



LAKE COUNTY
BOARD OF COUNTY COMMISSIONERS
County Procedure

Title: PURCHASING PROCEDURE

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I. PURPOSE AND SCOPE

The purpose and scope of this Purchasing Procedure Manual is to define processes and procedures applicable to the purchase of needed goods and services by the County from private sector sources.

II. OVERVIEW

Certain County staff are authorized to purchase goods and services for County purposes when the amount to be paid, and the manner of purchase for the goods and services, does not exceed limits and conditions established by the County Manager. Those limits and conditions are expressed in the County's Purchasing Procedure Manual (Procedure LC-7) and the County's Purchasing Card Procedures (Procedure LC-52).

The attached "Purchasing Procedure Manual" replaces the previous Purchasing Procedure Manual published under Procedure LC-7. This update includes revisions related to various adjustments in procedure that are primarily editorial in nature, and addition of procurement requirements associated with FTA grant-funded purchases.

Additional copies of the procedures may be obtained from the Office of Procurement Services or by accessing the County's policy and procedure intranet pages.

III. RESERVATION OF AUTHORITY

The authority to issue or revise this Procedure is reserved to the County Manager. The County Manager may authorize exceptions to this procedure when deemed appropriate.

David Heath
County Manager
Lake County



LAKE COUNTY

FLORIDA

**Purchasing Procedure
Manual**

**OFFICE OF PROCUREMENT
SERVICES**

LAKE COUNTY PROCEDURE LC-7

**Effective March 12, 2015, this manual supercedes the entirety of the Purchasing
Procedure Manual under Procedure LC-7 which had been in effect as of October 11, 2011**

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1. INTRODUCTION AND BASIC POLICY

A. Purpose of Procedure

The purpose of this procedure is to provide:

- A detailed description of the procurement requirements of the County
- A guide to the related implementing procedures applicable to County departments in general, and most specifically to the County's Procurement Services entity (**hereafter referred to as Office of Procurement Services or OPS**).

This manual implements County Policy LCC-18 and shall be incorporated into County Procedure LC-7. This document is intended to provide sufficient procedural detail to enable County departments, other governmental entities as applicable, and the vendor community, to:

- Be fully aware of, and comply with, County procurement policy
- Effectively participate in the County's procurement program

B. Other Related Policy and Procedural Guidance

1. County Policy LCC-39 and associated Procedure LC-20, both of which are entitled "Contract Administration" (copies maintained on the County website) address general duties and responsibilities in regards to the County's administration and management of private sector contracts. Specific topics covered within these documents include processing of orders under continuing contracts, sales tax recovery program purchases, and contract renewal procedures.

2. County Policy LCC-80 and associated Procedure LC-44 address utilization of Disadvantaged Business Enterprise (DBE) firms under public-transit related projects funded by the U.S. Department of Transportation (DOT). It is stressed that the DBE-related guidance set forth in Policy LCC-80 and Procedure LC-44 apply only to Florida and/or Federal DOT-funded projects or purchases under the County's public transportation program.

3. Additional detail beyond the information contained in Section 8 of this procedure regarding use of the County Purchasing Card (PCard) and use of the County's Direct Payment process is set forth respectively as County Procedures LC-52 and LC-24 on the County website.

4. This manual is not intended to provide detailed descriptions of each aspect of all specific procedures utilized by the Office of Procurement Services. Supplemental detail is set forth in written Internal Operating Procedures established on an as-required basis, and maintained on the County's website at the following link:

http://bccnet/procurement_services/internal_operating_procedures.aspx

5. Federal, State or County law shall prevail over any conflicting provision contained herein.

C. Applicability

The policies and procedures, including stated approval thresholds, set forth in this manual apply equally to revenue expenditure and revenue producing purchases. These policies and procedures apply to all employees and departments falling under the jurisdiction of the County Manager that solicit quotations, bids, or proposals from the commercial market. Purchases initiated by the County Attorney's Office and/or entities outside the jurisdiction of the County Manager are not governed by the policies and procedures set forth in this manual. However, essential compliance with the basic procurement practices regarding competition and procurement methodology set forth in this manual will be maintained when such purchases are tasked to the Office of Procurement Services for completion.

D. Basic Policy Statements

Although additional detail is provided in following sections of this manual, the basic procurement policies of Lake County are summarized as follows:

1. The County procurement process shall provide for equal access and opportunity to all vendors without regard to factors unrelated to quality, cost, and availability of goods and services, or previous vendor performance. Arbitrary action under any purchase in any regard by any party subject to this procedure is specifically prohibited.
2. That procurement actions are conducted on the basis of full and open competition to the greatest degree possible, with award being made to:
 - a. The low responsive responsible bidder under Invitations to Bid.
 - b. The best value proposer under Requests for Proposals that involve pricing as a competitive selection factor.
 - c. The highest ranked technical proposer(s) with which a fair and reasonable price was subsequently negotiated under solicitations that do not involve pricing as an initial competitive selection factor.
3. That all specifications or statements of work included in County procurement actions accurately describe the essential needs of the County, and contain no artificial or arbitrary requirements that limit competition or increase cost.
4. That each procurement action is conducted in accordance with the best interests of the County, and with the highest level of integrity and fairness to all involved parties throughout the acquisition cycle.
5. That all County procurement operations be conducted in full compliance with all established state and local statutes and regulations regarding ethical standards to be maintained within the purchasing function.

