee meeting(s) with the Council Member’s schedule.

The selection committee shall review all responsive submittals and provide a list of not less than three (3) respondents, in no rank order, to make presentations to Council. (If less than three responses are received, all respondents will be submitted to Council.)

The selected respondents shall be invited to make a presentation to the Council. The Purchasing and Contracts Division will coordinate the presentation process including preparation of the agenda item.

Each Council member will be provided with a copy of the information submitted by each respondent selected by the selection committee at least one week before the presentations are scheduled.

The County Council, during a scheduled and advertised meeting, shall hear presentations from the selected respondents. After the presentations and discussions are completed, the Council shall vote to select the top respondent(s). The Council shall vote on the top-ranked respondent first with the respondent receiving the majority of votes being ranked “number one.” If no respondent receives a majority of the votes of the Council members present and voting, the Council shall vote again or make a motion to take other action. The Council may vote either for the second and third ranked respondent by separate votes or as a combined vote. If this is a selection for an Architect or Engineer

under the Consultant's Competitive Negotiations Act (CCNA), Chapter 287.055, Florida Statutes, the Council shall rank the top three respondents. This does not prohibit the selection of multiple respondents without ranking for specific periods and/or projects, nor shall this prevent the Council from choosing another method of determining the most qualified respondent(s).

If the Council rejects the respondents submitted by the selection committee, before, during, or after the presentations, either all respondents must be given an opportunity to make presentations to Council and Council makes a selection from them, or the solicitation process shall be terminated.

If the solicitation process is terminated, the Council may direct that a new RSQ be prepared and issued and shall direct the selection process (A, B, C, D) to be used. This does not prevent the Council from choosing another method of determining the most qualified respondent(s).

The County Manager shall appoint a negotiating team to negotiate the contract(s) with the Council selected respondent(s) and shall submit the negotiated contract(s) to the Council for approval.

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PROCESS “D”

County Council Serves as Selection Committee

This process shall be used for the selection of a consultant when there are significant public policy issues and when the Council chooses to serve as the selection committee. This process shall also be used to select the External Auditor.

If the County Council and County Manager chose this process, the Purchasing Director shall draft a Request for Statements of Qualifications (RSQ) with a recommended schedule of events in accordance with directions from the County Manager and shall submit it to the County Manager for distribution to Council members. Council members should review the draft RSQ and suggest changes. All changes shall be sent to the Purchasing and Contracts Division via the County Manager.

The Purchasing and Contracts Division, at the direction of the County Manager, will set the official closing time and date for the RSQ. The Purchasing and Contracts Division will be responsible for the public notification, distribution, and the proper receipt of any submittals. Any response submitted after the closing time and date will not be considered.

Each Council member will be provided with a copy of the information submitted by each respondent as soon as possible after the official closing date.

The County Council, during a scheduled and advertised meeting, may review the submittals, and either makes a selection or selects respondents to make presentations to the Council. The Council may ask for specific information to be included in the presentations. If the Council chooses to have presentations, the Purchasing and Contracts Division, at the direction of the County Manager, will coordinate the presentation process including preparation of the agenda item.

The County Council, during a scheduled and advertised meeting, shall hear presentations from the previously selected respondents. After any discussion, the Council shall vote to select the top respondent(s). The Council shall vote on the top-ranked respondent first with the respondent receiving the majority of votes being ranked “number one.” If no respondent receives a majority of the votes of the Council members present and voting, the Council shall vote again or make a motion to take other action. The Council may vote either for the second and third ranked respondent by separate votes or as a combined vote. If this is a selection for an Architect or Engineer under the Consultant’s Competitive Negotiations Act, Chapter 287.055, Florida Statutes, Council shall rank the top three respondents. This does not prohibit the selection of multiple respondents without ranking for specific periods and/or projects, nor shall this prevent the Council from choosing another method of determining the most qualified respondent(s).

The County Chair shall appoint or shall direct the County Manager to appoint a negotiating team to negotiate the contract that shall be submitted to the Council for approval.

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Consultant Selection Matrix

| Activity Process | Development of Requests for Statements of Qualifications (RSQ) | Selection Committee Membership | Primary Ranking | Presentations Made to: | Approval of Final Ranking | Award | Typical Example |
|------------------|--|---|--|------------------------|---------------------------|----------------|--|
| Process "A" | Technical Staff | Technical Staff | Selection Committee | Selection Committee | County Council | County Council | Routine Consulting Projects |
| Process "B" | Technical Staff | Appointed County Council Member and Technical Staff | Selection Committee | Selection Committee | County Council | County Council | CCNA Selections [Architectural & Engineering Services] |
| Process "C" | Staff at direction of County Council | Appointed County Council Member and Technical Staff | Selection Committee [shortlist only, no ranking] | County Council | County Council | County Council | Tax / Fee Study Consultants Architect for Design of Courthouse Public transportation Consultants |
| Process "D" | Staff at direction of County Council | County Council | County Council | County Council | County Council | County Council | External Auditor Economic Development Consultant |

Adopted by County Council May 3, 2001.

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REQUESTS FOR SERVICES OF AN ARCHITECT, ENGINEER, LAND SURVEYOR AND MAPPER, OR LANDSCAPE ARCHITECT

As previously stated, Florida Statute 287.055, as amended, governs requests for purchase of these types of professional services commonly known as the "Consultants Competitive Negotiations Act" (CCNA). In short, it states that any project whose construction cost exceeds **\$250,000** and the professional fee for design exceeds **\$25,000**, falls under the jurisdiction of this law. These services are obtained by qualifications instead of pricing.

How To Obtain These Type Services:

Existing Contracts

The Purchasing and Contracts Division maintains a list of contracts for these type of services once awarded by Council. The type of service needed may already be available through an existing contract. To view the list of contracts, visit the Purchasing and Contracts Division's ENN page and find the list entitled "Professional Services" under the "Forms Section". Contact the Contracts Team to choose the correct firm and initiate the Task Assignment process.

New Contracts

The following process is followed if a contract does not already exist:

1. The Purchasing and Contracts Division will issue a Request for Statements of Qualifications (RSQ) to obtain qualification data from potential businesses from which a selection will be made.
2. Selection is made by a Selection Committee comprised of the Purchasing Director, or designee, as the Chair of the Committee, representative(s) from the using agency and any other staff the Purchasing Director deems necessary. See Consultant Selection Matrix for procedures.
3. After the Selection Committee makes a recommendation, the Purchasing and Contracts Division will prepare an agenda item for Council approval to begin negotiations with the top ranked firm(s).
4. The Contract Administrator negotiates a master contract with the top ranked firm(s).
5. Fees are negotiated with the appropriate firm(s) and the resulting task assignments are routed for additional approvals by the Purchasing Director, County Manager and/or County Council, depending upon the dollar value and scope of services.
6. After the appropriate approval(s), the Contracts Team will administer the contract(s), and any additional requirements will be coordinated through them.
7. Upon notification by the Contract Administrator that the contract has been approved, the user agency will issue a purchase order requisition to encumber the funding. The Contract Administrator will be responsible for the receiving copy of the purchase order for payment processing.
8. The Contract Administrator will obtain and review insurance certificates and bonds.
9. The Contracts Team will coordinate the execution and distribution of the contract documents and obtain the appropriate signatures.
10. Throughout the course of the contract, the Contracts Team and the user agency work closely together monitoring the contracting firm's service activity. The contracting firm reports and functions under the direction of the County Representative (using agency's representative) with assistance from other groups/activities with specific expertise as required (i.e.

- engineering reviews from Engineering/Construction, etc.)
11. Copies of all correspondence and direction to and from the contract firm shall be provided to the Contracts Administrator for inclusion in the contract master file.
 12. Monthly payment requests shall be prepared by the contracting firm and submitted to the County for review by both the using agency and the Contracts Team.
 13. Upon approval by the using agency and Contract Administrator, the invoice shall be submitted to Finance for payment processing.
 14. The user department initiates Amendments/Change Orders to the original contract.
 15. The contracting firm will submit all contemplated negotiated changes to the County in the form of a Price Proposal.
 16. The user department and the Contract Administrator shall review the price proposal and if appropriate, the Contracts Administrator shall prepare the Contract Amendment/Change Order and Council Agenda Item for approval if necessary.
 17. The Amendment/Change Order shall be approved by the Purchasing Director, County Manager and/or Council Chair, in accordance with signature authority level.
 18. The user department shall issue a purchase order requisition for the change order to encumber the funds. Upon receipt of the receiving copy of the purchase order, the Contract Administrator shall issue the approved Amendment/Change Order to the contract firm.
 19. For completion of the contract services/final payment, the user department issues a certification that the contract service is complete.
 20. The final payment invoice is approved by the user department and the Contract Administrator and is submitted to Finance for payment.
 21. The Contract Administrator assists the user department in assemblance and compliance of all required closeout documents and ensures proper closeout of the Purchase Order.

DESIGN-BUILD SERVICES

A design-build project combines the design and construction of a building or structure in a single contract performed by one firm. Design-build procedures are governed by Florida Statute 287.055 as amended and sets forth specific criteria for obtaining design-build services. Along with other criteria, this method requires a design criteria package be prepared, sealed by a design criteria professional employed by or retained by the County and included with the Request for Statements of Qualifications (RSQ). Evaluation of the proposal is initially based upon the qualifications of the proposer, but the final contract price, technical and design aspects are negotiated with at least the top three ranked proposers. The design criteria professional who prepares the design criteria package is not eligible to submit a proposal or render any other services under the design-build procedure. To obtain design-build services, contact the Purchasing and Contracts Division to begin the preliminary processes.

