

## DIVISION 2. - PURCHASES <sup>[11]</sup>

<sup>(11)</sup> **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. 2-287. - Solicitation of qualified firms.](#)  
[Sec. 2-288. - Selection of most suitable proposals.](#)  
[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.**