E. Vendor Preference Programs / Geographic Restriction and Consideration

1. In furtherance of the above policy statements, and in the absence of local disparity studies that support a need for preferential treatment of any given socio-economic vendor group; the County has not incorporated any Lake County-specific vendor preference programs into its general purchasing policies or procedures. However, the County has established, under Lake County Code, Chapter 2, Article VII, Sections 2-221 and 2-222, a process by which a local vendor preference program used by another county will be applied in a reciprocal manner within the County's purchasing process. Specific detail in this regard is contained in Internal Operating Procedures maintained by the County's Procurement Services Office. It is specifically noted that actions in this regard may not be utilized under federally-funded projects to include FTA-funded projects or programs.

2. Specific vendor preference programs and related policy, procedure, and processes may be used by the County when such action is dictated under a federal or state grant, or other funding process. An example in this regard is County Policy LCC-80 and County Procedure LC-44 cited in paragraph 1.B.2 above.

3. The specific actions listed below, and those of a similar nature, are authorized for use as they do not constitute a formal vendor preference program:

- a. When required to meet or support operational requirements, purchases may be restricted to, or provide preference for, vendors within a stated geographic area.
- b. To ensure operational responsiveness, relative proximity of a vendor to a job site(s) may be considered as a significant evaluation factor under purchases of professional services under the County's Request for Proposal (RFP) or Request for Statement of Qualifications (RSQ) processes. Those processes are discussed in detail in Sections 10 and 11 of this procedure.

2. PROCUREMENT AUTHORITY AND ORGANIZATION

A. Procurement Authority and Signature Authority

1. All procurement authority for Lake County government operations derives from the County's Board of County Commissioners (BCC). County procurement policies are either established by, or approved by, the BCC. Certain procurement authorities of the BCC have been delegated to the County Manager. These specific delegations are implemented by this manual. In addition, this manual confirms various re-delegations of authority from the County Manager to OPS and certain re-delegations of authority from the County Manager to department directors. Such delegations and related re-delegations of authority relating to initial award of contracts or other agreements are set forth in paragraph 2.C below.

2. Other procurement-related delegations of authority from the BCC, and associated re-delegations from the County Manager, such as those related to contract modifications and

emergency, limited competition, or unauthorized purchases, are set forth in corresponding sections of this manual as detailed in the table of contents.

3. Any contract award authority not specifically delegated in this manual, or by other County regulation or directive, remains within the sole authority of the BCC. **It is specifically noted that the delegations stated in this section do not apply to contracts that involve the lease or purchase of real property, or the purchase of technical services processed using Consultant's Competitive Negotiation Act (CCNA) procedures. All such purchases, excepting task orders under continuing CCNA contracts, require BCC approval.**

4. Unless dictated otherwise by an over-riding statute, process, or other regulation; all County contracts or agreements for the private sector purchase of goods or services may be signed by a OPS contracting officer after all required approvals are completed.

B. Definitions Related to Delegations of Authority

1. "Contract" is used in this manual to denote any of the full range of purchasing arrangements that may be used by the County wherein goods or services are acquired from private sector sources by either direct award or use of a third-party contract. These processes include, but are not limited to, bilaterally signed contracts prepared by the County Attorney's Office, purchases wherein award is completed by OPS through issuance of a purchase order or counter-signature of the solicitation document, or any other pricing agreements with private sector vendors.

2. A "one time" contract refers to a single purchase of specific goods or services to be delivered within a specified timeframe. A contract supporting a construction project, or the purchase of multiple items on a single, or specific short-duration phased delivery, basis are examples of purchases that fall within the context of a "one-time" contract.

3. A "term and supply" contract refers to the acquisition of goods or services on a continuous or as-required basis within a specified contract duration period. The purchase of scheduled or on-call services, or goods on an "as-required" long-term continuing basis, are examples of purchases that constitute a "term and supply" contract.. Term and Supply contracts will generally have an initial term of one or more years, and will include options to renew or extend the contract for a total duration of up to five (5) years. Longer total terms may be approved on a case-by-case basis by either the County Manager, or by the BCC when the County Manager determines that approval at the level is appropriate.

C. Delegations of Authority

1. Contract award delegations of authority by the BCC to the County Manager, and any further re-delegations of these authorities to the Office of Procurement Services, are as follows:

a. Award of any "one-time" contract having a total value of \$25,000 or less. This authority is hereby re-delegated in full to the Procurement Services Manager when award is being made in accordance with the conditions stated in paragraph 1.D.2 of this manual.

b. Award of any “term and supply” contract having an estimated annual value of \$25,000 or less. This authority is hereby re-delegated in full to the Procurement Services Manager when award is being made in accordance with the conditions stated in paragraph 1.D.2 of this manual.

c. Any exercise of any option to renew under any “term and supply” contract. This authority is hereby re-delegated in full to the Procurement Services Manager and contracting officers subject to completion of any associated approval process that may be required by the County Manager. However, BCC approval is required to exercise any “next term” option under a term and supply contract that was initially awarded within the County Manager’s authority if any current year annual expenditure under the contract exceeds \$25,000.

d. Issuance of any work, task, or purchase order under any “term and supply” contract unless otherwise directed on a case-by-case basis by the BCC. Unless otherwise specifically directed, this authority is hereby re-delegated in full to the Procurement Services Manager and contracting officers.

2. The County Manager hereby re-delegates to the Department Directors:

a. Authority to purchase goods or services having a one time, or an item-specific annual aggregate, cost of \$1,000 or less. Department directors may further re-delegate this authority in writing.

b. Authority to purchase goods and services in a true emergency situation regardless of dollar value (but subject to ratification requirements in Section 16 of this manual).

