



**COUNTY OF VOLUSIA,
FLORIDA**

**PURCHASING & CONTRACTS'
PROCEDURES MANUAL**

MAY 29, 2012

**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 by the County of all persons involved in public purchasing, 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 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 analysts, 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 resources, research, and information on new products and services, as well as trends and opportunities.

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.

Purchasing Procedures

This manual has been developed in accordance with the purchasing ordinance 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. 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 procurement analysts and administrative 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's ENN Site. The Purchasing and Contracts Division has been organized into buying teams to facilitate the procurement process. 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 incorrectly. Occasionally situations arise for which there is not a pre-set policy or procedure. Purchasing and Contracts staff will gladly assist in planning a procurement activity in advance so that it will be done within the limitations of regulations to meet specific needs.

QUICK REFERENCE GUIDE

TOTAL CONTRACT VALUE	QUOTE/BID REQUIREMENTS (Minimum)	AWARD APPROVAL
\$0 - \$999.99*	Single Quote Purchasing Card	Division Director or Designee
\$1,000.00 - \$3,000.00	Single Quote	Procurement Analyst and Division Director or Designee
\$3,000.01 - \$10,000.00	3 Verbal Quotes Minimum	Procurement Analyst and Division Director or Designee
\$10,000.01- \$25,000.00	3 Written Quotes Minimum	Purchasing Director and Department Director or Designee
\$25,000.01- \$50,000.00	3 Written Quotes Minimum. obtained through Purchasing	Purchasing Director and County Manager or Designee
Over \$50,000.00	Formal, Advertised Invitations	County Council
\$50,000 .01- \$125,000	Formal, Advertised Invitations for Housing Rehabilitation Projects	County Manager County Council must approve projects over \$125,000.00

*

Amount may be set lower by Department/Division Director.

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

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

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 nine hundred ninety nine dollars and ninety nine cents or less (\$999.99). 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.

Standard Purchase Order

The County standard purchase order is issued for routine County purchases of commodities and services. All purchase orders are requested through the AMS system and are issued for the purchase of most types of items and/or services. Purchase orders are encumbered in the financial accounting system.

Task Assignments

Task Assignments are specific, detailed services or jobs placed against an awarded, established contract.

Master Agreements

A Master 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 Master Agreement is used to obtain commodities or services needed frequently for operations and maintenance. Please refer to the Master Agreements section of this manual for further details.

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 are usually issued each fiscal year for those payments approved in each fiscal year's budget but may be requested and issued any time during the fiscal year for approved transactions. Please refer to the Letter Contract section of this manual for further details.

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 section of the Purchase Manual for the complete set of procedures

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 purchasing 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 purchasing strategy and timetable. Planning should include coordination with other Departments / Divisions / Activities as necessary and 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.

SPECIFICATION and STATEMENT OF WORK

While a "specification" usually describes a product, a "statement of work" usually describes labor services. The two terms are often used interchangeably when speaking in a generic sense.

A statement of work is a narrative description of the required work. It stipulates the deliverables or services required for fulfilling the contract, and it defines the task to be accomplished or services to be delivered in clear, concise, and meaningful terms.

The term "specification" means any description of the physical or functional characteristics or of the nature of the supply or construction item. It may include a description of any requirement for inspecting, testing, or preparing a supply, service, or construction item for delivery. Specifications may be written as design specifications, performance specifications, or combination. Design specifications define each detail and component that composes the whole entity and are commonly used in the traditional design, bid, build approach. Performance specifications define the desired results or output of the item and are commonly used in brand name or equal descriptions.

The specification and/or statement of work are the basis for obtaining a commodity or service suitable for the County's needs. The department shall consider the total costs of ownership and operation as well as the initial purchase costs when defining the work. It is the policy of the County that specification and/or statement of work permit maximum practical competition consistent with this purpose. Specification and/or statement work 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

specification and/or statement of work for any product or service required. Certain technological or standardized purchases require participation from other County agencies or consultants in drafting the specification and/or statement of work, but at no time shall a department or division engage in accepting specifications written by a potential bidder or proposer of a commodity or service. If a vendor is used to develop a statement of work or specifications, that vendor will not be allowed to participate in the solicitation process.

It is the general policy of the County to purchase standard commercial products whenever practical. When developing specifications and/or statements of work, 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

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 soliciting at least three quotes for purchases less than \$25,000.00. The Requests for Quotes must be identical in the description of quantity, quality, terms and conditions. An adequate description of the specification and/or statement of work 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 entered in the requisition or attached in the request. **If in the best interest of the County, the Purchasing and Contracts Procurement Analyst may obtain additional quotes.**

Single Quote

(1) Estimated Value \$999.99 and under

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

(2) Estimated Value up to \$3,000.00

While this dollar limit requires only 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 the appropriate electronic document with all the information available and submit it to the Purchasing and Contracts Division. The document will be reviewed by the appropriate staff member. If the staff member agrees with the recommendation for purchase, the document will be processed. If the staff member questions whether the commodity/service 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 and consider a change.

Verbal Quotes

(3) Estimated Value \$3,000.01 to \$10,000.00

Requests for purchases for this dollar value are completed in the same manner as stated in the overview for obtaining quotes, however, a **minimum** of three (3) VERBAL quotes is required. The user may obtain the necessary quotes and furnish them with the appropriate document, or provide sufficient specification and/or statement of work 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, on an attachment to the document. If three (3) quotes could not be obtained, **document** the firm name(s) and phone number(s) of those contacted that did not respond and **communicate with your Procurement Analyst for assistance.**

Written Quotes

(4) Estimated Value \$10,000.01 to \$25,000

Requests for purchases of this dollar value are completed in the same manner as stated in the overview for obtaining quotes, however, a **minimum** of three (3) WRITTEN quotes is required. Obtain the necessary quotes and furnish a copy of each written quote with the appropriate document or provide sufficient specification and/or statement of work so that the Purchasing and Contracts Division staff member can obtain quotes.

(5) Estimated value \$25,000.01 to \$50,000.

Requests for purchases of this dollar value are completed in the same manner as stated in the overview for obtaining quotes, however, the Purchasing and Contracts Division shall obtain a **minimum** of three (3) WRITTEN quotes, or explain why three written quotes were not obtained. **More detail to the scope or specifications may be required for this level of purchase.**

FORMAL SOLICITATIONS

If the estimated value is greater than \$50,000, the Purchasing and Contracts Division must prepare a formal, sealed solicitation (Invitation To Bid (ITB), Request For Proposals (RFP), Request For Statements of Qualifications (RSQ), or Request For Information (RFI) & Invitation to Negotiate (ITN) **which will be publicly noticed and advertised.**

If available, specification and/or statement of work for the requested purchase shall accompany the requisition through the AMS system. The appropriate Purchasing and Contracts Division staff member will review the specification and/or statement of work to ensure that they are adequate for the solicitation document or will work with the requesting agency to identify additional specification and/or statement of work, 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, selection, and award dates. After the formal opening, the staff member and the using agency will evaluate the bids or proposals based upon predetermined criteria for award. For Invitation to Bids, the using agency shall transmit in writing its recommendation for award to the Purchasing and Contracts Division. For solicitation types other than ITB, selection committee meeting(s) will be scheduled to rank or determine a recommendation to council. For solicitations that are very technical in nature, a Technical Selection Committee (TEAC) may be required to evaluate the firms on a pass/fail type basis related to the technical specifications and/or statement of work.

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PUBLIC ADVERTISEMENTS

All formal solicitations must be publicly advertised at least a week in advance of the specified closing date on the County's Purchasing and Contracts website. In addition, solicitations mandated by the County Code and Florida Statute and shown in matrix below shall be advertised in a newspaper of general circulation in the County. There may be other advertising requirements depending upon the type and value of the proposed contract. Other advertising may also be suggested if a wide selection of potential proposers is required.

Public Advertising Requirements:

Type	Times	Minimum*	Recommended
County Bids, RFPs, RSQs ¹	1	5 days	20-30 days
Construction > \$200,000 ²	1	21 days	30 days
Construction > \$500,000 ²	1	30 days	30 days
Sale or Lease of County Real Property ⁴	2	14 days	30 days
Road Projects ³	2	14 days	30 days
Federal Aviation Authority Projects	2	Per FAA	20 - 30 days
Federal Transit Authority Capital Equipment	1	Per Agency	20 - 30 days
Federal Transit Authority-projects	2	Per Agency	20 - 30 days
Grants	1/grant	Per Agency	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;

² Florida Statutes 255.0525 (2);

³ Florida Statutes 336.44 (2);

⁴ Florida Statutes 125.35

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 purchasing 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 solicitation require the physical presence of potential proposers. Proposals from anyone not attending the mandatory conference(s) will not be considered. Mandatory conferences restrict competition and therefore must be justified to the Purchasing Director, and approved by the Purchasing Director, prior to release of the solicitation.