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REQUESTS FOR CONSTRUCTION SERVICES

Construction projects should be requested through the Purchasing and Contracts Division. However, major capital improvement projects may require other approvals and processing. Each request for construction will be reviewed on a case-by-case basis and the appropriate purchasing method determined by the Purchasing Director.

Large construction projects may be competitively bid and contracted to a firm who is authorized to manage the construction project on behalf of the County. Management may or may not include the purchase of materials, supplies, and equipment for the County. Before the award of a construction management contract the decision must be made and procedures set forth for purchasing requirements of the specific project.

The following process shall be utilized to procure construction type contracts:

1. An outside project designer or user department, shall provide the preliminary design/programming and project cost estimate.
2. The project design documents shall be reviewed by the user department, and Contracts Team.
3. Plans and specifications shall be compiled by the user department, or outside project designer as applicable, and shall be incorporated into a bid document by the Contracts Team.
4. Bid advertisement is prepared and submitted for publication in the local newspaper.
5. The Pre-Bid Conference is scheduled by the Contracts Team and is conducted by the County Representative or outside project Consultant/Designer (if so tasked by his contract) with the assistance of the user department, Contracts Team and other groups/activities as required.
6. Contract Addenda are prepared by the User Department or outside project Consultant/Designer as applicable, is reviewed by the Using Department and Contracts Administrator and issued by the Purchasing Director.
7. The Purchasing and Contracts Division will open the bids.
8. Bids are evaluated and a recommendation for award is made by the Using Department and outside Consultant/Designer as applicable, and submitted to the Contracts Team.
9. The Contracts Team shall prepare the agenda item for the award recommendation and route it through the applicable approval process.
10. User Department issues requisition to the Purchasing and Contracts Division.
11. After the PO prints, the Contracts Team keeps the receiving copy for payment processing.
12. The Contracts Team schedules a Pre-Construction Conference. This is conducted by the County Representative or an outside Consultant/Designer, with assistance from User Department as applicable. Minutes of the conference are prepared and distributed by the County Representative or Consultant/Designer.
13. The Contracts Team obtains the Bonds and Insurance Certificates from the Contractor and submits them to Legal Department for review and approval.
14. The Purchasing Director issues the Notice of Award.

15. The Contractor's activity during construction is monitored and controlled by Field Inspector(s) and/or outside Consultant/Designer (if included in task assignment). Field inspection reports shall be provided to the Contracts Team for inclusion in the master file.
16. The Contractor shall prepare invoices in concurrence with Field Inspector(s) and/or outside project Consultant/Designer.
17. Monthly invoices will be reviewed and approved by the User Department and the Contracts Team.
18. The Contracts Team will submit payment requests to Finance after data has been verified and added to the central database.
19. Changes to the original contract will be initiated by the User Department with assistance from the Field Inspector or outside project Consultant/Designer as applicable.
20. The Contractor shall prepare the price proposal for the required Change Order.
21. The Contracts Team shall review the Change Order Proposal for conformance to contract terms and budgetary constraints.
22. The change order shall be approved in accordance with applicable signature authority levels: Purchasing Director, County Manager or County Council. If Council approval is required, the Contracts Team shall prepare the Council Agenda Item.
23. After approval of the agenda item, the Contracts Team shall prepare and issue the Change Order.
24. The Certificate of Substantial Completion will be submitted by the County Representative and/or outside Consultant/Designer as applicable, with concurrence of the User Department.
25. The Certificate of Final Completion of the project and final payment will be submitted by the County Representative and/or outside Consultant/Designer as applicable, with concurrence of the User Department.
26. The final payment shall be reviewed and approved by the User Department and the Contracts Team
27. The Contracts Team will submit final payment requests to Finance after data has been added to the central database.
28. Finance shall close out the Purchase Order upon receipt of Final Invoice.
29. Warranty Inspection shall be completed by Public Works Service Center and Building Department.
30. Upon notification of successful inspection, the Contracts Team shall notify the Bonding Company of contract completion.

REQUESTS FOR REPAIRS AND MAINTENANCE

Simple repairs and routine maintenance may be requested through the Purchasing and Contracts Division directly and processed as a commodity purchase; however, major projects may require coordination with other agencies within the County (such as Facilities Management Services). Each request for repair and/or maintenance services will be reviewed on a case-by-case basis and the appropriate purchasing method determined by the Purchasing Director.

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REQUESTS FOR PROPOSALS

A user agency may require other consulting or specialized services, which are not governed by Florida Statute 287.055. However, the Purchasing Director may elect to use the same process as above to obtain these services. Each request is reviewed on a case-by-case basis and the Purchasing Director will determine the appropriate purchase method. The Request for Proposal (RFP) method is similar to the above RSQ method; however, in the RFP method, price and other criteria are included in the RFP document and evaluation process.

PROCUREMENT COMMITTEES

1. Definitions

A “Selection Committee” is defined as any committee that has been delegated decision-making functions, directly or indirectly, by the County Council. A selection committee ranks and/or short-lists respondents to an Invitation or Request for Proposals (RFP) or Request for Statements of Qualifications (RSQ) based upon the information submitted in response to the solicitation. This definition includes all selections under Chapter 287.055 Florida Statutes (FS) as amended. All selection committee meetings are open public meetings as defined in Chapter 286 FS.

An “Evaluation Committee” is defined as a committee that is responsible for advising and informing the final decision maker, the County Manager or County Council, through fact-finding consultations. The evaluation committee meets to evaluate proposals or offers submitted in response to an Invitation for conformance with defined evaluation criteria. The outcome of an evaluation committee is whether responses meet the evaluation criteria and which response (offer) is best for the County. An evaluation committee meeting does not generally fall within the requirements of an open public meeting.

A “Technical Review Committee” is defined as any committee appointed by the Purchasing Director to establish and/or review specifications or scope of work for any procurement project. A technical review committee does not generally fall within the requirements of an open public meeting.

2. Public Meeting Notice

Reasonable public notice shall be given before any selection committee meeting. Such notice shall include: (1) name and/or purpose of selection committee, (2) time and place of meeting, and (3) ADA requirements notification information. All Public Meeting notices shall be posted on the Purchasing and Contracts Division Website.

3. Advertisement

The Purchasing Director shall have published a meeting notice for any selection committee meeting at least one day before the meeting date on the Purchasing and Contracts Division Website. The public meeting notice(s) may be included in the Public advertisement announcing the procurement.

4. Meeting Minutes

The minutes of any open public meeting shall be made available for public review. The original minutes shall be filed with the solicitation package in the Purchasing and Contracts Division.

5. Continued Meetings

If an open public meeting is adjourned and reconvened at a later date to complete the business of the meeting, the second meeting shall also be noticed. This includes any meeting where a presentation is made to the selection committee.

6. Membership

The Director of Purchasing, or designee, shall chair all selection and evaluation committees and shall appoint the committee from staff or other representatives who have knowledge and interest in the procurement project. Suggestions from the affected user shall be given consideration. The Chair of the County Council shall make the decision to appoint a County Council person to any selection committee.

Any person with a conflict of interest shall not be appointed to any procurement evaluation or selection committee, or shall be removed from the committee if the conflict arises after appointment to the committee. A conflict of interest is defined as any circumstance in which the personal interest of a committee member in a matter before him or her in his or her official capacity may prevent or appear to prevent him or her from making an unbiased decision with respect to the matter. A conflict of interest is also any conflict defined in the County of Volusia Code, Florida Statutes, or Federal Statutes.

7. Voting

The vote of each member of the selection committee shall be recorded in the minutes. A member may submit a written ballot to the committee chair if he or she is unable to attend the meeting, provided there are no presentations to be made at the meeting. A selection committee member must be present for all of the presentations to vote. Selection shall be made by consensus if possible. If the Chair of the committee deems consensus impossible, the selection shall take place by totaling individual votes of committee members.

8. Discussion with Respondents

Any discussion before an award by County Council between any member of an evaluation or selection committee and any respondent regarding the procurement project is highly discouraged. All requests for information, clarification, or the status for any procurement project shall be directed to the Purchasing Director or designee.

9. Recommendation for Award

The Purchasing Director shall forward the selection committee's recommendation of ranking to the County Manager or County Council as required.

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REQUESTS FOR REAL ESTATE TRANSACTIONS AND SERVICES

There are several types of real estate transactions and services. Each is handled in a manner governed by State Statutes. If not specifically addressed in this section, the Purchasing Director will advise the appropriate methodology.

Request to Purchase Real Estate

All requests for the purchase of real estate are processed through the County Legal Department.

Requests for Property Appraisals

Appraisals for property NOT considered road right-of-way should begin with the County Property Appraiser.

Appraisals for property considered road right-of-way should begin with Public Works, Right-of-Way.

Requests for Lease Space

Requests for space to be leased for office, storage, warehouse, or any other use shall begin with the Facilities Management Services Division.