D. Reporting Requirements

1. The annual dollar value of “term and supply” contracts can vary from previous or estimated annual values due to a wide range of factors. Therefore, until otherwise notified by the County Manager, OPS will provide a quarterly expenditure report on such contracts to the County Manager for further distribution as required. The report will identify all current “term and supply” contracts that have exceeded \$25,000 in value during the course of the current fiscal year. Each report will include the actual expenditures for the current fiscal year for each such contract.

2. When directed by the County Manager, any specific order, or class/type of order, in excess of \$25,000 under a term and supply contract shall be reported on an after-the-fact basis to the the BCC for informational purposes.

E. Procurement Organization

1. The Office of Procurement Services (OPS) is the centralized purchasing agency of Lake County government. Acting under the authority of the County Manager, it is the responsibility of OPS to issue and maintain procurement procedures and guidelines pertaining to the County's procurement operations, and to issue formal solicitations and complete all award processes (at the threshold levels established within this manual) on behalf of County departments. The primary OPS goal is to ensure the County receives the goods and services it requires in a timely and cost-effective manner while maintaining compliance with established procurement policy.
2. The primary user department for any specific purchase is ultimately responsible for the preparation and review of any technical specifications, statement of work, or other technical description of the goods or services to be purchased. Procurement Services will provide appropriate assistance in this regard, especially in support of Advance Acquisition Planning as discussed in a following section of this manual. The primary user department, either independently or in conjunction with other departments, is also responsible for providing technical review and evaluation of vendor responses to solicitations in the manner, time frame, and degree specified for the specific purchase.
3. No person may make any purchase utilizing County funds unless specifically authorized to do so by established County policy, procedure, or other directive from the County Manager or the Board of County Commissioners. Payment for any unauthorized purchase may be the responsibility of the person placing the order (see the "Unauthorized Purchases" section of this manual for further detail in this regard).

F. Specific Exclusions from Competitive Procurement Procedures

Certain purchases made by the County are considered appropriate for direct payment, rather than competitive purchase. Such actions are therefore excluded from the competitive procurement procedures set forth in this manual. Purchases specifically authorized for non-competitive procurement activity are as follows:

Utilities	Permits/Impact fees	Tax and Law Service Publications
Freight	Media Subscriptions	Sales Tax Recovery Program Purchases
Tuition	Media Advertising	Utility Relocation
Postage	Memberships	Equipment or Asset Registrations
Books	Tax Bills	Special Assessment Bills
Notary Fees	Miscellaneous Refunds	Expert Witness
Attorney Services	Special Event Sponsorship	Proprietary Software Maintenance

Any other general category of exclusion specifically cited within this manual, within Section 287.057(3) (f). Florida Statutes, or specifically and appropriately approved by the County Manager, may be excluded from the requirements of this manual. Purchases from public sector sources are generally exempt from the procedures set forth in this manual.

G. Purchases That Require Contracts Prepared by the County Attorney's Office

1. A formal written contract is required when the overall complexity or quantity of bid, proposal, or quotation documents for a specific required good or service support a need for a single focused award document; or when otherwise deemed appropriate to serve the best interests of the County. A specific example in this regard is all contracts to be awarded under the Consultant's Competitive Negotiation Act (CCNA). All formal written contracts are to be prepared or approved by the County Attorney's Office in coordination with the responsible department(s) and OPS.
2. Purchases that are processed using informal procurement procedures such as those described in Sections 8 and 9 of this manual (ie; non-complex purchases below \$25,000 in value) do not require formal contracts in support of the purchase. In most cases, such actions are completed by a simplified quotation process followed by issuance of a purchase order. This constitutes an "offer and acceptance" structure that does not require a supplemental written contract.
3. Certain formal procurement actions (ie; those over \$25,000 in value) for purchases of commodities or relatively non-complex services processed by OPS using Invitations to Bid (ITBs) or Requests for Proposal (RFPs) also may not require a formal written contract. For such purchases, a fully executed ITB, or RFP form with appropriate attachments, may serve as the written contract. OPS shall coordinate with the County Attorney's Office in this regard prior to issuance of a formal solicitation.

3. VENDOR REGISTRATION/ PROCUREMENT WEBSITE

Vendors are strongly encouraged to register with the County in order to receive automated procurement notifications from the County. This registration process can be completed on-line at the County's website (www.lakecountyfl.gov/) by following the "most requested" link entitled "Doing business with Lake County". The full address for the registration webpage is:

http://www.lakecountyfl.gov/departments/fiscal_and_administrative_services/procurement_services/doing_business_in/

Formal registration, and periodic review to maintain accuracy of vendor information, will help ensure that the vendor receives automated notifications of County solicitations falling within the vendor's selected commodity areas and any addenda to such solicitations. The County also uses its registered vendor listing to forward information about matters of general concern or interest to the vendor community.

Any vendor, whether registered with the County or not, can review the County's procurement website for existing contract information and other data useful to participation in the County's procurement program.

4. ADVANCE ACQUISITION PLANNING FOR COMPLEX ACTIONS

The Office of Procurement Services, in collaboration with County departments, procures a wide range of supplies and services for the on-going and future operations of the County. Complicated procurements can often be processed more effectively through the procurement cycle if advance coordination with OPS is initiated by the user department at the time a specific requirement is being identified and defined. Advance acquisition planning is especially valuable in support of high value or high visibility procurements. Advance acquisition planning involves OPS and a user department working together to prepare and review draft specifications or statements of work to ensure that operational requirements are clearly defined and stated. The planning effort also includes coordinated market research and analysis to determine sources of supply and available solutions in the market place.