Formal Opening

All formal solicitations shall be opened publicly at the date, time, and place designated in the solicitation under the direct control of the Purchasing and Contracts Division. Only the name of each bidder or proposer shall be read aloud per FL Statute 119.071; if this is modified, the process will also be modified to be compliant with the statute. Since most formal solicitations

require further review to determine responsiveness, responsibility, and/or qualifications, the Purchasing and Contract Division will abide by FL Statute 119.071(1) (b)3, which exempts the solicitations from public record for thirty days, or until a recommendation of award is ready to publish or whichever is sooner.

Late Proposals

Any bid, proposal, or offer received at the place designated in the solicitation after the official date and time specified for receipt of proposals shall be deemed late and will not be considered for award. Any request for 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 times pertinent to Formal Openings.

Vendor List

The Purchasing and Contracts Division maintains a database of vendors with whom the County has done business in the past, and a list of firms which have expressed interest in doing business with Volusia County. Potential vendors shall register with the County through the Vendor Self Service system (VSS) which is linked to the Volusia County Purchasing and Contracts website www.volusia.org/purchasing. It is the responsibility of all vendors to maintain and update information in this system.

AWARD OF CONTRACTS AND APPROVALS

Award

Initial Award. All bids shall be awarded to the lowest responsive and responsible bidder, unless additional criteria and qualifications, established are established by the solicitation. If no criteria are specified in the solicitation, the award will be based upon the price alone. The award of all contracts shall fall within the guidelines stated previously in the Quick Reference Guide section of the manual.

One Response / Over Budget. If only one response is received to a solicitation, or if the low, responsive, responsible bidder has submitted a price higher than the county's budgeted amount, the purchasing director or designee may negotiate with this bidder to obtain a lower price and present such results to the appropriate approving authority.

Contract Awardee Can No Longer Provide Supply/Service. The approval authority may authorize award to the next low, responsive, responsible bidder or next ranked respondent, as appropriate.

Purchase of Capital Equipment

The County Manager or designee shall have the authority to award all contracts for capital equipment from the capital equipment list in the budget approved by the County Council provided that the final cost per item does not exceed the approved budget cost by more than a total dollar value of \$50,000.00.

Protest Procedures

The only vendor that may protest the award of the contract for a solicitation is a vendor that made a submittal to the solicitation which was timely received by the county in accordance with the terms of the solicitation. Protests not timely made shall be barred. Formal written notice on vendor's company letterhead shall be received by the Director of Purchasing and Contracts

no later than five (5) business days from the date of posting of recommendation of solicitation award to the Volusia County website (www.volusia.org/bidlist). A "business day" is defined as Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding County holidays. All protest points / issues to be considered must be included and vendor will not be permitted to submit new issues or any additional points or amend protest points once the protest is submitted to the Director of Purchasing and Contracts. A protest shall include all material details and documentation that vendor / bidder asserts supports the protest. The following shall not be the subject of a protest under this procedure:

- 1) Exceptions to scope of work or specifications in the solicitation document; and
- 2) Any allegations of misconduct or misrepresentation of another vendor in the solicitation process other than contained in such vendor's submittal.

The Director of Purchasing and Contracts shall issue a written determination regarding the protest within a reasonable time. The vendor may appeal the determination by submitting a written protest to the County Manager with a copy to the Director of Purchasing and Contracts within five (5) business days from the issuance of the written determination by the Director of Purchasing and Contracts. The County Manager shall evaluate the vendor's written protest and issue a written decision within a reasonable time. For protest of solicitations valued \$50,000.00 or less, the County Manager's decision shall be final.

For protest of solicitations valued greater than \$50,000.00, the vendor may appeal the County Manager's decision by submitting a written protest to the County Chair with a copy to the County Manager and Director of Purchasing and Contracts within five (5) business days of the issuance of County Manager's written decision. The protest shall be placed on the agenda of a regular county council meeting as determined by the County Chair. The County Council shall evaluate the protest and render a decision at the meeting. The decision of the County Council shall be final. The protest process shall not stay the solicitation, negotiation, or contract award process if determined to be in the best interest of the County, by the County Manager or County Council.

For solicitations under (Selection Process "D"), the County Council's consideration and decision of award shall be final and determinative of all issues regarding the solicitation, including any protests in connection therewith.

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, at times 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 dictate.

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, actuarial, 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 (RFP) process shall be followed to select a consultant when the selection 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. The request shall be sent to the appropriate Purchasing and Contracts Division Procurement Analyst.

After receipt of the scope of services, Purchasing and Contracts 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 chose to modify a process or use a different process if such better serves the needs of the County.

If Processes C or D are appropriate, 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 term recommended by the County Manager, or delegate, 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 vendors for “routine” services when there is 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 or RFP and will be responsible for the public notification and distribution of the RSQ or RFP 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.

Any contract or task assignment over \$50,000.00 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 or RFP 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) without having to reject the current solicitation and responses.

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PROCESS “B”

Selection Committee Makes Initial Ranking and County Council Approves Ranking

This process shall be used to select vendors when there are not any significant public policies 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 or RFP and will be responsible for the public notification and distribution of the RSQ or RFP 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,

Any contract or task assignment over \$50,000.00 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 or RFP 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) without having to reject the current solicitation and responses.

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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 or vendors 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 or RFP and will be responsible for the public notification and distribution of the RSQ or RFP 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) without having to reject the current solicitation and responses.

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.

PROCESS “D”

County Council Serves as Selection Committee

This process shall be used for the selection of a consultant or vendor 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) or Request for Proposal 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 or RFP 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) without having to reject the current solicitation and responses.

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.

Consultant Selection Matrix

Activity Process	Development of RSQ (Requests for Statements of Qualifications)	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.

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), this statute is preemptive and this manual may be amended by act of legislation in regards to any changes to CCNA by amendment of the statute. 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. In addition, this Statute also defines a "continuing contract" and its maximum limitations. It is a contract whereby the firm provides professional services for projects in which construction costs do not exceed \$2 million, for study activity when the fee for such professional service does not exceed \$200,000, or for work of a specified nature as outlined in the solicitation and resultant contract, with no time limitation except that the contract must provide a termination clause. Firms providing professional services under continuing contracts shall not be required to bid against one another. 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 Purchasing and Contracts 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 comprising 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 Purchasing Staff and the User Division, including the Project Manager, 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 Purchasing Team will administer the contract(s), and any additional requirements will be coordinated through them.
7. Upon execution of the contract by the County, Purchasing and Contracts will issue a purchase order to encumber the funding based upon an RQS entered by the using agency. The Project Manager will be responsible for overseeing payment processing.
8. The Purchasing and Contracts Division obtains the bonds and insurance certificates from the contractor for review and, if applicable, will submit to the County Attorney and/or Risk Management for clarification and/or approval.
9. Purchasing and Contracts will coordinate the execution and distribution of the contract documents and obtain the appropriate signatures.
10. Throughout the course of the contract, Purchasing and Contracts and the using 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 Purchasing and Contracts 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 the using agency (Project Manager).
13. Upon approval by using agency, invoice is submitted to Finance for payment processing.
14. The using agency 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 using agency and the Project Manager shall review the price proposal and if appropriate, Purchasing and Contracts 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. Upon execution of the Amendment/Change Order by the County, Purchasing and Contracts shall modify the purchase order to adjust the funding and shall issue the approved Amendment/Change Order to the contract firm.
19. For completion of the contract services/final payment, the using agency issues a certification that the contract service is complete.

20. The final payment invoice is approved by the using agency and the Project Manager and is submitted to Finance for payment.
21. The Project Manager assists the using agency in assembly 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). Selection of the proposal is initially based upon the qualifications of the proposer, but the final contract price and 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.

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 using agency shall provide the preliminary design / programming and project cost estimate.
2. The project design documents shall be reviewed by the using agency and Purchasing and Contracts.
3. Plans and specification and/or statement of work shall be compiled by the using agency or outside project designer, as applicable, and shall be incorporated into a bid document by Purchasing and Contracts.
4. Bid advertisement is prepared and submitted for publication in the local newspaper, as required.
5. The Pre-Bid Conference is scheduled by Purchasing and Contracts and is conducted by the County Representative or outside project Consultant/Designer (if so tasked by his contract) with the assistance of the using agency, Purchasing and Contracts, and other groups/activities as required.
6. Contract Addenda are communicated by the using agency or outside project Consultant / Designer as applicable, and reviewed by the using agency and issued by the Purchasing Director or designee.