The following process shall be utilized to procure Lease or Rental type contracts (of private/commercial property) for use by the County:

1. The User Department shall determine that there is a requirement to lease private/commercial space.
2. The County Manager and/or County Council (upon request submitted by the User Department) shall approve/deny request. The County Manager is authorized to approve a one-year lease if within the appropriate signature level. County Council must approve multiple year leases.
3. The User Department and Purchasing Director shall locate potentially adequate private/commercial facilities.
4. The Director of Purchasing, or designee, shall negotiate lease/rental amount, services, facilities, etc.
5. The Contract Administrator shall prepare the lease/rental contract and submit it to the Legal Department for review as to adequacy of form.
6. The Contract Administrator shall prepare the Council Agenda Item for approval of lease and commitment of funds.
7. The Contract Administrator shall distribute the executed contract documents.
8. The User Department shall submit the Purchase Order Requisition for the periodic lease/rent payments.
9. The Contracts Team and the User Department shall monitor the lease during its term for notices, renewals and/or termination.

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TECHNOLOGY PURCHASES

Requests for certain technological purchases are governed by other agencies within the County and may be affected by Standardization policies. These include, but are not limited to, requests to purchase telephone equipment and/or services; computer equipment and/or services; software; communication equipment and/or services; and other technological equipment and/or services. (See *Interaction with Other County Departments/Divisions /Activities on page 51.*) Each request for technological commodities and services will be reviewed on a case-by-case basis by Information Technology staff and the Purchasing Director to determine the appropriate purchasing process.

A Department/Division/Activity may request the purchase of "new" technological equipment and/or services not already governed or standardized by existing policies. Each request shall be reviewed on a case-by-case basis by Information Technology and the Purchasing Director to determine the appropriate purchasing process for each.

Elected Department Heads shall be exempt from the above requirements.

TRANSPORTATION EQUIPMENT - ANY TYPE

Requests for any type transportation equipment - automobiles, trucks, fire trucks, buses, heavy construction type equipment, etc. - shall be coordinated through the Fleet Management and Purchasing and Contracts Divisions. Transportation equipment is purchased by many methods including purchase at public auction, sealed bids, and various term contracts. Requests for transportation equipment should be received by September 1 to facilitate planning for the upcoming fiscal year including auction schedules, vehicle production schedules, and bid schedules. Procurement of some transportation equipment requires a long lead-time with deliveries ranging from six (6) months to more than two (2) years. Adequate planning and early requests are essential to minimize delays when procuring transportation equipment.

PRICE AGREEMENTS

A **Price Agreement** is an indefinite quantity agreement. It is a tool to facilitate purchases when the exact quantity of a required commodity or service is unknown or may vary depending upon the using agency's requirements. It may also be called a Price Schedule Contract, Requirements Contract, or Term Contract.

A Price Agreement requires either competition or award according to another political entity's contract, Florida State Contract, SNAPS, GSA, PRIDE, RESPECT, etc., or acceptable written justification as a sole/single source.

If usage is anticipated to exceed **\$3,000** but less than \$25,000 in a twelve-month period, at least three (3) written quotes must be obtained.

If usage is anticipated to exceed **\$25,000** in a twelve month period, formal competition (Invitation to Bid or Request For Proposals (RFP) must be used to select the vendor, unless the award is made from another political entity's contract, or justified as a sole/single source.

A Price Agreement shall be awarded by the Purchasing Director, County Manager or County Council, in accordance with the Purchasing Ordinance signature/authority award levels, and is normally issued for Countywide use. An agency specific Price Agreement may be issued under certain circumstances.

A Price Agreement is limited to a term of three years with two one-year renewal options.

It is the using agency's responsibility to ensure that the Price Agreement is still valid prior to placing an order with the vendor.

The agency buying the commodity or service is responsible for verifying the invoice price against the Price Agreement. If there is a difference between the invoice and the Price Agreement, the using agency shall contact the vendor to resolve the difference. If the problem is not resolved, the using agency shall contact the appropriate Purchasing and Contracts Division staff member responsible for the Price Agreement for assistance in resolving the problem.

The appropriate Purchasing and Contracts Division staff member responsible for the Price Agreement will contact the using agency at least five or six months prior to the expiration date to determine if there is a need to renew or extend the price agreement.

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PURCHASING AND CONTRACTS DIVISION ENN SITE

All current Countywide Price Agreement (PA) documents are available on the Purchasing and Contracts Division ENN Site.

The different requirements for a Price Agreement for (1) a Commodity or (2) Service are as follows:

1. Commodity Price Agreement

Commodity means any supply, goods, merchandise, equipment and other personal property that can be counted.

A Commodity Price Agreement requires a written proposal from the vendor listing:

- (a) Either firm fixed unit price including delivery, or
 - (b) A fixed discount from list or catalog price [if any], and
 - (c) Agreement period - start date and length of agreement
- or
- (d) If based upon an award by another political entity, complete written backup that provides the above information, (a-c), and a copy of the original solicitation, tabulation, award documentation and successful proposer's response.

2. Service Price Agreement

Service means the furnishing of labor, time, or effort by a contractor. This includes all construction, remodeling, and repair services. Service also includes technical, and/or unique functions performed by independent contractors whose business is the rendering of such services. This includes, but is not limited to: accountants, actors, appraisers, artists, attorneys, auditors, computer repair, consultants (all types), courier services, designers, instructors, janitorial & cleaning services, laundry services, landscapers, medical services, painters, performers, pest control, planners, repair services, security services, surveyors, researchers, temporary personnel services, and trainers.

A written award letter signed by the vendor and the Purchasing Director is required for any Price Agreement for services, except for a Price Agreement awarded in accordance with Florida State Contract or SNAPS. A Price Agreement for service must have documentation of current, valid, occupational license and current appropriate (per Risk Management) insurance coverage [ACORD form preferred] attached with the documentation.

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A Service Price Agreement requires a written proposal from the vendor listing:

- (a) A firm fixed per task or per project cost (per hour rates will generally not be accepted) with clear identification of what the final result will be for the County;
- (b) Agreement period - start date and length of agreement and;
- (c) If based upon an award by another political entity; complete written backup that provides the above information, (a-b), and a copy of the original solicitation, tabulation, award documentation and successful proposer's response.

After review by the Purchasing and Contracts Division, a request for a Price Agreement may be returned to the user agency with the recommendation to use a more appropriate purchasing method such as a regular Purchase Order, Delegated Purchase Order, Procurement Card, or Direct Payment Voucher.

The following 7 Easy Steps to a Price Agreement and worksheet checklist will help the using agency to prepare a request for a Price Agreement.

7 EASY STEPS TO A PRICE AGREEMENT

1. Identify the requirements. What commodity or service is needed? How much will be needed in a year's time [either dollar amount or quantity]? What are the quality standards for the commodity or service? Where will the commodity be delivered or the service performed? When does the commodity have to be delivered or the service performed after the vendor is notified? Are there any special requirements?

2. Is the commodity or service available on a Florida State, SNAPS, PRIDE, RESPECT, GSA, or other political entity's awarded contract? [If YES, go to Step #6]. Does the using agency have a complete copy of the awarded contract? If not, contact the Purchasing and Contracts Division and provide us with the information and the appropriate documentation will be obtained. [See NOTE "A" on Documentation Requirements]. A Price Agreement cannot be awarded on of an expired contract.

3. What is the estimated annual cost?

- a. Unknown? Go to Step #5
- b. Is it over \$25,000 per year? If YES go to Step #5
- c. Is it less than \$25,000 but more than \$3,000 per year? If YES go to Step #4 or #5
- d. Is it less than \$3,000 per year? If YES call the Purchasing and Contracts Division before continuing.

4. If less than \$25,000 but more than \$3,000 per year, obtain at least 3 written quotes from suppliers that can furnish the commodity or service. Each supplier must quote on exactly the same specifications. If the using agency wants a Price Agreement for a service, there are additional documentation requirements, see NOTE "B" on Documentation Requirements. After obtaining at least 3 written quotes for the exact same specifications, proceed with Step #6.

5. Bring the requirements [Step 1] to the Purchasing and Contracts Division, and the appropriate procurement method will be utilized to get competitive offers on the commodity or service. This

may require using the bid or RFP process so please allow for processing time. Once the offers have been received, the using agency will be invited to participate in the selection/evaluation process.

6. Prepare a request for a Price Agreement; it may be a completed requisition or a written memo (e-mail is not acceptable).

- If quotes are obtained (Step 4), attach the ORIGINAL quotes with the request.
- To use a contract awarded by another political entity (Step 2), attach the complete documentation with the request. [See Documentation Requirements]
- If the Purchasing and Contracts Division obtained the quotes (Step 5), the Purchasing and Contracts Division will maintain the documentation.

7. The Purchasing Director shall review the request and documentation for the Price Agreement and prepare the necessary paperwork for award recommendation to the County Manager or Council, in accordance with the signature authority levels as noted in this policies and procedures manual. Upon approval of the award recommendation, the Price Agreement shall be uploaded into the system for utilization by County agencies.

NOTE A: Documentation Requirements:

The following documentation is the minimum requirements to use another political entity's awarded contract. Please provide the required information to the Purchasing and Contracts Division or contact the appropriate staff member for assistance.

Florida State Contracts & SNAPS Contracts: Please provide the current Florida State or SNAPS Contract Number. If the contract has fixed unit prices, no additional information is needed. If the contract is a percent discount from list, a copy of the original manufacturer's list price is also required. This will usually be in the form of a published price list. If requesting only to utilize some of the items on the contract, only the pages with those prices are required.