It is often the case that procurement actions are delayed due to circumstances such as conflicting or unanticipated workloads, repetitive after-the-fact revision of specifications or solicitation provisions, or unforeseen competition or business utilization issues. The best way to minimize such delays is to identify and resolve such concerns during the initial planning phases for a specific purchase. Advanced planning usually results in more accurate budgetary projections, timely procurement of goods and services, consideration of multiple products or solutions, and enhanced competition. It serves the best interests of the County for OPS and the department to work together at the earliest practical point in the acquisition cycle.

5. MARKET RESEARCH

Market research is conducted to ensure that specifications are suitable for fair and open competition, and to identify potential sources for a specific operational requirement. The user department is primarily responsible for conducting market research focused on technical factors and the initial identification of potential sources of supply. OPS is primarily responsible for market research intended to examine contractual sourcing issues. Market research is a basic contributing factor in the development of an effective solicitation and successful contract.

A. Purpose of Market Research

The primary purpose of market research in public procurement is to determine the availability of sources of supply, or if limited competition is identified, alternative solutions that will meet essential requirements. Market research should always begin with the intent to satisfy a legitimate County requirement or need. The need should be stated in terms of performance or functionality whenever practical. This of course means that the minimum requirements must be clearly understood and defined before market research can begin. Once the need has been established, market research must be conducted in order to determine the capability of the marketplace to meet the needs of the County.

Market research includes identifying the features of existing products, processes or services that meet essential requirements, or identifying performance characteristics that could be realized by use of new, emerging, or alternate sourcing. Effective market research should provide adequate

information regarding existing products or services, qualified sources, industry trends, pricing, and what other entities are doing to meet the same or similar requirements. Failure to conduct thorough market research may result in requests for sole source or bid waiver purchases that cannot be adequately justified.

It is extremely important that the integrity of the procurement process be sustained at the highest standards and that suppliers are given a fair opportunity to compete for County business. Market research contributes to this goal by helping to ensure that specifications or other work statements are not arbitrarily restrictive in nature, or favor any one vendor.

One of the most important elements of market research is the review of goods and services that may be required by multiple purchasing municipalities or other entities within the County or region. Consolidated purchasing action, generally referred to as “strategic sourcing”, can often result in pricing based on economy of scale, and realization of socio-economic needs within a supported area.

B. When to Conduct Market Research

Some degree of market research should be completed in support of any purchase. For routine procurements, market research should be conducted by the user department to the extent necessary to identify a minimum of three different viable sources for the required goods or services. Market research for complex actions may involve more detailed effort to be performed in a coordinated manner by the user department and OPS. The scope of such effort may include determining if existing products or services are available to meet requirements, determining if existing products or services can be modified to meet requirements, and identifying potential sources for these goods or services.

C. Market Research Scope

Research should include, whenever practical:

- Industry trends and customary terms and conditions
- Capable and available sources of supply
- General pricing information and availability of product(s)
- Competitive factors such as quality, product features, and typical lead time
- Commercial practices, other government entity practices, and industry support capabilities and practices
- Environmental issues such as use of recycled components or materials, recovery/disposal concerns, and relative energy efficiency
- Consideration of all appropriate full life cycle costs

D. Sources of Research Data

There are a variety of sources for information. Such research sources include:

- Subject matter experts within the County, other governments or private industry
- Publications and trade journals from industry
- Marketing organization, professional associations and tradeshow

- NIGP website (www.NIGP.org)
- Various current search engines such as, but not limited to, Google (www.google.com) and Yahoo (www.yahoo.com). Various such sites are included under the “links” tab on the County intranet site.

6. REQUISITION

Unless excepted by other County procedure, a requisition shall be submitted to OPS when there is a need for goods and/or services that exceed the established small purchase dollar limitation stated in Section 8 of this manual. The requisition must include a sufficiently detailed description of the goods or services to be procured. User department personnel should evaluate the need for goods and services, determine expected usage, and plan their purchases to effectively meet program and operational demands.

A. Preparing a Requisition

1. Before submitting a requisition, the user department/division must ensure that:
 - The stated requirements are valid and essential
 - The estimated total dollar value of procurement is identified
 - Funds citing the correct accounting structure are available to cover the purchase
 - Sufficient data is available to determine the best method to secure the purchase
 - Adequate specifications are available

2. The County has implemented an automated financial system for the requisition preparation and approval process. Training and User manuals for the requisition processing aspect of the financial system are available on-line or can be provided upon request by OPS.

3. For purchases based on written quotations obtained by the user department (as described in Section 9 of this manual), the electronic receipt by OPS of a completed requisition will initiate the balance of the purchasing process. If there is any change required to the vendor identification, good or service description, or pricing set forth in the original requisition, OPS will reject the requisition back to the originating department for revision and re-submission.

4. For purchases involving informal or formal competitive action by OPS:
 - a. The user department may submit an electronic requisition showing the estimated cost for the purchase and providing any recommended sources and an adequate scope of work (see Section 7 below). This initial requisition will be rejected back to the department for inclusion of specific pricing and vendor information if required by the results of the competitive process, or if any revision/correction of the accounting code is required.