7. The Purchasing and Contracts Division will open the bids.
8. Bids are evaluated and a recommendation for award is made by the using agency and outside Consultant/Designer as applicable, and submitted to Purchasing and Contracts.
9. The Purchasing and Contracts Division shall prepare the agenda item for the award recommendation and route it through the applicable approval process.
10. Using agency issues requisition to the Purchasing and Contracts Division.
11. After the PO prints, Purchasing and Contracts keeps the receiving copy for payment processing.
12. The Project Manager schedules a Pre-Construction Conference. This is conducted by the County Representative or an outside Consultant/Designer, with assistance from using agency as applicable. Minutes of the conference are prepared by the County Representative or Consultant/Designer and posted to the County's website.
13. The Purchasing and Contracts Division obtains the Bonds and Insurance Certificates from the Contractor for review and, if applicable, will submit them to the County Attorney or Risk Manager for clarification and/or approval.
14. The Purchasing Director or designee 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 Project Manager and Purchasing and Contracts for inclusion in the master file.
16. The Contractor shall prepare invoices in concurrence with the Project Manager and/or outside project Consultant / Designer.
17. Monthly invoices will be reviewed and approved by the using agency
18. The using agency will submit payment requests to Finance for processing.
19. Changes to the original contract shall be initiated prior to any work proceeding by the using agency 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 and submit the proposal to the Project Manager.
21. The Project Manager and the using agency 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, Purchasing and Contracts shall prepare the Council Agenda Item.
23. Upon execution of the Change Order by the County, Purchasing and Contracts shall modify the purchase order to adjust the contract price.
24. The Certificate of Substantial Completion will be submitted by the Project Manager and/or outside Consultant/Designer, as applicable, with concurrence of the using agency.
25. The Certificate of Final Completion of the project and final payment will be submitted by the Project Manager and/or outside Consultant / Designer, as applicable, with concurrence of the using agency.
26. The final payment shall be reviewed and approved by the Project Manager and using agency and sent to Finance for processing.
27. Finance shall close out the Purchase Order upon receipt of Final Invoice.
28. Warranty Inspection shall be completed by Public Works Service Center and Building Department.
29. Upon notification of successful inspection, Purchasing and Contracts 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 Central 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 or designee.

REQUEST FOR PROPOSAL (RFP) / INVITATION TO NEGOTIATE (ITN)

A using 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) or Invitation to Negotiate (ITN) method is similar to the above RSQ method; however, in the RFP method, price and other criteria are included in the RFP document and selection process.

PURCHASING 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 ITN, RFP or 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.

A “Technical Review Committee” is defined as any committee appointed by the Purchasing Director to establish and/or review specifications or statement of work for any purchasing 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 purchasing.

4. Meeting Summary

The meeting summary 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 or selection committee.

6. Membership

The Director of Purchasing, or designee, shall chair all selection committees and shall appoint the committee from staff or other representatives who have knowledge and interest in the purchasing 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 purchasing selection 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 physically present for all of the presentations in order 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. Conferencing

A member of a selection committee may utilize technology such as conference calls to participate in a selection meeting as long as there are to be no presentations made at the meeting. If presentations are to be conducted all members shall be in attendance. A vendor may be interviewed via teleconference for a solicitation; however, all members of the County selection committee shall be convened as a group to participate in the interview.

9. Discussion with Respondents

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

10. Recommendation for Award

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

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 the Florida 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 Central 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 using agency 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 using agency) 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 using agency, Central Services Director, and Purchasing Director or designee shall locate potentially adequate private/commercial facilities.
4. The Director of Central Services and Director of Purchasing, or designee, shall negotiate lease/rental amount, services, facilities, etc.
5. The Purchasing and Contracts Department shall prepare the lease/rental contract and submit it to the Legal Department for review as to adequacy of form.
6. The Purchasing and Contracts Department shall prepare the Council Agenda Item for approval of lease and commitment of funds.
7. The Purchasing and Contracts Department shall distribute the executed contract documents.
8. The using agency shall submit the Purchase Order Requisition for the reoccurring lease/rent payments.
9. The Central Services Direct, Purchasing and Contracts Department and the using agency shall monitor the lease during its term for notices, renewals and/or termination.

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.*) 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 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 Central Services 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. Purchasing 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.

MASTER AGREEMENTS

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

If usage is anticipated to be less than \$10,000 in a twelve-month period, three (3) verbal quotes must be obtained by the using agency. If usage is anticipated to exceed **\$10,000** and up to \$25,000 in a twelve-month period, at least three (3) written quotes must be obtained by the using agency. For purchases which exceed \$25,000 in a twelve month period, it is the responsibility of the Purchasing and Contracts Division to obtain three written quotes, the using agency will be responsible for furnishing a scope of work to the Purchasing and Contracts division, to obtain the detail quotes.

If usage is anticipated to exceed **\$50,000** in a 12-month period, a formal competitive solicitation shall 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 Master 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 County-wide use. An agency specific Master Agreement may be issued under certain circumstances.

A Master Agreement is limited to a term approved by the County Manager or Purchasing Director when annual expenditures are up to \$50,000. If annual expenditures exceed \$50,000, Council must approve the term of the agreement.

It is the using agency's responsibility to ensure that the Master 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 Master Agreement. If there is a difference between the invoice and the Master 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 Master Agreement for assistance in resolving the problem.

The appropriate Purchasing and Contracts Division staff member responsible for the Master Agreement will contact the using agency within the appropriate time frame prior to the expiration date to determine if there is a need to renew or extend the Master agreement.

7 EASY STEPS TO A MASTER 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, 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 Master Agreement cannot be awarded on an expired contract. If using another entity's contract, it will be important to review the terms and conditions of the contract to ensure they do not conflict with Volusia County's terms. The Procurement Analyst of this commodity will assist the departments in determining if the contract meets the requirements.
3. What is the estimated annual cost?
 - a. Unknown? Go to Step #5
 - b. Is it over \$50,000 per year? If YES go to Step #5
 - c. Is it up to \$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 up to \$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 specification and/or statement of work. If the using agency wants a Master 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 specification and/or statement of work, proceed with Step #6.

5. Bring the requirements [Step 1] to the Purchasing and Contracts Division, and the appropriate purchasing 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/selection process.
6. Prepare a request for a Master Agreement, through the AMS system.
 - 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 or designee shall review the request and documentation for the Master 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 Master 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: Please provide the current Florida State 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. It is important to understand the terms of the contract, and review payment terms and delivery terms, as they must match the County of Volusia's terms and conditions.

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.

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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.
- 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 Business Tax Receipt (BTR): If the vendor is located in Volusia County, a copy of the current Volusia County occupational license is required.

Insurance: Copies of proof of all required insurance shall be included. The ACORD Insurance Form is preferred. Work with your Procurement Analyst in advance to establish proper insurance limits and insurance types.

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 (\$25,000 - \$50,000 requires County Manager approval; over \$50,000 requires County Council approval).

For each Letter Contract, the using agency shall complete the appropriate electronic document with all the information available and submit it to the Purchasing and Contracts Division. A copy of all Council approved agenda items, along with all pertinent contract documents, shall be attached to the electronic. 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/her designee when approved. 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.

EMERGENCY PURCHASING

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

If during a normal business day, a Department/Division 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 \$25,000, and the Purchasing Director determines the emergency is valid, he/she will issue a verbal purchase authorization. If the emergency is anticipated to exceed \$25,000, the Purchasing Director shall review the documentation and obtain approval from the County Manager or Designee. The Department / Division may make the purchase and submit the appropriate document to the Purchasing and Contracts Division no later than the next business day after the emergency. The document must be accompanied by a written description and explanation of the emergency and circumstances. If the requested document is greater than \$50,000, the Department / Division must prepare an agenda item for the next County Council meeting, certifying that the conditions and circumstances required emergency purchasing procedures.

If emergency purchases are required at times when the Purchasing and Contracts Division is closed, the Department / Division 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 of purchase is subject to all requirements stated above and shall be processed in the same manner. Approvals are obtained as required per 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 the 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 Analysts 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.

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 \$50,000.

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 \$50,000.

ALL Situations

- Submit complete written report & requisition same or next business day.
- If greater than \$25, 000 but up to \$50,000 also need County Manager or Designee approval.
- If greater than \$50,000 using agency 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 specification and/or statement of work 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?

All requests for Single or Sole source shall be requested on the appropriate Single/Sole Source request form, found on the Purchasing and Contracts ENN site.