GSA Contracts: Please provide the following items:

- (a) The face page of the Federal General Services Administration (GSA) contract showing the contract name, number, and contract term;
- (b) The ordering information page(s); and
- (c) The page(s) with the pricing.

If the contract is a percent discount from list, please include a copy of the original manufacturer's list price. This will usually be in the form of a published price list. If requesting to utilize only a portion of the items on the contract, attach only the pages with those prices are required.

PRIDE and RESPECT have published unit prices. These documents are maintained in the Purchasing and Contracts Division.

Contracts from other Political Entities: The Purchasing and Contracts Division needs the following items:

- (a) A complete copy of the original solicitation,
- (b) A tabulation of all solicitation responses,

- (c) A copy of the award letter/memo/agenda item by the political entity to the vendor, and
- (d) A complete copy of vendor's proposal.

NOTE B: Documentation requirements for a contract for Service:

In addition to the above documentation requirements, the following are the minimum requirements for any contract for service. The Purchasing and Contracts Division will advise if there are additional requirements due to the type of service to be provided.

Contract: Two (2) copies of the Purchasing and Contracts Division's standard contract for Services with a complete Scope of Work. An authorized agent of the vendor must sign both copies of the contract.

Volusia County Occupational License: If the vendor is located in Volusia County, a copy of the current Volusia County occupational license is required.

Insurance: Copies of proof of liability insurance. The ACORD Insurance Form is preferred. Minimum amount \$300,000, but a higher limit may be required depending upon the nature of the work.

PRICE AGREEMENT ORDERING PROCEDURES

When placing a telephone or Internet order against a price agreement, please provide the following minimum information to the vendor:

- Name of Agency (Volusia County Road & Bridge, Volusia County Sheriff's Office, etc.);
- Agency's name and telephone number so the vendor can call if there are any problems;
- Shipping address - where the materials are to be shipped or the service provided?
- Billing Address - where should the vendor send the bill?
- Price Agreement number;
- Departmental control / tracking / project number (if using one)
- When are the materials or services needed?

Place the order - tell the vendor exactly the item(s) or service(s) needed. Make sure that each item or service is specifically included in the price agreement.

When picking up materials from the vendor, or having services provided at the vendor's site, provide the following minimum information to the vendor:

Name of Agency (Volusia County Road & Bridge, Volusia County Sheriff's Office, etc.);

A name and telephone number so the vendor can call if there are any problems. The vendor has the legitimate right and obligation to require County identification before filling the order.

Billing Address - where should the vendor send the bill? Bring the invoice when the order is picked up or service is provided.

Price Agreement number;

Departmental control / tracking / project number (if using)

Place the order - tell the vendor exactly the item(s) or service(s) needed. Make sure that each item or service is specifically included in the price agreement.

PRICE AGREEMENT PAYMENT PROCEDURES

After receipt, inspection, and acceptance of the commodity or service, and receipt of the vendor's invoice:

- Verify that the invoice price(s) exactly match the price agreement price(s). If the Price Agreement lists a discount, ensure that the original price and the discounted price are clearly written on the invoice.
- If there is a difference between the invoice and the Price Agreement, contact the vendor to resolve the difference and request a new revised invoice. If the problem is not resolved, contact the Purchasing and Contracts Division staff member responsible for the Price Agreement to request assistance in resolving the problem.
- Make a photocopy of the Price Agreement receiving copy;
- Write the appropriate account number(s) in the designated space(s) on the receiving copy and the corresponding cost(s);
- Sign the receiving copy;
- Make a photocopy of the receiving copy and the vendor's invoice(s) for the Agency's records;
- Send the signed receiving copy with the ORIGINAL vendor invoice(s) to Accounts Payable.

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PRICE AGREEMENT WORKSHEET CHECKLIST

All blocks must be checked in Section 1 and section A or B, and the documentation attached prior to the award and issuance of a Price Agreement.

Section 1

- Proof of Competition (Quotes, Bids attached)
- or
- Award by another political entity (State Contract, SNAPS, GSA, etc.) (Documentation attached).
- or,
- Written justification for sole / single source.

A. Commodity Price Agreement

- Written Proposal
- or
- Award documentation from other political entity.*
- Unit Cost
- Agreement Period: From: _____ to _____
- IRS W-9 Form (if new vendor)

B. Service Price Agreement

- Written Proposal
 - or
 - Award documentation from other political entity*
 - Task / Project Cost
 - Agreement Period: From: _____ to _____
 - Occupational License - copy attached
 - 2 copies of Services Contract signed by vendor.
 - Insurance proof attached Accord Form Other Form
 - IRS W-9 Form (if new vendor)
-
-

Purchasing and Contracts Division Use Only

Vendor Name: _____ PA# _____

Purchasing and Contracts Division Staff Member: _____

File with Price Agreement

LETTER CONTRACTS

Certain transactions, such as charitable contributions and payments for contractual services to other governmental or quasi-governmental agencies, require only the encumbrance of funds and a mechanism to process and track payments.

This type of transaction is processed using a system called "Letter Contracts," instead of issuing a purchase order. The Letter Contract can only be used when there is no competition, **and** the vendor/provider is a not-for-profit organization, or a governmental organization. The Letter Contract **cannot** be used to contract with any for-profit business entity, person, or other organization.

The Letter Contract will be typed/printed by the using agency on their letterhead to the vendor/provider stating the terms and the amount of the award or contract (see format attached / a Word format is available from the Purchasing and Contracts Division). It is very important that the vendor/provider's name and address be checked and verified since this will be the payment address. Approval requirements are in accordance with the signature authority limits within this manual (\$10,000 - \$25,000 requires County Manager approval, over \$25,000 requires County Council approval). A copy of all Council approved agenda items must be submitted with the Letter Contract. Any pertinent contract documents must also be attached with the Letter Contract when submitted to the Purchasing and Contracts Division. Each Letter Contract will be signed by the Department Head prior to submission to the Purchasing and Contracts Division. It will be countersigned by the Director of Purchasing or his designee when approved.

For each Letter Contract, a Purchasing and Contracts staff member will enter a transaction into the financial system (LGFS), encumber the funds, and assign a contract number. This transaction will use the prefix "**K**", followed by two letters indicating the using agency, plus the fiscal year and a sequential numbering system, e.g., KCS9900X (Letter contract #X by Community Services in FY99). The transaction must be accepted by the financial system prior to any further action. The original, signed, Letter Contract will be returned to the originating Department/Division for mailing to the vendor/provider after it has been accepted by the system. Letter Contracts cannot cross fiscal years and must be closed out by the end of the fiscal year. Please allow a minimum of one week to process the Letter Contract.

A copy of the Letter Contract will be maintained in the Purchasing and Contracts Division and the original will be returned to the user to be mailed to the vendor/provider with any accompanying documentation or instructions. The requesting Department/Division will maintain a file for each Letter Contract, which shall include all documentation and a copy of all requests for payment. This file shall be maintained for not less than three (3) years after the close of the contract.

To make payment, the user shall submit the invoice or request for payment to Accounts Payable. The contract number and the signature by the authorized County employee shall be clearly indicated on the invoice or request for payment. All requests for payments against Letter Contracts shall be batched separately and not bundled with "regular" purchase order payments. Payments will be processed in the standard time periods. Rush or expedited payments will not be processed for Letter Contracts.

If there are any questions about which transactions might fall into this category, call the Purchasing and Contracts Division **before** beginning to process any paperwork.

Since most of the transactions to be processed using Letter Contracts are contracts, there should be very few requests for change orders. If a change to a Letter Contract is required, please submit a memo to the Purchasing Director with a detailed explanation of what is to be changed, why it is being changed, and all appropriate backup information. The Purchasing and Contracts Division will issue a standard change order form for any approved changes.

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EMERGENCY PURCHASING

An emergency is any condition that may affect the health, safety, and welfare of the citizens of Volusia County. It may also be a condition that stops or seriously impairs the necessary function of County government.

If during a normal business day, a Department/Division/Activity Director determines that an emergency exists and a purchase is required, the Director shall telephone the Purchasing and Contracts Division to request an emergency purchase order. A complete description of the emergency and justification for the purchase is required. The emergency must be valid and not just a result of poor planning. If the emergency is anticipated to cost less than \$10,000, and the Purchasing Director determines the emergency is valid, he/she will issue a verbal purchase authorization. If the emergency is anticipated to exceed \$10,000, the Purchasing Director shall review the documentation and obtain approval from the County Manager. The Department/Division/Activity may make the purchase and submit a completed requisition form to the Purchasing and Contracts Division no later than the next business day after the emergency. The completed and signed requisition form must be accompanied by a written description and explanation of the emergency and circumstances. If the requisition is greater than \$25,000, the Department/Division/Activity must prepare an agenda item for Council certifying that the conditions and circumstances required emergency procurement procedures.

If emergency purchases are required at times when the Purchasing and Contracts Division is closed, the Department / Division / Activity Director may make the purchase at his/her discretion and shall contact the Purchasing and Contracts Division the **next business day to obtain an emergency purchase authorization**. This type emergency purchase is subject to all requirements stated above and processed in the same manner. Approvals are obtained as required by the dollar value of the purchase.