 - b. As an alternative, the user department may initially submit a hard copy memo in lieu of a requisition. The memo shall contain all information required to proceed with competitive action to include an adequate scope of work (see Section 7 below), an

estimated price, and a written confirmation from the department director that funding is available to support the purchase. The appropriate fund accounting code must also be included in the memo. When the competitive process has been completed, the user department will then submit an electronic requisition based on the actual contract award information.

B. Commodity Code

All requisitions must state the appropriate commodity code(s) for the purchase. A commodity code list is maintained within the financial system. This list also identifies the specific procurement representative for each commodity to support advance coordination between the user department and OPS. This commodity list is identical to the list used in the procurement website for vendor registration and solicitation notification.

C. Action by Office of Procurement Services

Unless already completed on an advance coordination basis, OPS will review the supporting documentation for each purchase upon receipt to determine whether the required goods and/or services should be solicited through an Invitation to Bid (ITB), a Request for Proposals (RFP), Request for Quotation (RFQ), or an alternative method, consistent with the best interest of the County and the requirements of related Federal, State, or local law or ordinance.

7. SPECIFICATION/ SCOPE OF WORK (SOW) CHECKLIST

Although Procurement Services will assist upon request, preparation of work descriptions such as scopes of work or specifications is primarily the responsibility of user departments. A specification and/or scope of work should state specific requirements in terms of function, performance or design. The use of general performance standards or a specific and detailed scope of work to describe the good or service to be provided is to be based on the department's true functional requirements. Performance-based specifications or work statements that focus on desired performance or results may be considered preferable to the use of specifications that focus on specific product or service details. The following checklist can be used to determine the adequacy of a proposed specification or statement of work:

- Does the specification/ scope of work describe the needs of the County in terms of essential function or performance required?
- Does the specification/ scope of work indicate the end usage or expected results?
- Is the specification/ scope of work clear and understandable?
- Does it encourage competition by considering multiple sources of supply?
- Are standard specifications available?

- Are there any unusual conditions to be considered?
- Are there specific requirements associated with grant funding supporting the purchase? See Section 21 for specific review requirements associated with FTA-funded purchases.
- Do the specifications support participation by multiple vendors?
- If a specific brand and model is referenced, does the scope of work include the term “or approved equal”? If not, is there sufficient documented rationale supporting the use of the specific product?

Liquidated damages may be included as a performance-oriented requirement within a specification when failure to provide goods or services, or to complete a project, within a specified time frame will cause damage to the County. Liquidated damages shall not be punitive in nature. The stated liquidated damage value should reflect the actual damage or additional cost incurred by the County on direct account of the delay. A contract-specific flat rate may be stated within a given contract to avoid the need to assess damage on an individual case-by-case basis, but must reflect a reasonable estimated cost associated with the incurred delay. For FTA-funded projects, the rate and measurement standards must be calculated to reasonably reflect the recipient’s costs should the standards not be met, and must be specified in the solicitation and contract. Any liquidated damages recovered must be credited to the project account involved unless FTA permits otherwise.

A clear, concise, and accurate statement of work that is devoid of elements proprietary or unique to a single vendor is the most important single contributor to an effective competitive procurement action. User departments are encouraged to exert their best efforts in this regard.

Special Note: Any requirement that involves information technology concerns, to include GIS or mapping considerations, should be coordinated in advance with the Department of Information Technology.

8. SMALL PURCHASES (\$1,000 OR LESS)

Purchases within this dollar value are completed by the user departments. It is the responsibility of department directors to ensure that all small purchase actions (the purchase of identical goods or services having a one-time or total annual dollar value of \$1,000 or less) completed by their department comply with the procedures set forth in this manual, and all other relevant County legislation and policy. Evidence of competition is encouraged, but not required, for all small purchases whether completed by Purchasing Card or direct purchase procedures.

A. Use of Purchasing Cards (PCards)

1. The purchasing card program is the County’s primary method of purchasing and paying for essential goods and services falling within the small purchase definition. The PCard program allows for such purchases to be processed without utilizing the County’s purchase order or direct purchase procedures. This procedure should be used whenever the purchase falls within the

financial and procedural limits expressed in the PCard manual, and a vendor has the capability to accept the County purchasing card as a form of payment. PCards shall be used for acquisitions by duly authorized County personnel in strict accordance with the detailed directions set forth in the County's PCard manual (copy maintained on the County and the OPS website).

2. As certain designated PCard holders are delegated individual transaction limits in excess of \$1,000, it is specifically noted that any open-market (ie; not a purchase under an existing contract) PCard transaction in excess of \$1,000 must include evidence of competition.

3. The County has implemented use of the PCard and its associated infrastructure as a payment tool for certain transactions. The intent is to streamline the payment process, and to maximize rebate revenue associated with use of the PCard structure. The PCard infrastructure may be considered as an alternate pay process for purchases of items and services listed in Section 2.F of this procedure expenditures regardless of dollar value. Further detail in these regards is contained in the County's PCard Procedure.

B. Use of the County's Direct Pay Process for Commercial Purchases

Direct purchases within the small purchase limitation are initiated by County user departments when there is a need for goods or services that are not available from any other County source, and when the PCard procedure is not practicable for the purchase. Direct pay procedures should be limited to goods and services not available under an existing County contract.

Direct purchases/payments of commercial goods or services up to \$1,000 may be initiated by the County user department. As with any commercial purchase within the small purchase limitation, competition is encouraged, but not required, for such purchases.