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 \$50,000.00, an agenda item must be prepared for the County Council to award the contract.

Most public utilities are sole sources.

REQUESTS FOR CHANGE ORDERS

In the course of business, it may be necessary to make changes to a Contract, Master Agreement or Purchase Order. These changes may be accomplished through the following means.

Contracts and Master Agreements: The requesting agency must submit a written request for any Change Order for any reason. 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 appears on the Contract and/or MA. Should you become aware that the vendor name or ownership changes, notify Purchasing & Contracts immediately. If there is a change in the price, the appropriate account number(s) with the corresponding change in amount must also be listed and

authorized by the designated authority. Depending upon the total value of the Contract and the amount of the change order requested the Change Order may require County Manager or Council approval. The County Manager and (as delegated by the County Manager) Purchasing Director are authorized to approve Change orders which cumulatively do not exceed \$50,000. County Council must approve all Change orders that cumulatively exceed \$50,000.

Construction Contract Change orders: Changes to construction contracts to adjust contract price or contract time must be done through a construction contract change order form which are available on ENN under Purchasing and Contracts.

Task Assignment (TA) Amendments: TA Amendments to adjust TA price, TA Scope of Services or TA time must be done through a TA Amendment form which are available on ENN under Purchasing and Contracts.

Purchase Orders: The requesting agency may submit Change orders directly through the AMS system. When this is done, a Special Instruction Code must be added explaining what is being changed; i.e., addition of freight, additional line item, etc. A list of the Special Instruction Codes may be obtained by contacting your Procurement Analyst. In addition, select the “Modification” section, detail the change being made, and copy this information to the comments section of the Purchase Order. Procedures are posted on ENN. The Change Order will work-flow through all levels of necessary authorization required for approval.

There are exceptions to this procedure.

1. **End of the year roll-over:** at the end of the year agencies will be notified that Change orders may no longer be processed by each agency, but must flow through the Purchasing & Contracts Department. Example: 2010 P.O.s that require Change orders in 2011 must be modified by the Purchasing & Contracts Department. This will hold true for the coming years as well.
2. **Retainage:** any Purchase Order holding retainage must be modified through the Purchasing and Contracts Department.

Assignment and Assumptions There are times when companies merge or sell to another company, and with it, the sale includes the county's contract. A vendor shall notify the county 120 days prior to the effective date of the assignment, and complete all necessary paperwork. Failure to submit a timely notification of an assignment to the county may result in a material breach of the contract and termination by the county.

USE OF COUNTY LOGO /TRADEMARK: The County owns and retains all proprietary rights in its logos, trademarks, trade names, and copyrighted images (“Intellectual Property”). As such, nothing in a solicitation permits or shall be construed as authorizing a Respondent to use or display County's Intellectual Property on Respondent's submittal documents or proposal (including any exhibits attached thereto) submitted to County by or on behalf of a Respondent in response to this solicitation. Unless expressly authorized in writing by County, a Respondent is not authorized and shall not make use of or display any County Intellectual Property on or in its proposal or submittals in response to this solicitation. Unauthorized use of County's Intellectual Property may constitute trademark and/or copyright infringement in violation of federal and state laws.

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UNSOLICITED OFFERS

An unsolicited offer is any offer other than one submitted in response to an invitation. To be considered for selection, 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 purchasing, 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 selection, 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.

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 and Selections

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 selection items or services are ordered. Any product or service ordered for selection 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 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 Volusia County Agencies 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.

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.

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.dms.myflorida.com/business_operations/state_purchasing.

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 specification and/or statement of work and award allow it. This is generally known as "piggybacking." It is the responsibility of any Volusia County Agency 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.

LOCAL PREFERENCE

- a) *Applicability.* This section shall apply to purchasing subject to the formal bidding requirements of section 2-271, or that require multiple competitive quotes subject to the requirements of subsection 2-270(b), and result from an invitation to bid or request for quote by the county where price is the sole determining factor for the award of contract to the lowest responsible and responsive bidder.
- b) *Preference.* Preference afforded under this section shall be calculated as follows:
 - (1) A prime contractor qualifying as a local business shall be granted a preference of three percent of the total bid price or quote.
 - (2) A prime contractor meeting the requirements of subsection (b)(1) proposing the utilization of a subcontractor shall be granted a preference of two percent of the bid price or quote if the work to be performed by all subcontractors, that qualify as local businesses, constitutes 51 percent or greater of the total work to be performed by all subcontractors. This subsection shall not apply if the invitation to bid or request for quote does not authorize utilization of subcontractors.
 - (3) In the event that a prime contractor qualifies for a preference under subsections (b)(1) and (b)(2), total preference shall not exceed five percent.
 - (4) Preference shall not be given to that amount of the total bid price or quote of a prime contractor exceeding \$25,000.00 from the nearest competing bid price or quote for that solicitation.Preference shall be calculated based on the total bid or quote price, including any alternate or optional service or product in the bid or quote selected by the county.
- c) *Exemptions.* Notwithstanding subsection (a), this section shall not apply to any of the following purchasing activities:
 - (1) Purchasing funded, in whole or in part, by an entity prohibiting application of the preferences provided by this section by grant agreement, contract or applicable federal, state or local law; or
 - (2) Emergency purchasing subject to section 2-275 of the Code.

- d) *Certification.* A prime contractor claiming to qualify as a local business for purposes of this section shall so certify in writing on a form prescribed by the purchasing director as part of the competitive solicitation process.
- e) *Verification.* Any prime contractor or subcontractor subject to a bid or quote subject under this section shall provide all documentation required by the purchasing director that demonstrates its qualification as a local business prior to time of purchase or recommendation of award of contract.
- f) *Maintenance of status.* A prime contractor granted a preference under this section resulting in a written contract shall stipulate to maintaining its status as a local business throughout the term of the contract, including subcontractors for which preference is granted. This requirement shall be included in the contract between the prime contractor and subcontractor.
- g) *Subcontractors.* A prime contractor seeking preference under this section shall be required to disclose all subcontractors in its bid or quote and stipulate to continued utilization of subcontractors for which preference is granted under this section in any resulting contract unless approved in writing by the county and without change in price.
- h) *Employment vacancies.* A prime contractor, and its subcontractors, granted preference under this section stipulates to posting employment vacancies generated from a resulting contract with agencies or organizations that may be identified by the purchasing director.
- i) *Compliance.* Noncompliance with this section shall be deemed a material breach of the resulting contract, grounds for termination by the county and may subject the prime contractor to disqualification in accordance with subsection [2-267\(9\)](#).
- j) *Reciprocity.* Effective July 1, 2012, no county, or municipality within a county, listed in the definition of local business in [section 2-261](#) shall serve as a basis for preference under this section if that county or municipality authorizes preference in its procurement process to a business based on a physical location that does not include Volusia County.

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 specification and/or statement of work 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.

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Signing a delivery slip does not necessarily constitute acceptance of an order. Any problems with an order should be documented and reported to the vendor and Purchasing and Contracts Division as soon as possible. The Purchasing and Contracts Division will assist the department with working with 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.

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 BETWEEN 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

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 \$1,000.00 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 - Central Services
- Copiers - Central 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
- Space (office, storage, etc.) - Central Services
- Telephone Equipment and Services - Information Technology
- Two-Way Communications Equipment (Radios) Communications - Information Tech.
- Vehicles and Heavy Equipment - Central 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 requests a nonstandard purchase, it must be coordinated with the proper Agency. If a Department/Division 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 Division maintain signature authorities. These authority levels are tied to the current AMS system and the workflow components. For purchases, the signature authority is tied to the value of the purchase.

In addition to purchases, all after the fact justifications and single source requests shall be signed by the appropriate authority level stated in the quick reference guide.

Contracts for the purchase of any commodities or services may be signed only by the Purchasing Director, County Manager, or the Chair of the County Council, as 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. On the date of this publication, it states that vendors may assess a finance charge of 1% per month for payments not made within forty five (45) days of a correct invoice; therefore, it is imperative that all invoices are paid as promptly as possible. It is the responsibility of the department/division to notify the vendor, preferably in writing if an invoice is not correct, to eliminate the possibility of interest payments.

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.

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.

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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 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 are 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. Each department has one or more Fixed Asset custodians who are able to enter surplus items into the Surplus Property program for pick-up and sale at regularly scheduled auctions. For any item of capital equipment (any item that has a Fixed Asset property number), the Department/Division must complete and submit a Fixed Asset Acquisition/Disposition Form, which is part of the Surplus Property system on ENN. This will allow the item to be removed from the Fixed Asset Inventory for that Department/Division after its disposal. Please contact the Purchasing Director in writing with any questions regarding the proper method of 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 on 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.