Emergency Purchase Orders are assigned special numbers to designate the specific emergency, and to facilitate tracking as may be required for various agencies such as Federal Emergency Management Agency (FEMA). The Purchasing Director may designate during major emergencies (such as storms or hurricanes) one or more Purchasing and Contracts Division staff members to be on call twenty-four hours a day. These designated agents will be registered with the Emergency Operations Center and part of the Emergency Management Team. Each designated agent is authorized to work within designated emergency purchasing guidelines to assist with any needs.

Abuse of emergency purchase procedures may result in disciplinary action.

Emergency Purchasing

An Emergency Condition:

- affects Health, Safety, Welfare of Citizens, or
- stops or seriously impairs a necessary function of County Government
- AND delay will have detrimental effects.

Emergency Purchasing Procedures

During Normal Workday

- determine emergency situation
- determine required solution
- call the Purchasing and Contracts Division
- explain situation
- get authorization / PO number
- solve problem
- submit complete written report & requisition same or next business day, and prepare Agenda Report Item for next scheduled County Council meeting if over \$25,000.

Emergency Purchasing Procedures

OUTSIDE Normal Workday

- determine emergency situation
- determine required solution
- solve problem
- submit complete written report & requisition next business day, and prepare Agenda Report Item for next scheduled County Council if over \$25,000.

Emergency Purchasing Procedures

ALL Situations

- submit complete written report & requisition same or next business day.
- If greater than \$10,000 but less than \$25,000 also need County Manager approval.
- If greater than \$25,000 User Department must write Agenda Item for next scheduled County Council meeting.

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SOLE / SINGLE SOURCE

The term “**sole source**” means that the commodity 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.

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 submittal to the Purchasing Director stating the purpose, need, and justification that this product or service is the only one that will produce the desired results. A letter or statement from a dealer, distributor or manufacturer will not be sufficient.

The justification shall answer the following questions:

- What is the purpose and need of this product or service?
- What functional or performance specifications does this product or service have that others do not have?
- Why was this product or service selected over all other products or services?
- What other vendors’ products or services have been evaluated?
- Specifically why doesn’t each of the other products or services meet the functional or performance requirements listed in question 1 above?

If the Purchasing Director concurs with the justification, the Purchasing Director must certify for the public record that the sole/single vendor is the only vendor who can supply the needed product or service. [Volusia County Code Section 2-276 (a)(6)]

If the total amount of the proposed purchase is greater than \$25,000.00, an agenda item must be prepared for the County Council to award the contract.

Most public utilities are sole sources.

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REQUESTS FOR CHANGES

In the course of business, it may be necessary to make changes to a Contract or Purchase Order. This is accomplished by a Change Order. A user may request a Change Order to any issued Purchase Order for review by the Purchasing and Contracts Division. Change Order procedures shall not be used to avoid ANY standard purchasing procedure.

The requesting agency must submit a written request for any Change Order for any reason other than freight. It must clearly and concisely define what is to be changed, and why the change is being requested. The request must list the correct vendor name as it is printed on the Purchase Order, and the Purchase Order number. If there is any change in price, the appropriate account number(s) with the corresponding change in amount must also be listed.

Depending upon the total value of the original Purchase Order and the amount of the change requested, a Change Request may also require County Manager or County Council approval. The Purchasing Director is authorized to approve a Change Order of 10% of the total contract value or \$10,000, whichever is less cumulatively; the County Manager is authorized to approve a change order of \$25,000 or less; and County Council must approve all Change Orders over \$25,000.

FREIGHT: If the original Purchase Order did not include freight either as part of the specifications or as a separate line item, a Change Order to add freight charges must be requested from the Purchasing and Contracts Division before sending the invoice to Accounting.

If the original Purchase Order included freight as a separate line item, and the total freight charge is less than \$50.00, it may be processed by Accounting without the approval of the Purchasing and Contracts Division. Change Orders to add freight charges over \$50.00 must be submitted to the Purchasing and Contracts Division for approval and processing.

UNSOLICITED OFFERS

An unsolicited offer is any offer other than one submitted in response to an invitation. To be considered for evaluation an unsolicited offer:

- (1) **MUST** be in writing, and
- (2) **MUST** be sufficiently detailed to allow a judgment to be made concerning the potential utility of the offer to the County, and
- (3) **MUST** be unique or innovative to County use, and
- (4) **MUST** demonstrate that the proprietary character of the offering warrants consideration of the use of sole/single source procurement, and
- (5) **MAY** be subject to testing under terms and conditions specified by the County.

Any unsolicited offer meeting the above criteria shall be evaluated to determine the utility to the County and whether it would be in the County's best interests to enter into a contract based upon such offer. If an award is made on the basis of such offer, the procedures for Sole/Single Source contracts shall apply. The Purchasing Director has the final authority with respect to evaluation, acceptance, and rejection of any unsolicited offers.

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. If supplies, equipment, materials, construction, or services are to be purchased with grant funds, the Purchasing and Contracts Division shall be included during the initial preparation of the grant application and during the term of the grant. Grants often have certain purchasing requirements that are different from the County's. Purchases made with Federal funds such as from the Federal Aviation Agency (FAA) and from the Federal Transportation Authority (FTA) require special purchasing procedures. Purchases made from confiscated funds require certain prior approvals before purchases can be made. It is the responsibility of the requesting agency to identify and to transmit to the Purchasing and Contracts Division any special purchasing requirements or provisions, and it is the responsibility of the Purchasing and Contracts Division to ensure that those special purchasing requirements are followed.

Unless otherwise specified in the grant, all grant purchases shall follow the County's Purchasing Ordinance, Policies and Procedures.

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RESEARCH AND DEVELOPMENT, TRIALS AND DEMONSTRATIONS

Research and Development

Sometimes requirements are not readily definable. A user may know what needs to be done, but not how to get it done, or there may be more than one method or product that can do the job. In order to more closely define what is needed, they may want to "test" several products or services to determine which best suit their need. This is called Research and Development (R & D). The Purchasing Director may waive some purchasing requirements for an approved R & D project. Complete documentation with requirements and anticipated/expected results is required, and each project is determined on a case-by-case basis.

Trials & Evaluations

If interested in evaluating a certain product or service, request a "trial purchase" whereby a single item or limited quantity is usually purchased to try out for a short time. All purchasing requirements still apply; however, the Purchasing Director may waive some purchasing requirements for an approved trial project. Each project is determined on a case-by-case basis.

NOTE: A purchase order is required before any evaluation items or services are ordered. Any product or service ordered for evaluation or trial without a purchase order will be considered an unauthorized purchase. (See **Unauthorized Purchases**).

After an R & D or trial project is approved, the Department/Division/Activity is responsible for maintaining and submitting to the Purchasing Director objective project reports and results to help in any future purchasing decisions.

Demonstrations

To ensure that both the Vendor's and the County employee's time is used wisely, and to prevent the appearance of impropriety, Vendors and Departments/Divisions/Activities are encouraged to coordinate all demonstrations of products and services through the Purchasing and Contracts Division. If interested in a demonstration for a specific product or service, please contact the assigned Purchasing and Contracts staff member who will help arrange the demonstration.

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DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

The County of Volusia's Disadvantaged Business Enterprise (DBE) Program is administered by the Department of Economic Development. The program is designed to assure disadvantaged, minority, and women-owned businesses (DBE's) equal access to providing goods and services to the County. The Volusia County Council set a goal that 10% of the aggregate of the County's annual expenditures for goods and services are purchased from these type businesses. Departments / Divisions / Activities may contact the Department of Economic Development to answer questions on how the program may affect their specific project or purchase.

To ensure a quality bidders pool, the County institutes and sponsors many outreach educational programs that explain the various aspects and responsibilities of the County's purchasing process. All potential DBE bidders are encouraged to actively participate in the bidding process and are continually notified of projects in which they may be interested. The County joins with and cosponsors DBE outreach programs with other government entities and professional organizations. The County's policy of reciprocity with other Florida governmental entities has helped increase the County's DBE bidder/vendor pool.

Because most Federally funded projects mandate DBE participation, the Purchasing and Contracts Division closely works with the Department of Economic Development and the using agency to assure program compliance.

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COOPERATIVE PURCHASING

It is standard policy of the Purchasing and Contracts Division 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 for specific commodities. A list of commodities available for purchase through a State Contract is issued quarterly by the State. These contracts are listed on the following website: <http://www.myflorida.com>.

When any other government agency has competitively bid and awarded any contract for any product or service, Volusia County may purchase that product or service from the awarded vendor at the awarded price if the original bid specifications and award allow it. This is generally known as "piggybacking." It is the responsibility of any Department / Division / Activity to transmit this type information to the Purchasing and Contracts Division when requesting a piggyback purchase. The Purchasing Director has the authority to deny the piggyback purchase if a direct purchase by Volusia County would be more beneficial.

The Purchasing and Contracts Division 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.

It may prove advantageous for the County and other government agencies to explore the possibility of combining their respective requirements for certain commodities and issuing a joint cooperative bid/RFP. Please contact the Purchasing and Contracts Division with any ideas for such cooperative purchasing. The Purchasing and Contracts Division will coordinate with other government agencies to explore if cooperative purchasing is an alternative.

Utilization of another government agency's solicitation falls under the same signature authorization levels as noted in this procedure manual.