Repetitive direct payment purchases of identical goods and/or services from single or multiple sources that in aggregate exceed \$1,000 in a given fiscal year shall be cause for the primary ordering department to initiate a more formal purchasing process for the specific good or service.

C. Accessing an Existing County Term and Supply Agreement

Unless circumstances dictate otherwise, a user department shall access an existing County term and supply agreement that provides for a needed good or service rather than generate a separate small purchase for the needed good or service. Allocated funds, blanket purchase order (BPO), or other access to an existing County term and supply agreement may be used for such purchase of goods and/or services.

D. Purchase from a Sole or Limited Source of Supply under Small Purchase Procedures

As competition is encouraged but not mandated for purchases within the small purchase limitation, the procedures set forth within Section 15 of this Manual (Limited Competition Acquisition) do not apply to such purchases.

E. Emergency Purchases Under \$1,000

As competition is encouraged but not mandated for purchases within the small purchase limitation, emergency purchases under \$1,000 do not need to be processed in the manner noted within the “Emergency Purchases” section of this manual.

F. Direct Purchase Records for Small Purchases to be Maintained by User Department

The user department shall maintain its direct purchase records (preferably in a centralized location for the department as a whole) in an orderly manner and readily available for auditing purposes at all times. A file that includes all pertinent information supporting each direct small purchase shall be maintained for each transaction for a period of three (3) years. It is noted that the PCard infrastructure provides for the required maintenance of records via electronic media.

G. Monitoring Small Purchases

Department directors, or designees, shall monitor small purchases to ensure County compliance with established procedures and vendor compliance with the specific requirements of the order. OPS may monitor small purchases to consolidate commonly used products/services into annual County contracts, and to evaluate general compliance with these guidelines. In cases where it is determined that the small purchase process is abused, the user department’s authority to process small purchases may be revoked by the County Manager until such time evidence of corrective action is established.

H. Appeal and Protest Procedures

There is no formal appeal or protest process for procurement actions falling within the dollar thresholds of this section.

I. Approval and Signatory Authority for Small Purchases

The user department director, or designee shall have the approval and signatory authority to award small purchases on a direct purchase or PCard process as specified above, and within the specific procedures that directly pertain to PCard and Direct Pay activities. This authority also applies to contracting officers within the Office of Procurement Services.

9. PURCHASES EXCEEDING \$1,000 UP TO AND INCLUDING \$25,000

Each “one-time” or “term and supply” purchase (as defined in Section 2.B.2 and 2.B.3 of this procedure) exceeding \$1,000 up to and including \$25,000 shall be competitively processed in accordance with the procedures detailed in this section. These procedures as a whole comprise the County’s “Informal Purchase Procedures”. Price or rate quotations for goods or services acquired using these specified informal purchase procedures must be obtained from an adequate number of qualified sources.

Awards within the dollar value of this section will be primarily based on lowest price. There may be situations where a user department may believe that a given purchase falling within the dollar value of this guideline section would be better satisfied using best value or qualitative award criteria rather than simply upon lowest price. In such cases, department personnel will coordinate with Procurement Services. If it is agreed that a best value or other qualitative method of acquisition is appropriate, then Procurement Services will conduct a competitive action consistent with the requirements of this manual, and responsive to the specific requirements of the individual purchase.

User departments shall submit a requisition to Procurement Services as detailed in Section 6 of this manual. The department shall also provide specifications and/or a scope of work, and any other supporting documentation. Upon receipt of the requisition, unless determined earlier in conjunction with Advance Acquisition Planning proceedings, OPS will coordinate as required with the user department to determine the most appropriate purchase process to use for the specific purchase.

A. Purchase Methods

1. Use of County PCard

Contracting officers assigned to OPS may complete purchases falling within the parameters of this Section using the County PCard. It is further noted that certain departmental PCard holders have been specifically authorized to complete single transaction purchases falling within the parameters of this Section. Unless specifically exempted, all such purchases are to be completed on a competitive basis and documented as such. County procedure governing use of the PCard is contained within the County's PCard Manual (Procedure LC-52).

2. Issuance of a purchase order by OPS based on written quotations obtained by the department.

This procedure may be used when relatively non-complex goods or services are to be procured on a "one-time" basis in a total value not to exceed \$25,000. Although any process resulting in adequate competition is acceptable, the primary process for solicitation of informal quotations is the County's Automated Request for Quotation (RFQ) system described in further detail in this section. In addition, the Automated RFQ process may be used with prior OPS approval by specifically designated departmental personnel to support non-complex commodity purchases in excess of \$25,000 as described in the following section of this manual. Use and operation of the County's Automated RFQ System is described in a separate Internal Operating Procedure maintained on the County website. User departments are urged to coordinate in advance with OPS if there is any issue or complication associated with a specific requirement. If the specific requirement is other than a one-time purchase of non-complex goods or services, OPS will utilize one of the alternate processes discussed below.

The Automated RFQ System may be used to secure specific quotations under County term and supply contracts incorporated in the Automated RFQ system in excess of \$25,000. Any such quotation/purchase in excess of \$100,000 will need to be coordinated in advance with the procurement office.

To maintain the integrity of of the bidding/quoting process, all responses received under the AutoRFQ system, or any other bidding process, should be retained by the receiving party without further distribution until the due date and time stated in the RFQ.