REDUCE, REUSE AND RECYCLE PURCHASING 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 purchasing shall strongly encourage the use of recycled materials in the products to be purchased by the County. Selection 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 purchasing 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 purchasing 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 purchasing 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].

OPEN RECORDS

The County is governed by the Florida Open Records Laws, Chapter 119 of the Florida Statutes. 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 County Finance division currently utilizes the AMS financial system which integrates budget, purchasing and accounting. 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 purchasing 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.

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

After the Fact Purchase – See unauthorized purchases, After the Fact (ATF) justification is required for any purchase orders entered after the receipt and invoicing of goods and services. The Division Director must sign and approve any ATF and forward to the Director of Purchasing for approval.

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

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

AMS - The financial system utilized by the Purchasing and Contracts division for all purchasing requests.

Appropriateness - The purchase should clearly serve a County function.

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

Vendor 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. This is currently located in our Vendor Self Service system (VSS).

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.

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, actuarials, 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 purchasing, 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, or designee.

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.

Dollar Value – The maximum amount for a purchase that is authorized to be made by the designated county officials and the initial value shall be adjusted on October 1 of each year if the Weighted Five Year Average increases.

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 stops or seriously impairs a necessary function of County government.

Fixed Asset - Any commodity that has a useful life of more than one year and a unit cost of one thousand dollars (\$1,000.00) 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.

Formal Solicitation - A Solicitation (see definition below) that requires Council approval.

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 purchasing of most of the Federal Government Agencies.

Indefinite Quantity Contract (IOC) - Same as Master Agreement.

Invitation To Negotiate (ITN) - A written solicitation for competitive sealed replies to select one or more vendors with which to commence negotiations for the purchasing of commodities or contractual services. The invitation to negotiate is used when the agency determines that negotiations may be necessary to receive the best value. A written solicitation includes a solicitation that is electronically posted. A competitive sealed reply in response to an invitation to negotiate is exempt from public record inspection or copying until such time as the award recommendation to Council or until 20 days after the final competitive sealed replies are all opened, whichever occurs earlier.

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 Business Tax Receipt (BTR) in the following Counties, per the Local Preference Ordinance: Volusia, Flagler, Brevard, Orange, Osceola, Lake and Seminole.

Master 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

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 Schedule - Same as Master 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 Request for Negotiation, Request for Statement of Qualifications 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 a solicitation.

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) - A solicitation 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.

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.

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

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 Negotiation, Request for Statement of Qualifications, or 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.

Task Assignment - A specific job tied to a larger contract with established terms and conditions.

Technical Review Committee - Any committee appointed by the Purchasing Director to establish and/or review specifications or statement 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, 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

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DIVISION 2. - PURCHASES ^[11]

⁽¹¹⁾ **State Law reference**— Consultants' Competitive Negotiation Act, F.S. § 287.055.

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Sec. 2-261. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bid, proposal and *quotation* mean any offer specifically given to the county in response to a solicitation.

Bidder means any business submitting an offer to the county.

Business means any corporation, partnership, individual, sole proprietorship, joint venture, joint stock company or any other legal entity.

Contract means all types of county agreements, regardless of what they may be called, for the purchase of materials, supplies and equipment and professional and contractual services.

Contract management means the negotiations to arrive at an agreement, preparation of contract documents and the servicing of that agreement during its performance as applicable to the services of architects, engineers, land surveyors, construction contractors, construction managers, design-build contractors, maintenance contractors, other technically related service providers and the acquisition of right-of-way or other real property directly related to capital improvement projects.

Contractor means any business having a contract with the county.

Contractual services means and includes all utilities (gas, water, electric, etc.), construction and services which include labor, time or effort.

County manager means the chief administrative officer of the county.

Dollar value means the maximum amount for a purchase that is authorized to be made by designated county officials and the initial dollar value shall be annually adjusted on October 1 of each year if the weighted five-year average increases.

Employment cost index, total benefits, for state and local government workers, all workers (ECI) means a report published by the United States Bureau of Labor Statistics (BLS), which measures the change in the cost of labor, free from the influence of employment shifts among occupations and industries.

Invitation to bid means and includes all documents, whether attached or incorporated by reference, used for soliciting sealed bids.

Producer price index, finished goods (PPI) means a report published by the United States Department of Labor, Bureau of Labor Statistics (BLS), which measures the average change over time in the selling prices received by domestic producers for their output.

Professional services means services as provided by architects, engineers, surveyors and other professionals as designated by the purchasing director, excluding attorneys and expert witnesses.

Purchasing means buying, renting, leasing or otherwise acquiring any supplies, materials and equipment and professional or contractual services, or construction. It also includes all functions that pertain to obtaining any supplies, materials and equipment, and professional or contractual services, or construction, including description of requirements, in conjunction with the using agency, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration, but not including contract management.

Purchasing director and *director* mean the purchasing director of the county.

Responsible means having the capability in all respects to perform fully the contract requirements and the tenacity, perseverance, experience, integrity, reliability, capacity, facilities, equipment and credit which will ensure good-faith performance.

Responsive means conforming in all material respects to the requirements and criteria set forth in the invitation to bid.

Supplies means and includes all supplies, materials and equipment.

Using agency means any department, division, agency, commission, board, committee, authority or other unit in the county government procuring supplies, materials or equipment or contractual, professional or construction services as provided for in this division.

Vendor means any business that will be or has been awarded a contract by the county.

Weighted five-year average means the average calculated by: i) using a 60/40 weighting to represent budget expenditures primarily associated with labor and goods/capital (nonlabor), respectively; ii) using ECI and PPI five-year averages last reported by BLS; iii) multiplying the labor weight to the ECI five-year average change; iv) multiplying the nonlabor weight to the PPI five-year average change; and v) totaling the weighted values.

Example:

Budget Area	Wt.		BLS 5yr Avg.		Wtd. 5yr Avg.
Labor	60%	x	3.0%(ECI)	=	1.8%
Nonlabor	40%	x	2.0%(PPI)	=	0.8%
Total	100.0%				2.6%

(Ord. No. 90-20, § 3, 5-17-90; Ord. No. 2009-07, § I, 3-5-09)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 2-262. - Penalty.

Violations of this division are punishable as provided in section 1-7.

(Ord. No. 90-20, § 24, 5-17-90)

Sec. 2-263. - Purpose.

The purpose of this division is to prescribe the manner in which the county shall control the purchase of materials, supplies, equipment, and professional and contractual services of the county and to maintain a high ethical standard for all officers and employees of the county in connection therewith.

(Ord. No. 90-20, § 2, 5-17-90)

Sec. 2-264. - Establishment of purchasing division.

There is hereby established a purchasing division within the department of finance of the county.

(Ord. No. 90-20, § 4, 5-17-90)

Sec. 2-265. - Appointment and functions of purchasing director.

(a) *Position created.* There is hereby created the position of purchasing director, who shall be the principal contracting officer of the county. The purchasing director shall direct the purchasing division, and shall perform all duties required by law and such other duties as assigned by the county manager, and shall have the powers and duties prescribed by this division.

(b) *Appointment.* The purchasing director shall be appointed by the county manager in accordance with merit system rules and regulations (chapter 86, article II), and other applicable laws.

(Ord. No. 90-20, § 5, 5-17-90)

Sec. 2-266. - Scope of purchasing authority of purchasing director.

(a) The purchasing director shall have the power, and it shall be his duty, to perform the duties specified in this division in connection with the purchase of or contracting for all supplies and professional and contractual services needed by any using agency which derives its support wholly or in part from the county in accordance with procedures prescribed by this division and such rules and regulations as may be adopted for the internal management and operation of the purchasing division.

(b) The authority of the purchasing director to negotiate all purchases and contracts for all using agencies shall not be abridged, except as required by law, or as otherwise designated by the county council or county manager.

(c) Certain contractual and professional services for which there is not a purchasing function are excluded from the provisions of this division. This would include agencies funded in part by the county but over which the county does not have jurisdictional control.

(Ord. No. 90-20, § 6, 5-17-90)

Sec. 2-267. - Specific powers and duties of purchasing director; delegation of authority.