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RECEIVING, INSPECTION AND TESTING

Receiving and Inspection

It shall be the responsibility of each agency to have an individual, immediately upon receipt of a 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, no damage and prompt delivery. 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 Purchasing and Contracts Division.

Signing a delivery slip does not necessarily constitute acceptance of an order. Any problems with an order should be documented and reported to the Purchasing and Contracts Division as soon as possible. The Purchasing and Contracts Division will contact the vendor to resolve any issues. Time is of the essence when dealing with problems on an order. Failure to timely advise the vendor and/or freight carrier may limit remedies. Also if an item is delivered damaged, the receiving agency 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.

Testing

Any using agency or the Purchasing Director may request any testing necessary of samples submitted with bids and/or samples of deliveries to determine their quality and conformance with specifications. This testing may be conducted by the laboratory facilities of any agency of the County or of any outside laboratory. Sometimes where testing regularly is required (such as asphalt), the Purchasing Director may request the services of an outside testing firm be placed under contract to conduct the testing.

FREIGHT/SHIPPING AND HANDLING ISSUES

Transportation of a product to the required delivery site is an additional expense to be considered. When obtaining quotes, using agencies should request the price be quoted including delivery, or delivery costs should be quoted as a separate line item. When the Purchasing and Contracts Division requests bids, it always includes delivery in the bid price.

Transportation is usually described as "F.O.B.: Destination," or "F.O.B.: Shipping Point". These are legal definitions and define when title, or ownership, passes from the seller to the buyer, who is responsible for any loss and who generally pays the freight and transportation costs.

F.O.B. : Shipping Point (Origin): Title/ownership passes to the buyer (the County) when the goods leave the seller's dock and the County pays all transportation costs. If anything happens to the goods in transit, the County must still pay the seller and must file claims and settle with the transportation company for damages. If this method is chosen, the Invitation to Bid must specify the transportation carrier and the terms and conditions. This method is very disadvantageous to the County and can be very expensive to administer.

F.O.B. : Destination: Title/ownership passes to the buyer (the County) when the goods are accepted by the County and the seller normally pays all transportation costs. If anything happens to the goods in transit, the County does not have to pay the seller and the seller must file any claims and settle with the transportation company for damages. This is the best method for the County.

F.O.B.: Destination, Prepaid and Add: Under this arrangement, the seller will pay all delivery charges but will pass those costs along to the buyer (the County). However, title will not pass to the County until it has accepted the goods.

F.O.B.: Destination, Estimated, Prepaid and Add: This arrangement is that the seller will quote only an estimated cost of delivery and will pass along the actual cost to the County upon invoicing.

When the County chooses to pay freight charges, the appropriate terminology will be printed on the Purchase Order document with an additional request that the actual shipping document with pricing be included with the invoicing document. This is a method of protecting the County from paying quoted or estimated freight charges that are not actual. There have been instances where freight charges were quoted and invoiced at a certain amount (such as \$50.00) and the actual charge was much less (such as \$17.00). Staff responsible for processing invoices should be aware of these arrangements and carefully check delivery charges before authorizing their payment. (See also Request for Changes, page 44).

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INQUIRIES AND STATUS REQUESTS

The Purchasing and Contracts Division receives a large volume and variety of purchase requests daily. These requests are prioritized by the information supplied, such as when delivery is required, and by the dollar amount dictating how a purchase shall be made. Contact the appropriate Purchasing and Contracts Division staff member with inquiries concerning the status of a purchase.

INTERACTION WITH OTHER COUNTY DEPARTMENTS / DIVISIONS / ACTIVITIES

The Purchasing and Contracts Division is a service agency; therefore, interaction with all County Departments / Divisions / Activities is a necessity. However, there are Departments / Divisions / Activities within the County who may also have input into what and how to purchase.

Office Of Management And Budget (OMB)

No purchase can be made unless funding is available. It is the responsibility of the requesting agency to ensure sufficient and proper funding is available prior to submitting a request to the Purchasing and Contracts Division. If a purchase request is received and the attempt to process it fails because of lack of funds or an improper account number it will be returned to the requesting agency to coordinate with OMB. Once OMB has assured funding, the purchasing request can be returned to the Purchasing and Contracts Division for processing.

Fixed Assets

Finance/Accounting is charged with inventorying all capital equipment and capital improvement purchases and the proper accounting for each. A Fixed Asset is defined as any item with a unit value of \$750.00 or greater and a useful life of one (1) year or more. A Fixed Asset/Property Acquisition/Disposition Form must be completed and submitted to Finance/Accounting within three (3) days of receipt of the asset. When an item is surplus, the Disposition form must be completed and forwarded to Fixed Assets.

Others

Because of standardization, specific legal or procedural requirements there are Departments/ Divisions/Activities who may regulate what is bought or how it is bought. These type purchases must be processed through and approved by these agencies before the request for purchase is sent to the Purchasing and Contracts Division. Listed below are some examples with the other responsible Departments/Divisions/Activities listed:

- Appraisals (Non Right-Of-Way) - Property Appraiser
- Appraisals (Right-Of-Way) - Public Works (PW) / Engineering / Right-Of-Way
- Building Repair / Remodeling / Maintenance - Facilities Management
- Copiers – Facilities Management Services
- Computer Equipment and Software - Information Technology
- Construction - PW/Engineering and the Purchasing and Contracts Division
- Insurance - Risk Management
- Legal Services - County Attorney
- Real Estate - County Attorney's Office

- Space (office, storage, etc.) - Facilities Management Services
- Telephone Equipment and Services - Information Technology
- Two-Way Communications Equipment (Radios) Communications
- Vehicles and Heavy Equipment – Fleet Management
- Copying – Facilities Management Services

Agencies such as Fire Services and Utilities have interagency standardization policies. Each request for purchase should be coordinated with the Director of the appropriate Department. If a Department/Division/Activity requests a nonstandard purchase, it must be coordinated with the proper Agency. If a Department/Division/Activity wants to standardize specific equipment, the Purchasing and Contracts Division may request a standardization committee be assembled to review the request.

SIGNATURES

The Purchasing and Contracts Division and Accounting maintain a file of current signature lists. These lists contain the name and signature of each representative from each using agency who is authorized to request purchases and authorize payments for goods and services. Authorizations may be limited by dollar value. It is the responsibility of each using Department / Division / Activity to send to the Purchasing and Contracts Division and Accounting revised forms each time there is a change in authorization. Requests for purchases or payments with an unauthorized signature will be returned to the Department/Division/Activity.

Contracts for the purchase of any commodities or services may only be signed by the Purchasing Director, the County Manager, or the Chairman of the County Council, as may be applicable.

ACCOUNTING AND PAYMENTS

It is the responsibility of each using agency to request payment for goods or services received. The Purchasing and Contracts Division cannot independently process payments. Accounting has certain policies and procedures to follow and will furnish those upon request and provide instruction.

There is a State Law (Florida Statute 218.7 Prompt Payment Act) governing payment for goods or services by government agencies. It states that vendors may assess a finance charge of 1% per month for payments not made within thirty (30) days; therefore, it is imperative that all invoices are paid as promptly as possible.

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VENDOR RELATIONS

One of the functions of the Purchasing and Contracts Division is establishing and maintaining relations with firms who request to do business with the County and with firms who regularly do business with the County. Any user that develops a problem with a vendor and cannot satisfactorily resolve that problem should contact the Purchasing and Contracts Division. It is County policy to be fair with all bidders and vendors while still protecting the interests of the County.

Any problem should be documented immediately in writing giving all details such as date, nature of problem, person contacted, conversations between the County and the vendor, etc. This can be done using a "vendor complaint" form that can be obtained from the Purchasing and Contracts Division, or can be done simply by keeping a written log of the issue and passing it along to the Purchasing and Contracts Division. The Purchasing Director has the authority to take action against any vendor, including possible banning from doing business with the County, for a specified length of time or forever. This is a very drastic action and will not be done without proper documentation. Documentation must be very detailed and immediately recorded. A simple complaint such as "last week my uniform delivery was late" is not acceptable.

SURVEYS / TESTIMONIALS / REFERENCES

County employees shall refrain from completing surveys or providing testimonials or any other type of reference for any contractor without prior approval from the County Attorney, County Manager, or Purchasing Director. There may be legal and contractual consequences when these things are completed without prior authorization.

INVENTORY MANAGEMENT

The objectives of the County's inventory management policies include having adequate stock inventory to prevent work delays; the stocking of critical items that have long lead times; inventory (a minimum of 80% that turns over a minimum of twice a year); preventing waste; continuing utilization of supplies; and obtaining a fair return of value upon disposal of supplies. To achieve these objectives, sound inspection, testing, warehousing, and inventory practices are called for, and effective means of transferring and disposing of property must be employed.

REVENUE PROCEDURES

Certain transactions may occur by which the County sells, leases or licenses services, copyrights, or other intangible assets. These revenue transactions follow the same Purchasing guidelines, solicitation requirements and approval levels as the purchase of goods or services. Contact the Purchasing Director for information and instructions since most of these transactions are unique and must be handled on a case-by-case basis.

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SURPLUS PROPERTY AND DISPOSAL

There are two responsibilities within the County's surplus program managed by the Purchasing and Contracts Division:

Obtaining Surplus Property

The Purchasing Director has the authority to obtain property from authorized surplus property programs such as other government agencies or public auction.