3. Issuance of a Request for Quotation (RFQ) by Procurement Services.

The RFQ procedure involves simplified documents and processes in comparison to the formal contracting process. This procedure may be used by OPS personnel within the dollar value of this section when a department has requested such action due to special terms and conditions required by the transaction. Use of the County's Automated RFQ System with associated posting of the RFQ on the OPS web-site, and notification provided to all registered vendors for the specific commodity, is generally required, but may be waived by the Procurement Services Director when such action is necessary to serve the best interests of the County.

4. Use of Invitation to Bid (ITB), Request for Proposal (RFP) or Request for Statement of Qualification (RSQ) procedures.

These types of formal solicitations shall be used to support purchases within the dollar range of this section when complex goods or services are to be procured, or when complex terms and conditions are involved with the purchase. As an example, most term and supply contracts, and most construction contracts, regardless of dollar value should be processed using the formal contracting procedures described in Section 10 of this manual. This is because term and supply contracts generally involve special clauses and provisions that govern the duration of contract, the availability and exercise of any options to renew, estimated quantities, and price adjustment procedures, and because construction contracts generally involve complicated performance and safety-related terms and conditions.

5. Use of existing agreements or contracts.

Purchases within the dollar range of this section may be satisfied by utilization of an existing County term and supply agreement, or other governmental agency contract, as detailed in Section 14 of this Manual (Accessing Contracts from Government Agencies).

B. General Guidelines

1. Notice to Incumbent Vendor: County staff should ensure that any vendor performing successfully under a County contract should be notified of any re-solicitation of that contract.

2. Response Media: Fax and e-mail responses are permitted only for vendor responses to informal requests for quotations.

3. Timeliness: All vendor responses shall be received by the time and date stated in the solicitation document to be considered timely and eligible for award. When an ITB, RFP, or RSQ process is being used, vendors shall be contacted if their response is not submitted in a timely manner, and given the choice of return of their response at their expense, or destruction of

the response by Procurement Services. OPS will retain evidence of the late submission of the response, and the time and manner of disposition of the late response, within the solicitation files. Any vendor appeal in writing in this regard shall be addressed to the designated procurement representative for the purchase, and fully coordinated with the County Attorney's Office. It may be assumed that acceptance of a late response will be an extremely exceptional event based on current case law and precedent.

4. Purchases Under CCNA: Specific direction regarding purchases of professional services under Section 287.055, Florida Statutes, Consultant's Competitive Negotiation Act (CCNA), are provided in Section 11 of this procedure.

5. Restricted Discussions: Discussion of any aspect of any solicitation from the date of issuance until the time of award between any vendor with any potential interest in the solicitation and any employee or consultant employed by the County Manager is prohibited except as expressly authorized by the designated representative for the purchase. The only communications that shall be considered pertinent to a solicitation are the written documents between the designated representative for the purchase and the vendor(s) being solicited under the purchase.

C. Recommendation for Award

Recommendation for award within the dollar range of this section shall be made to the lowest priced responsive and responsible vendor(s), except when a qualitative evaluation process has been selected and processed. In that event, award will be made to the vendor that submitted the proposal considered to provide the best value to the County. In the event that any competitive process within the financial limits of this section results in a tie situation, the tie will be resolved by award to the vendor having a permanent business facility within Lake County. If neither or all of the "tied" vendors have such a facility, award will be made to the vendor having an established Drug Free Workplace Program. If this does not clearly resolve the tie, a publicly announced drawing will be conducted by the Procurement Services Director with representation from the user department, the County Attorney office, and any other interested party.

D. Appeal and Protest Procedures

There is no formal protest process for procurement actions falling within the dollar thresholds of this section.

E. Award and Signature Authority for Purchases Exceeding \$1,000 up to and including \$25,000

Except as otherwise noted for professional services and acquisition of real property, the Procurement Services Manager has the authority to approve and sign awards within the dollar limitation stated in this section. This authority is hereby re-delegated in full to OPS contracting officers when award is being made in accordance with the conditions expressed in section 1.D.2 of this procedure. OPS shall notify the successful vendor(s) of the award through the issuance of a purchase order or contract.

F. Purchase Records to be Maintained by User Department

The user department shall maintain complete records of purchases completed by the department (with the exception of purchase order issuance) within the dollar value of this section, preferably in a centralized location for the department as a whole. These records shall be maintained in an orderly manner and readily available for auditing purposes at all times. A file that includes all pertinent information supporting each such purchase shall be maintained for each transaction for the period specified by regulation.

10. PURCHASES EXCEEDING \$25,000

Each “one-time” or “term and supply” purchase (as defined in Section 2.B.2 and 2.B.3 of this procedure) exceeding \$25,000 shall be processed in accordance with the procedures detailed in this section which as a whole comprise the County’s “Formal Purchasing Procedures”. County departments shall submit a requisition to OPS as detailed in Section 6 of this manual. The department shall also provide specifications and/or a scope of work, and any other supporting documentation. Upon receipt of the requisition, unless determined earlier in conjunction with Advance Acquisition Planning proceedings, OPS will coordinate as required with the user department to determine the most appropriate purchase process to use for the specific purchase. Pricing for goods or services acquired using these specified purchase procedures must be obtained from an adequate number of qualified sources.

Note: Additional information and direction specific to certain specialized aspects of the RFP and RSQ processes are contained in the following section of this manual.