(a) In addition to any other powers and duties conferred by this division, the purchasing director shall:

- (1) Procure for the county the best value in supplies and contractual and professional services.
- (2) Encourage competition, discourage uniform bidding and endeavor to obtain as full and as open competition as possible on all purchases and sales.
- (3) Keep informed of current developments in the field of purchasing, prices, market conditions and new products, and secure for the county the benefits of research conducted in the field of purchasing by other governmental jurisdictions, technical societies, trade associations, and private businesses and organizations.
- (4) Prescribe and maintain a standard purchasing manual for all using agencies.
- (5) Prescribe and maintain such forms necessary to the performance of this division.
- (6) Prepare and adopt standard purchasing nomenclature for using agencies and suppliers.
- (7) Exploit the possibilities of buying in bulk to take full advantage of discounts.
- (8) Obtain for the county all tax exemptions to which it is entitled.
- (9) Have the authority to disqualify a bidder or vendor from receiving any business from the county for a stated period of time for noncompliance with this division or any other applicable laws, rules or regulations.

(b) The purchasing director may delegate authority to designees or to any department, agency or official and shall be responsible for their actions.

(Ord. No. 90-20, § 7, 5-17-90)

Sec. 2-268. - Additional regulations and procedures.

The purchasing director is hereby authorized and directed to adopt such written regulations and procedures as may be necessary for the implementation of this division. Said regulations and procedures shall become effective when approved in writing by the county manager. Copies of the regulations shall be on file in the office of the purchasing director and shall be made available for public inspection during normal business hours.

(Ord. No. 90-20, § 8, 5-17-90)

Sec. 2-269. - Disadvantaged, small and women-owned business enterprises.

(a) *Equal opportunity.* The county is firmly committed to the principles of equal opportunity and affirmative action and, in keeping with these principles, hereby establishes goals and procedures by which disadvantaged, small and women-owned business enterprises shall be assured equal access to providing supplies and professional and contractual services required by the county.

(b) *Definition.* For purposes of this section, disadvantaged and women business enterprises are defined as a business firm which is at least 51 percent owned by disadvantaged or women group members; or, in the case of a publicly owned business, at least 51 percent of the stock of which is owned by disadvantaged or women group members. The disadvantaged 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, the commodity and the service involved. The county council may determine by resolution, amended periodically, groups that are socially and economically disadvantaged.

(c) *Percentage goal for award of contracts.* The county council shall set a goal of ten percent which shall be a percentage of the aggregate of the county's annual contracts and subcontracts for supplies and professional and contractual services, to be awarded to disadvantaged, small and/or women business enterprises. The county council may, from time to time, set and adjust the goals.

(d) *Implementation of policy.* The county council may adopt by resolution policies and procedures for implementing the intent of this section.

(Ord. No. 90-20, § 9, 5-17-90)

Sec. 2-269.5. - Reserved.

Editor's note— Ord. No. 2005-13, § 1, adopted Sept. 8, 2005, repealed § 2-269.5, which pertained to the prohibition of awarding contracts or franchises to businesses which are in violation of the Code of Ordinances and was derived from Ord. No. 01-12, § 1, adopted May 17, 2001.

Sec. 2-270. - Small purchase procedures.

(a) *Generally.* All purchases of supplies and professional and contractual services with a total estimated dollar value of \$50,000.00 or less may be made without observing the procedures prescribed by this division for formal bidding.

(b) *Minimum number of bids.* All small purchases with a total estimated value of \$3,000.00 or less may be awarded on the basis of a single verbal quote. All small purchases with a total estimated value of more than \$3,000.00 shall, whenever possible, be based on at least three competitive quotes and shall be awarded to the business offering the lowest acceptable quotation in accordance with the standards set forth in this division.

(c) *Field purchase orders.* Field purchase orders for certain purchases, with the approval of the purchasing director, may be used by the departments for immediately needed supplies and contractual services not to exceed the maximum value of \$500.00.

(d) *Invitation for quotes.* The purchasing director shall solicit either verbal or written quotes for small purchases and shall use all reasonably available bidders' lists. All quotes in excess of \$10,000.00 shall, whenever possible, be confirmed in writing.

(e) *Public record of quotes.* The purchasing director shall maintain a record of all quotes received, and such records shall be open to public inspection after award is made.

(Ord. No. 90-20, § 10, 5-17-90; Ord. No. 2009-07, § II, 3-5-09)

Sec. 2-271. - Formal bidding procedures.

(a) *Bidding required for certain purchases.* Except as otherwise provided in this division, when the estimated cost shall exceed \$50,000.00 all supplies and professional and contractual services shall be

purchased by formal, written contract (purchase order) from the lowest responsible and responsive bidder after due public notice inviting sealed written proposals; provided, however, the county council shall have the authority to waive execution of the formal bidding process in cases where it deems it advisable to do so.

(b) *Notice inviting bids.*

(1) *Publication.* Notice inviting bids shall be published on the purchasing division website or once in at least one official newspaper having general circulation in the county and at least five working days preceding the day set for the receipt of bids.

(2) *Scope.* The notice required in this subsection shall include a general description of the supplies or professional or contractual services to be purchased, shall state where bid forms and specifications may be secured, and shall state the time and place for opening bids.

(c) *Bid deposits.* When deemed necessary by the purchasing director, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to a return of their deposit where the purchasing director has required such. A successful bidder shall forfeit any deposit required by the purchasing director upon failure on his part to enter into a contract within ten days after the award.

(d) *Sealed bids.* Bids shall be submitted sealed to the purchasing division and shall be identified on the outside of the envelope as a sealed bid.

(e) *Opening of bids.* Bids shall be opened in public at the time and place stated in the invitation to bid and shall be witnessed.

(f) *Tabulation of bids.* A tabulation of all bids received shall be made and shall be available for public inspection after award is made.

(g) *Correction of bids.* Correction or withdrawal of inadvertently erroneous bids before or after award and cancellation of awards or contracts based upon such bid mistakes shall be permitted in accordance with regulations promulgated by the purchasing director. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the county or fair competition shall be permitted. Except as otherwise provided by regulation, all decisions to permit correction or withdrawal of bids or to cancel awards or contracts based upon bid mistakes shall be supported by a written determination by the purchasing director.

(Ord. No. 90-20, § 11, 5-17-90; Ord. No. 2009-07, § III, 3-5-09)

Sec. 2-272. - Award of contracts.

(a) *Purchases having a dollar value of \$25,000.00 or less.* Each contract, having a dollar value of \$25,000.00 or less, shall be awarded by the purchasing director.

(b) *Purchases having a dollar value in excess of \$25,000.00 and not exceeding \$50,000.00.* Each contract, having a dollar value in excess of \$25,000.00 but which does not exceed \$50,000.00, shall be awarded by the county manager to the lowest responsible and responsive bidder and shall be reported to the county council on a quarterly basis.

(c) *Purchases having a dollar value in excess of \$25,000.00 and not exceeding \$125,000.00 for housing rehabilitation.* Each contract having a dollar value in excess of \$25,000.00 but not exceeding \$125,000.00, shall be awarded by the county manager to the lowest responsible and responsive bidder

and shall be reported to the county council on a quarterly basis.

(d) *Purchases having a dollar value in excess of \$50,000.00.* Each contract having a dollar value in excess of \$50,000.00 shall be awarded by the county council to the lowest responsible and responsive bidder, or the council may delegate to the county manager the authority to award the contract to the lowest responsible and responsive bidder (except as provided in subsections (e) and (f) of this section).

(e) *Blanket/price agreement contracts.* All blanket/price agreement contracts shall be awarded by the purchasing director.

(f) *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 the final cost per item does not exceed the approved budget cost by more than a total dollar value of \$50,000.00.

If the final cost of the item exceeds the total dollar value of \$50,000.00, then the award shall be made in accordance with subsections (b), (c) or (d) of this section.

(g) *Local bidder preference.* The county shall give local bidders preference on all tie bids.

(h) *Determination of bids.* In determining the lowest responsible and responsive bidder, in addition to price, the following shall be considered:

- (1) The ability, capacity, skill and sufficiency of resources of the bidder to perform the contract.
- (2) The bidder's ability to perform the contract within the time specified.
- (3) The character, integrity, reputation, judgment, experience and efficiency of the bidder.
- (4) The quality of performance of the bidder on previous contracts.
- (5) The previous and existing compliance by the bidder with laws and ordinances relating to the contract.
- (6) The quality, availability and adaptability of the supplies or professional or contractual services to the particular use required.
- (7) The ability of the bidder to provide future maintenance and service, if required.

(Ord. No. 90-20, § 12, 5-17-90; Ord. No. 2009-07, § IV, 3-5-09)

Sec. 2-273. - Change orders and budgeted amounts.