Surplus property obtained from Federal and State programs is governed by certain laws, rules and regulations. Policies and procedures for participating in Federal and State programs are a separate issue and may be obtained by contacting the Purchasing Director.

Surplus property obtained from another government agency (i.e., a School District, County, or City) is reviewed and the appropriate process determined by the Purchasing Director on a case-by-case basis.

The County Council has authorized the Purchasing Director to obtain supplies and equipment from public auction. The most common form of equipment obtained from auction is heavy equipment, off-road equipment, maintenance equipment, generators, etc. If a Department/ Division/Activity requires this type equipment and would like to explore the possibility of obtaining it from auction, contact the Purchasing and Contracts Division.

Disposing of Surplus Property

The Purchasing Director is responsible for disposing of any supplies or equipment deemed to be surplus or scrap. Supplies or equipment that is no longer needed by an agency may be redistributed to another County agency, or disposed of by several different options. Surplus property may be sold by sealed bid, traded, or it may be sold at auction depending on the item, its value, and other concerns as determined by the Purchasing Director.

The County routinely disposes of surplus property at a public auction. Surplus items may be listed on the County's ENN "Swap Shop" or by completing the appropriate on-line forms for pickup and sale at the next scheduled auction. Please contact the Purchasing Director in writing with any questions regarding the proper method of disposal. For any item of capital equipment (any item that has a Fixed Assets property number), the Department/Division/Activity must complete and submit a Fixed Assets Acquisition/Disposition Form, which is part of the new system on ENN. This will allow the item to be removed from the Department/Division/Activity Fixed Asset Inventory after its disposal.

Library Special Surplus Procedures

The Director of Library Services shall first offer for sale all old books, magazines, tapes, etc. which the Director determines marketable. All other books, magazines, tapes, etc. determined not to be marketable may be disposed of by donation to charitable and nonprofit organizations, including Library Associations and Friends of the Library groups, or may be discarded if the Library material has become obsolete or has ceased to be useful because of its physical condition or otherwise. All proceeds from the sale or disposition of library materials shall be paid to the County of Volusia and credited to the account of the Library Division. (Adopted by County Council 4/2/81). This section

does not apply to the disposal of any equipment or fixed assets.

Donations to Other Organizations / Agencies (Approved by County Council Nov. 7, 2002)

Except as outlined below, the County does not donate property to other governmental agencies or charitable or non-profit organizations. These organizations are encouraged to bid for the items at the County Auctions.

VOTRAN – The Director of VOTRAN shall submit documentation to the Purchasing Director that all equipment to be declared surplus for the purpose of donation meets the following requirements:

1. All equipment must meet all Federal, State and local usage requirements, i.e. years of service, mileage, etc.
2. The equipment cannot be utilized by any other agency within Volusia County.
3. The fair market value of the equipment is such that the goals of the County will be better served by donation rather than sale.
4. The agency requesting a donation must provide justification of the need for the equipment.
5. The agency requesting a donation must provide 501C-3 non-profit certification paperwork.
6. Priority for the donation of buses will be given to non-profit agencies that currently use or may use VOTRAN Gold (ADA) Service to meet its transportation needs. Non-profit agencies that receive donation of a bus will work with VOTRAN to minimize the use of the Gold Service for transportation.

The Purchasing Director shall review the donation submittal and forward a recommendation to the County Manager for final approval.

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REDUCE, REUSE AND RECYCLE PROCUREMENT POLICY STATEMENT

The County of Volusia is firmly committed to the principles of protecting the environment through sound business practices by *Reducing* the waste stream, *Reusing* materials when feasible and as much material as possible.

Since the County has a large economic impact with the scope and volume of its purchases and in order to stimulate the above efforts, the County shall adopt such policies and procedures as required to effect the greatest application of these principles such as:

A. All procurements shall strongly encourage the use of recycled materials in the products to be purchased by the County. Evaluation and award shall consider the amount and type of recycled materials used in the product, and the County shall award contracts based upon obtaining the best value; price, quality, recycled content and total cost of ownership considered.

B. All procurements shall strongly encourage all organizations doing business with the County to reduce their packaging materials, encourage them to use recycled materials in their packaging, or to reuse their packaging materials. The amount and type of packaging materials and its effect upon the waste streams shall be taken into consideration when making awards.

C. All procurements of energy consuming products shall also take into consideration the amount and types of energy to be used, the potential pollution effects, and alternative energy sources during specification development. The award of contracts for energy consuming products shall take into consideration the same above factors in addition to price, quality, and total cost of ownership.

D. All procurements and contracts for food and or beverage services, including but not limited to contracts for the Ocean Center, the Daytona Beach International Airport, and the Corrections facilities, shall require waste reduction and recycling programs to be implemented by the contractor. The types and effects of the proposed waste reduction and recycling programs shall be considered in the award of all such contracts.

This policy shall be effective immediately and shall continue until rescinded. It may be amended as required. [Adopted by the Volusia County Council, 18 November 1993].

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OPEN RECORDS

The County is governed by the Florida Open Records Laws, Chapter 119 of the Florida Statutes. All bids, RFP's, quotes, and all documentation are open for public inspection ten (10) days after the solicitation opening. 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.

AUTOMATION OF THE PURCHASING PROCESS

The Purchasing and Contracts Division is constantly striving to automate as many functions as possible to provide timely, effective and efficient service to our customers. This means that there will usually be some changes occurring in how the County does business. The mainframe computer system (LGFS/EPS) is continually being improved. The Purchasing and Contracts Division's INTERNET and INTRANET sites are continuously being expanded.

UNAUTHORIZED PURCHASES

An **UNAUTHORIZED PURCHASE** is any purchase, order, or contract that is made by any County employee or official outside of the purview of the Volusia County Purchasing Ordinance, **and/or** the Purchasing Policy & Procedures.

Section 2-277 Unauthorized Purchases, Volusia County Code

Except as provided in this division, it shall be unlawful for any County officer or employee to order the purchase of any materials, supplies, equipment or professional or contractual services or to make any contract within the purview of this division other than through the Purchasing Director. Any Purchase Order or Contract made contrary to the provisions of this division shall not be approved, and the County shall not be bound thereby.

The Purchasing Director is the sole contracting agent for the County of Volusia, Florida. The County Council Chairperson, the County Manager, or the Purchasing Director are the only persons authorized to execute contracts for the procurement of commodities, professional and contractual services, or the sale of property, without express action by the County Council. This policy does not apply to the purchase or sale of real property.

All commodities, professional and contractual services shall be purchased through the County's Purchasing System. Purchases, orders, or contracts that are subdivided to circumvent the Purchasing System, shall be considered **Unauthorized Purchases**.

Violation of the Purchasing Ordinance or Policies and Procedures may be grounds for disciplinary actions as well as Penalties. (Section 1-7 General Penalty, Volusia County Code.)

DEFINITIONS

For the purposes of this Procedures Manual, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the content, present tense includes the future, plural includes singular, masculine includes feminine and vice versa.

Advertisement - A formal announcement of an Invitation, usually placed in a newspaper or on the Internet.

Agency - The organizational unit defined by the Department Director or Elected Department Head. It includes Department, Division, Activity or Section.

Agency Director - Elected Department Head or Department Director. May also include Division Director if Elected Department Head or Department Director has delegated responsibility.

Appropriateness - The purchase should clearly serve a County function.

Bid - Any offer specifically given to the County in response to an Invitation to Bid.

Bidders List - A computerized data base of businesses with whom the County has done business in the past and a list of firms who have expressed interest in submitting quotes and bids to the County.

Bond - A binding agreement and/or sum of money of financial collateral put up for security to guarantee the performance by a contractor of certain duties and obligations. A **Bid Bond** guarantees the bidder/proposer will enter into a contractual relationship with the County within a specified time after award of a contract. A **Performance Bond** guarantees the contractor will faithfully and timely complete the contract. A **Payment or Materials Bond** guarantees the contractor will pay all subcontractors and material suppliers. A **Fidelity Bond** guarantees repayment or replacement due to dishonesty or negligence destroyed by a contractor's employees or agent.

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.

Change Order - Any written modification to a Contract.

Commodity - Various supplies, goods, merchandise, equipment and other personal property.

Construction - The process of building, altering, repairing, improving, or demolishing any structure or building, or other improvements including roadways, utilities, and facility site work.

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Consultant - Independent contractors who are considered to have education, specialized knowledge, experience or abilities not generally available within County government. This includes but is not limited to: accountants, actuaries, appraisers, architects, artists, auditors, counselors, designers, economists, educators, engineers, financial analysts, lobbyists, management and systems analysts, medical practitioners, planners, promoters, researchers, scientists, sociologists, surveyors, trainers, and other professionals as designated by the Procurement Services Director.

Contract - Any type of County agreement, regardless of what it may be called, for the procurement, lease, or sale of commodities, services, or real property, or the disposal of assets.

Contract – Real Estate Related – An agreement to obtain the professional services of attorneys (to include paralegals and expert witnesses including appraisers) for the acquisition by purchase or lease/rent of real estate or the lease or rental of property for use by the County.

Contract – Technical/Consulting Services – An agreement to obtain the professional services of architects, engineers, land surveyors, artists, construction contractors, construction managers, maintenance contractors and any other technically related service providers.

Contractor - Any business that contracts to perform work or services, or provides commodities to the County.