(a) The purchasing director shall have the authority to approve contract modifications, change orders and contract price adjustments not to exceed \$25,000.00 cumulatively. Any modification, change order or price adjustment to a contract which would cause the contract's cumulative total dollar value to exceed \$25,000.00 requires approval in accordance with section 2-272

(b) The county manager shall have the authority to approve contract modifications, change orders and contract price adjustments not to exceed \$50,000.00 cumulatively. Any modification, change order, or price adjustment to a contract which would cause the contract's cumulative total dollar value to exceed \$50,000.00 requires county council approval in accordance with section 2-272

(c) The purchasing director and the county manager, as applicable, shall, when any contract whose

final cost is less than the award or less than the budgeted amount, have the authority to approve the contract modification, change order or price adjustment.

(Ord. No. 90-20, § 13, 5-17-90; Ord. No. 2009-07, § V, 3-5-09)

Sec. 2-274. - Rejecting bids; negotiation.

(a) *Rejecting bids.* The purchasing director shall have the authority to reject any and all bids.

(b) *Negotiation.* If no bid is received, the county council may authorize the purchasing director to purchase by negotiation, and the award shall be made in accordance with section 2-272

(Ord. No. 90-20, § 14, 5-17-90)

Sec. 2-275. - Emergency purchases.

If the county manager determines that an emergency exists and a delay would be detrimental to the interests of the county, the county manager shall be authorized to direct the purchase of any supplies or professional or contractual services needed to protect the health, safety and welfare of the county and its residents and shall file with the county council a statement certifying the conditions and circumstances requiring such action for purchases having a dollar value exceeding \$50,000.00 at the next regular county council meeting.

(Ord. No. 90-20, § 15, 5-17-90; Ord. No. 2009-07, § VI, 3-5-09)

Sec. 2-276. - Exceptions.

(a) *Excepted supplies and services.* The requirements for formal bidding and small purchase procedures shall be waived for the purchase of:

- (1) Books, periodicals, software, printed materials, artwork, photographs, film, film strips, videotapes, disc or tape recordings or similar material where such materials are purchased directly from the producer or publisher, the owner of the copyright, an exclusive agent with the state, a governmental agency or a recognized educational institute;
- (2) Insurance coverage or claims expenditures as provided in the insurance fund established by resolution of the county council, excepting, however, damage to county-owned property;
- (3) Commodities from established state, PRIDE, government pricing or Federal General Services Administration contracts;
- (4) The purchase, lease or rental of real property;
- (5) Certain professional services, design build, guaranteed maximum payment construction, and fast track construction, which shall be conducted in accordance with accepted industry practices, or as required by state law;
- (6) Supplies and professional and contractual services from a single source upon certification by the purchasing director stating the conditions and circumstances requiring the purchase; this certification shall set forth the purpose, need and justification that the item or service is the only one that will produce the desired results;
- (7) Public utility services; and

(8) Supplies or equipment where compatibility of equipment, accessories or replacement parts permits only one reasonable source of supply.

(b) *Cooperative purchasing.* The purchasing director shall have the authority to purchase from and joining with other units of governments in cooperative purchasing ventures when the best interest of the county would be served thereby, and same is in accordance with the county and state laws.

(c) *Public auctions.* The purchasing director shall have the authority to purchase supplies and capital equipment at public auction.

(d) *Standardization.* Where standardization is determined to be reasonable and desirable by the purchasing director, the purchase of supplies and certain contractual services may be by negotiation.

(Ord. No. 90-20, § 16, 5-17-90)

Sec. 2-277. - Unauthorized purchases.

(a) 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 in this division shall not be approved, and the county shall not be bound thereby.

(b) This section shall not apply to any emergency purchase which is subsequently approved by the county manager upon justification by the using agency.

(c) No contract or purchase shall be subdivided to avoid the requirements of this division.

(Ord. No. 90-20, § 17, 5-17-90)

Sec. 2-278. - Performance and payment bonds.

Pursuant to state law, a vendor shall provide a bond to guarantee the full and faithful performance of his contract obligations and the payment of labor and materials expended pursuant to the contract whenever and in such amounts as is deemed necessary by the purchasing director.

(Ord. No. 90-20, § 18, 5-17-90)

Sec. 2-279. - Waiver of irregularities.

The purchasing director shall have the authority to waive any and all irregularities in all purchases with a dollar value of \$25,000.00 or less. The county manager shall have the authority to waive any and all irregularities in all purchases with a dollar value of \$50,000.00 or less. The county council shall have the authority to waive any and all irregularities in all purchases with a dollar value in excess of \$50,000.00.

(Ord. No. 90-20, § 19, 5-17-90; Ord. No. 2009-07, § VII, 3-5-09)

Sec. 2-280. - Inventory management.

The purchasing director shall have general supervision of all storeroom inventories. This responsibility shall not, however, relieve any agency of accountability for tangible personal property and other supplies under its control.

(Ord. No. 90-20, § 20, 5-17-90)

Sec. 2-281. - Surplus property.

- (a) *Reports.* All using agencies shall submit to the purchasing director, at such times and in such forms as he shall prescribe, reports of property which is no longer used or which has become obsolete, worn out or scrap.
- (b) *Transfer.* The purchasing director shall have the authority to transfer surplus property to other using agencies.
- (c) *Disposal.* The purchasing director shall have the authority to dispose of all surplus property in any appropriate legal manner.

(Ord. No. 90-20, § 21, 5-17-90)

Sec. 2-282. - Inspection and testing.

The purchasing director shall inspect, supervise the inspection of or cause to be inspected all deliveries of supplies or contractual services to determine their conformance with the specifications set forth in the order or contract.

- (1) *Inspection by using agency.* The purchasing director shall have the authority to authorize using agencies having the staff and facilities for adequate inspection to inspect all deliveries made to such using agencies under rules and regulations which the purchasing director shall prescribe.
- (2) *Tests.* The purchasing director shall have the authority to require tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with the specifications. In the performance of such tests, the purchasing director shall have the authority to make use of laboratory facilities of any agency of the county or of any outside laboratory.

(Ord. No. 90-20, § 22, 5-17-90)

Sec. 2-283. - Conflict of interest.

No employee of the county shall contract with or for any business with the county whereby he may derive income or benefits other than those provided as remunerations from the county for his employment.

(Ord. No. 90-20, § 23, 5-17-90)

DIVISION 2.5. - DESIGN-BUILD SELECTION

[Sec. 2-284. - Definitions.](#)

[Sec. 2-285. - Selection of design criteria professional.](#)

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[Sec. 2-289. - Construction and supervision.](#)

[Sec. 2-290. - Manager's authority.](#)

[Secs. 2-291—2-300. - Reserved.](#)

Sec. 2-284. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Design-build contract means a single contract with a design-build firm for the design and construction of a public construction project.

Design-build firm means a partnership, corporation, or other legal entity which is qualified to engage in the design and construction of a design-build project.

Design criteria package means concise, performance-oriented drawings or specifications of the public construction project. This package may define quality levels of materials, equipment and workmanship. The purpose of the design criteria package is to furnish sufficient information so as to permit design-build firms to prepare a bid or a response to an agency's request for proposal, or to permit an agency to enter into a negotiated design-built contract. The design criteria package shall specify such performance-based criteria for the public construction project, including, but not limited to, the criteria designated in section 2-286. The design criteria may include graphics indicating the site plan, survey dimensions, contours, access roads, setbacks, and preferred massing of the building elements.

Design criteria professional means an individual or firm holding a current certificate of registration or authorization under:

- (1) The provisions of F.S. ch. 481, to practice architecture or landscape architecture; or
- (2) The provisions of F.S. ch. 471, to practice engineering;

and who is employed by, or under contract to, the county for the provision of professional architectural services, landscape architectural services, or engineering services in connection with the preparation of a design criteria package.

Manager means the county manager or his designee.

Project means that fixed capital outlay project described in the public announcement, including, but not limited to:

- (1) Individual facilities;
- (2) Grouping of facilities;
- (3) Construction, rehabilitation, and renovation activities;

- (4) Resurfacing of roads; bridge rehabilitation or replacement; new bridge construction; and new construction of roads.

Qualification statement means a statement submitted by prospective design-build firms containing information required by the manager as indicated in subsection 2-207(a).

Request for proposal means solicitation of responses from prequalified firms in which the firm provides a complete description of work to be performed pursuant to the technical requirements and initial specifications of the project. Such descriptive data may include, but not be limited to, drawings, specifications, material descriptions, work schedule, and an estimate of proposed design and construction costs.

(Ord. No. 00-33, § 1, 10-19-00)

Sec. 2-285. - Selection of design criteria professional.

(a) When the manager determines that a project shall be constructed pursuant to this division, the manager shall arrange for preparation of a design criteria package for the project. The design criteria package shall be prepared and sealed by a design criteria professional employed by, or retained by, the county. If the county elects to enter into a professional services contract for the preparation of the design criteria package, then the design criteria professional shall be selected and contracted with in accordance with the requirements of F.S. §§ 287.055(4) and 287.055(5).

(b) The design criteria professional will be selected with special consideration for specific experience and ability relating to the type of facility required and the preparation of design-build criteria. In determining whether a design criteria professional is qualified, the manager shall also consider such factors as the ability of professional personnel; past performance; willingness to meet time and budget requirements; location; recent, current, and projected workloads of the design criteria professionals. In addition to these considerations, the manager may require any other qualifications deemed appropriate to the project.

(c) Acceptable individuals or entities who may act as the design criteria professional include:

- (1) Licensed registered professional engineers, architects and landscape architects employed or retained by the county.
- (2) Licensed engineering, architectural or landscape architectural firms providing services to the county where such firms have been selected pursuant to F.S. § 287.055 and this division.

(d) A design criteria professional who has been selected to render services in connection with a specific design criteria package shall not be eligible to render services under the design-build contract for that project.

(Ord. No. 00-33, § 1, 10-19-00)

Sec. 2-286. - Development of design criteria package.

(a) The selected design criteria professional shall develop a design criteria package consisting of performance-oriented drawings and/or specifications with sufficient information to permit design-build firms to prepare bids for construction and to permit the county to enter into a design-build contract based upon the criteria in the design criteria package.

(b) The design criteria package may define the quality level required for the project, and shall include criteria and data including, but not limited to, the legal description of the site, site survey information,

interior space requirements, material quality standards, schematic layouts and conceptual designs, budget estimates and requirements, construction schedules, site development requirements, provisions for utilities, stormwater retention and disposal, parking requirements, land development permitting requirements, building permitting requirements and environmental permitting requirements. Special consideration will be given to minimizing long-term lifecycle, operating and maintenance requirements, as well as energy consumption and water consumption.

(c) An executive summary of the design criteria package shall be provided to the county council for information.

(Ord. No. 00-33, § 1, 10-19-00)

Sec. 2-287. - Solicitation of qualified firms.

(a) *Qualification.* The manager shall establish the qualifications required for the design-build project, and then solicit qualifications statements from interested design-build firms. From these qualification statements, the manager shall establish a short list of at least three qualified design-build firms to whom a request for proposal shall be issued pursuant to subsection (c) of this section. Numerous factors are considered in determining if a company is qualified to submit proposals for county design-build projects, including but not limited to the following:

(1) *Financial condition.* Financial capability is of primary concern in determining whether a design-build is qualified. The minimum standard for determining financial capability is expressed in the following formula:

Ten times Net Quick Assets = Ten times Total Assets minus Total Liabilities

When:

Total Assets = All tangible and intangible assets (excluding bank credit) minus questionable items minus one-half the net value of real estate.

Total Liabilities = All liabilities excluding encumbrances on real estate.

For tangible assets, the allowable value of equipment is book value or 50 percent of appraised value, if provided, whichever is greater.

The amount derived from this formula must be equal to or greater than the contract amount of the construction project. Assessment of financial capability may be more stringent depending on the magnitude of the project.

(2) *Job performance.* Previous job experience and performance, especially previous design-build experience, is a primary criteria considered in determining qualification. A firm must show evidence of having performed satisfactory construction of similar work within the past three years. Inclusive in this evidence shall be a list of projects completed, including nature and size of project, the firm's complete address and zip code, and a listing of owners and/or architects or engineers where applicable.

(3) *Equipment.* A description of owned or leased equipment shall be submitted at time of submission of the qualification statement.

(4) *Personnel.* A list of all supervisory personnel to be engaged on county projects shall be submitted, listing name, education and experience. The design-build contract may require certain key personnel to be available to the project on a full-time basis.

(5) *Licensing.* Proof of compliance with proper certification and license requirements shall be a prerequisite to qualification.

(6) *Out-of-state corporation.* Corporations incorporated in any state other than Florida, and non-Florida limited partnerships, shall first obtain a license or permit to do business in Florida before entering a design-build contract. Foreign corporations shall qualify to do business in Florida according to applicable law.

(7) *Change of ownership.* If a significant change in the structure of a firm occurs, such as a change of ownership or incorporation of a nonincorporated firm, a new qualification statement will be required. Also, a new qualification statement may be required whenever the manager has reason to believe that the condition of a firm is less favorable than at the time of the last qualification statement. A new statement is not necessary when a change in the officers or the name of a corporation occurs, nevertheless, such information shall be submitted to the manager at the time of such change.

(8) *Wholly-owned subsidiaries.* If the design-build firm is a wholly-owned subsidiary, the board of directors of the parent company shall provide a resolution properly adopted and executed by such board stating:

- a. The power of such corporation to enter into contracts of surety and guaranty;
- b. The legal relationship between the two corporations;
- c. The corporate board's statement that the parent company will indemnify the county from and against any liability and expense which may be incurred due to any failure of subsidiary to perform; and
- d. The authorization to the appropriate corporate officers to execute the appropriate indemnity agreement.

(9) *Joint ventures.* Evidence of financial capability will be required of each party involved in formation of a joint venture for a design-build project. Design-build firms must be legally qualified to engage in contracting and engineering, architecture or landscape architecture. Joint ventures between firms qualified in building and firms qualified in engineering, architecture or landscape architecture will be acceptable subject to the requirements of subsection (8) above. Proposals will be solicited from recommended and accepted design-build firms.

(b) *Public announcement procedures.* Except in emergency situations declared in accordance with section 2-290, the purchasing department or its designee shall publish in a newspaper of general circulation in the county, and any other publication deemed appropriate, a public announcement providing a general description of the design-build project requiring design-build services, and defining the procedures by which interested design-build firms may apply for consideration. The public announcement shall include the qualification criteria for the project which has been prepared by the manager as required in subsection (a) of this section.

(c) *Request for proposals.* After the manager has set forth criteria for prequalification for the design-build project pursuant to subsection (b) of this section, the manager shall review the submitted qualifications statements and shall establish a short list of a least three of the most qualified design-build firms. The manager shall then issue requests for proposals to the firms on the short list. When the proposals are received, the manager shall review the proposals and recommend the ranking of three most qualified design-build firms to the county council, who shall select the most qualified and award the design-build contract. The manager may request that the firms submit both a technical

proposal and a price proposal. These proposals may be reviewed in separate stages.

(Ord. No. 00-33, § 1, 10-19-00)

Sec. 2-288. - Selection of most suitable proposals.

(a) Prior to the solicitation of competitive proposals, the manager shall implement a selection procedure for weighed evaluation of the proposals received from the approved design-build firms. This procedure may include, but not be limited to, consideration of any special requirements, oral presentations by design-build firms, a scoring and ranking process, consideration of the firms' experience and qualifications with special emphasis on design-build projects and projects of the general nature of the subject project, and a value analysis of the proposal price. Other criteria for evaluating the proposal may include:

- (1) The ability, capacity and skill of the firm to perform the contract or provide the service required;
- (2) Whether the firm can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
- (3) The character, integrity, reputation, judgment, experience, and efficiency of the firm;
- (4) The quality of performance of previous contracts or services;
- (5) The previous and existing compliance by the firm with laws and ordinances relating to the contract or services;
- (6) The sufficiency of the financial resources and ability of the firm to perform the contract or provide the service;
- (7) The quality, availability and adaptability of the supplies or contractual services to the particular use required;
- (8) The ability of the firm to provide future maintenance and service;
- (9) The number and scope of nonconforming conditions attached to the proposal.

(b) The design criteria professional shall assist the manager in the selection and evaluation procedure so as to ensure proposal compliance with the design criteria package. The manager shall also provide a procedure by which the contract with the retained design criteria professional may be terminated prior to this solicitation/evaluation stage if termination is deemed in the best interest of the county.

(Ord. No. 00-33, § 1, 10-19-00)

Sec. 2-289. - Construction and supervision.

After award of the contract by the county council to the selected design-build firm, the design criteria professional will provide evaluation of compliance with the design criteria package during the construction of the project. This will be in addition to any inspection procedures deemed necessary by the manager. The manager shall provide a procedure by which the contract with the retained design criteria professional may be terminated with or without cause prior to the evaluation stage if termination is deemed to be in the best interest of the county.

(Ord. No. 00-33, § 1, 10-19-00)

Sec. 2-290. - Manager's authority.

(a) In the event of a public emergency, the manager may declare an emergency and authorize negotiations with the best available design-build firm available at that time.

(b) The manager shall have authority to establish rules and procedures to implement the provisions of this division.

(Ord. No. 00-33, § 1, 10-19-00)

Secs. 2-291—2-300. - Reserved.