County - The County of Volusia, Florida.

County Council - The legislative body of the County of Volusia, Florida.

County Manager - The Chief Executive Officer of the County of Volusia.

Delegated Purchasing Agent (DPA) - An individual trained and certified by the Purchasing Director to perform limited purchasing functions for procurements costing \$3,000.00 or less using only the Delegated Purchase Order (DPO) document.

Department Director - Any Elected Department Head, the County Manager, the County Attorney, the Chief Operating Officer, the Chief Financial Officer, and any appointed Department Director, or successor titles.

Disadvantaged Business Enterprise (DBE) - Disadvantaged, minority, and women-owned business enterprises are defined as a business firm which is at least fifty-one (51) percent owned by disadvantaged, minority, or women Division members; or in the case of a publicly owned business, at least fifty-one (51) percent of the stock of which is owned by disadvantaged, minority, or women Division members. The disadvantaged, minority, or women business enterprise ownership must exercise actual day-to-day management and control of the business. The definition of a small business will depend on the industry, commodity and the service involved. The County Council may determine by resolution, amended periodically, Divisions that are socially and economically disadvantaged.

Emergency - Any condition that may affect the health, safety, and welfare of the citizens of Volusia County, or one that that stops or seriously impairs a necessary function of County government.

Evaluation Team - A Division of individuals that is responsible for advising and informing the final decision maker, the County Manager or County Council, through fact-finding consultations.

Fixed Asset - Any commodity that has a useful life of more than one year and a unit cost of seven-hundred-fifty dollars (\$750.00) or more.

F.O.B (Free On Board) - A legal term that determines where title passes from seller to buyer and who usually pays freight costs.

Grant - A contribution, gift, or subsidy made for specific purposes, frequently made conditional upon specific performance by the grantee.

GSA - General Services Administration. A Federal government department that is responsible for the procurements of most of the Federal Government Agencies.

Invitation - Includes all documents, regardless of the media, whether attached or incorporated by reference, used for inviting offers.

Indefinite Quantity Contract (IQC) - Same as Price Agreement.

Irregularity - Any change or omission in an offer or Contract that does not have an adverse affect on the County's best interests, 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.

Local Offeror - Any business having an active, valid Volusia County occupational license in the name of the offeror on the day before the invitation closing date with sufficient local personnel to fulfill the contract.

Minority Business Enterprise (MBE) - See DBE

MRO - Maintenance, Repair, Operations supplies. Supplies used in daily operations.

Offer - Any bid, proposal or quotation made to the County.

Offeror - Any business submitting an offer to the County.

Piggyback - Buying a product or service in accordance with a contract awarded by another political agency.

Price Agreement - A nonexclusive, indefinite quantity agreement. It is a tool to facilitate purchases when the exact quantity of a required commodity or service is unknown or may vary depending upon the using agency's requirements. It may also be called a Price Schedule contract, Requirements contract, or Term contract.

Price Schedule - Same as Price Agreement

Procurement - For this manual, it means the same as Purchasing.

Procurement Card - Same as Purchasing Card.

Professional Services - 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 Purchasing Director.

Proposal - Any offer specifically given to the County in response to an Invitation to Bid or a Request for Proposals.

Purchasing/Procurement - Includes purchasing, buying, renting, leasing, bartering, or otherwise acquiring any commodity or service or construction. It also includes all functions that pertain to obtaining any commodity or service or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration, and disposal of surplus.

Purchasing Card - The VISA card issued by the County for small non-recurring purchases. It may mean either a purchasing only card or a travel only card depending on context.

Purchasing Director - The Purchasing Director of the County of Volusia, or designee.

Pyramiding - Is defined as subdividing an order to circumvent the Purchasing Ordinance, Policies and Procedures. This is an illegal activity.

Quote, Quotation - Means a statement of price, terms of sale, and description of commodities or services offered by a seller to a prospective buyer (County).

Recurring Purchase - Means making two or more purchases/charges when the user has reason to believe additional purchases/charges would be incurred by the County within the next twelve months.

Respondent - Means a business that responds to an invitation.

Responsible - Means having the capability in all respects to fully perform the Contract requirements and the experience, capacity, facilities, equipment, credit, sufficient qualified personnel, and having a record of timely and acceptable past performance that will assure good faith performance,

Responsive - Substantially conforming with all material respects to the requirements and criteria set forth in the invitation.

Request For Proposal (RFP) - An Invitation to provide a proposal (offer) to the County. It is usually awarded on basis other than just price.

Request for Statements of Qualifications (RSQ) - An invitation process used to select a contractor based upon the apparent qualifications submitted by the respondent.

Selectee - Any business responding to a Request for Statements of Qualifications or an Invitation that does not include a price.

Selection Committee - Any committee that has been delegated decision-making functions, directly or indirectly, by the County Council.

Service - The furnishing of labor, time, or effort by a contractor. This includes all construction.

Single Source - 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.

Sole Source - The commodity can be legally purchased from only one source.

Specification - Any description of the physical or functional characteristics, or of the nature of the supply or service, or construction item. It may include a description of any requirement for inspecting, testing, or preparing a supply, service, or construction item for delivery.

Statement of Work (SOW) - The requirements that the offeror must complete for a contract. The requirements component of a Request For Proposal.

Supplies - All property, including but not limited to: equipment, materials, insurance, and leases of real property, excluding land or a permanent interest in land.

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

Technical Review Committee - Any committee appointed by the Purchasing Director to establish and/or review specifications or scope of work for any procurement project.

Unauthorized Purchase - Any purchase, order, or Contract that is made by any County employee or official outside of the purview of the Volusia County Purchasing Ordinance, and/or the Purchasing Policy & Procedures.

Unsolicited Offer - Any offer other than one submitted in response to an Invitation.

Using Agency - Any Department, Division, Activity, Agency, Commission, Board, Committee, Authority, or other unit in the County government, that procures commodities, construction, or services.

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

Women-Owned Business Enterprise (WBE) - See DBE

Public Advertising Requirements
(Excerpted from 2003 Florida Statutes)

255.0525 - Advertising for competitive bids or proposals.

(1) The solicitation of competitive bids or proposals for any state construction project that is projected to cost more than \$200,000 shall be publicly advertised once in the Florida Administrative Weekly at least 21 days prior to the established bid opening. For state construction projects that are projected to cost more than \$500,000, the advertisement shall be published in the Florida Administrative Weekly at least 30 days prior to the established bid opening and at least once in a newspaper of general circulation in the county where the project is located at least 30 days prior to the established bid opening and at least 5 days prior to any scheduled pre-bid conference. The bids or proposals shall be received and opened publicly at the location, date, and time established in the bid or proposal advertisement. In cases of emergency, the Secretary of Management Services may alter the procedures required in this section in any manner that is reasonable under the emergency circumstances.

(2) The solicitation of competitive bids or proposals for any county, municipality, or other political subdivision construction project that is projected to cost more than \$200,000 shall be publicly advertised at least once in a newspaper of general circulation in the county where the project is located at least 21 days prior to the established bid opening and at least 5 days prior to any scheduled pre-bid conference. The solicitation of competitive bids or proposals for any county, municipality, or other political subdivision construction project that is projected to cost more than \$500,000 shall be publicly advertised at least once in a newspaper of general circulation in the county where the project is located at least 30 days prior to the established bid opening and at least 5 days prior to any scheduled pre-bid conference. Bids or proposals shall be received and opened at the location, date, and time established in the bid or proposal advertisement. In cases of emergency, the procedures required in this section may be altered by the local governmental entity in any manner that is reasonable under the emergency circumstances.

(3) If the location, date, or time of the bid opening changes, written notice of the change must be given, as soon as practicable after the change is made, to all persons who are registered to receive any addenda to the plans and specifications.

(4) A construction project may not be divided into more than one project for the purpose of evading the requirements in this section.

(5) As used in this section, the term "emergency" means an unexpected turn of events that causes:

- (a) An immediate danger to the public health or safety;
- (b) An immediate danger of loss of public or private property; or
- (c) An interruption in the delivery of an essential governmental service.

History. --s. 26, ch. 95-196; s. 40, ch. 95-269.

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336.44 - Counties; contracts for construction of roads; procedure; contractor's bond.--

- (1) The commissioners shall let the work on roads out on contract, in accordance with s. 336.41(3).
- (2) Such contracts shall be let to the lowest responsible bidder, after publication of notice for bids containing specifications furnished by the commissioners in a newspaper published in the county where such contract is made, at least once each week for 2 consecutive weeks prior to the making of such contract.
- (3) Upon accepting a satisfactory bid, the commissioners shall enter into a contract with the party whose bid has been accepted. Such contract shall contain the specifications of the work to be done or material furnished, the time limit in which the construction is to be completed or material delivered, the time and amounts in which payments are to be made upon the contract, and a penalty to be paid by the contractor for the failure to comply with the terms of such contract.
- (4) The successful bidder shall enter into a good and sufficient bond with the commissioners for the faithful execution of the contract; the amount of the bond to be fixed by the commissioners, and the sufficiency of said bond to be likewise approved by the commissioners.
- (5) The commissioners may reject any or all bids and require new bids to be made.

History.--s. 102, ch. 29965, 1955; s. 12, ch. 77-165; s. 24, ch. 90-279; s. 79, ch. 2002-20.

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