A. Purchase Methods

1. Request for Quotation (RFQ)

The RFQ procedure is an expedited solicitation process where simplified documents and processes are used. Most purchases falling within the dollar value of this section should be processed following the formal solicitation procedures described below. However, with the prior approval of the Procurement Manager and/or the County Attorney’s Office, the RFQ process may be used on a designated case or class basis by OPS personnel, or specifically delegated departmental personnel, for non-complex commodity purchases exceeding the dollar value of the previous section. Use of the County’s Automated RFQ System and associated posting of the RFQ on the OPS website with notification provided to all registered vendors for the specific commodity is generally required. This requirement may be waived by the Procurement Services Manager when such action is necessary to serve the best interests of the County.

2. Invitation to Bid (ITB)

The ITB procedure involves full and open competition based on clear and complete specifications contained within the ITB, with award to be made to the lowest priced responsive responsible bidder. The ITB process will generally result in a firm fixed price structure, and as award will generally be based on prices submitted within a firm specification, discussions after

bid opening will generally not be required. The ITB process requires full compliance of vendors to the requirements of the solicitation, with no exception to, or deviation from, the technical or contractual requirements set forth in the ITB. Determination of “responsibility” (the overall capability of the vendor to perform the effort) shall be performed with full due diligence by all County personnel impacted by the award recommendation. This evaluation shall include, but not be limited to, consideration of all evidence of adequate technical resources, performance history, and financial stability demonstrated by the vendor.

3. Request for Proposal (RFP)

The RFP procedure is used when specifications are not sufficiently detailed to support the Invitation to Bid process, or when an additional level of flexibility in the award process is considered necessary to ensure completion of a “best value” award. This process generally involves descriptive technical proposals being provided by vendors in response to a general work description included in the RFP. Award under an RFP is generally based on qualifications, experience, or quality of the required goods or services in addition to relative price. In some cases, price will be a determining award factor (ie, a RFP involving a pass/fail technical evaluation with price determining the award). In other cases, price will be one of several award factors, but not the determining award factor (ie, a RFP where price is weighted below other award factors either singularly or in the aggregate). The RFP procedure allows for vendor input and/or negotiation during the evaluation phase of the acquisition cycle, use of a “best and final offer” process when any technical or financial concern requiring further resolution is identified during the evaluation process, and award based on “best value” evaluation.

The specific evaluation factors applicable to a given purchase must be clearly described within the RFP document (a listing of evaluation factors in descending order of importance is a preferred manner of doing so), and adhered to during the evaluation process. When pricing is provided and considered in the initial evaluation process under an RFP, informal review of vendor responses will be completed by departmental personnel impacted by the award recommendation in coordination with the Procurement Services contracting officer. Evaluation comments and recommendations for award will be rendered in the form of qualitative statements recorded within a written summary prepared by the assigned procurement representative. Other procedures may be used on a case-by-case basis as allowed by statute, ordinance, or regulation.

4. Request for Statements of Qualifications (RSQ)

The RSQ procedure is used for the purchase of specialized technical or professional services. The RSQ process involves descriptive technical proposals being provided by vendors in response to a general work description included in the RSQ. Award is to be based on qualifications, experience, or perceived quality of the services associated with responding vendors. Price is not considered in the initial award evaluation. For that reason, formal Selection Committees as described in Section 11 of this manual are used to evaluate vendor responses to RSQs. Selection Committee comments and recommendations for award will generally be rendered in the form of qualitative statements recorded within a written summary generally prepared by the assigned OPS contracting officer. This process is used primarily for actions falling within the governance

of the Consultants Competitive Negotiations Act (CCNA). The RFP procedure format with evaluation by formal Selection Committees may also be used for non-CCNA actions with price excluded from the initial award consideration.

5. Use of existing agreements or contracts

The requirement may be satisfied by utilization of an existing County term and supply agreements or other governmental agency contract. Section 14 of this manual (Accessing Contracts from Government Agencies) provides further direction in this regard. The County's Automated RFQ System may be used by OPS or user department personnel to secure quotations under the County term and supply contracts incorporated into the automated system regardless of the dollar value of the specific purchase.

B. Solicitation Process

1. Role of the Office of Procurement Services (OPS)

OPS shall solicit sealed written bids (for the ITB process), proposals (for the RFP and RSQ process), or quotations (for the RFQ) process from vendors for the good(s) and/or service(s) to be purchased. Solicitations shall be prepared using the current standard forms, terms, and conditions established by OPS, amended as needed to suit any specific conditions associated with the purchase. The solicitation issuance process shall be conducted in accordance with OPS internal policies and procedures, all related County ordinances and directives, applicable State Statute, and any Federal directives that may be associated with an individual purchase. Unless exempted as discussed in paragraph C below, all formal solicitations will be posted on the procurement website with appropriate notices (either electronic or via mail) provided to all vendors registered for the commodity being procured. All addenda will also be posted on the procurement website.

2. Role of Departments

User departments must be involved in the preparation of solicitations to ensure that specific project or product requirements are adequately addressed. User departments will also be involved after solicitation issuance in the conducting of pre-bid (or pre-proposal) conferences, and the preparation of any requisite solicitation addenda.

3. Restricted Discussions

Discussion of any aspect of any solicitation from the date of issuance until the time of award between any vendor with any potential interest in the solicitation and any employee or consultant employed by the County Manager is prohibited except as expressly authorized by the designated representative for the purchase. The only communications that shall be considered pertinent to a solicitation are the written documents between the designated representative for the purchase and the vendor(s) being solicited under the purchase.

C. Solicitation Advertisement

Procurement Services shall provide for public notice and/or advertisement for all solicitations falling within the dollar limitations of this section in accordance with its internal policies and procedures, all related County directives and ordinances, and any additional requirements associated with federally-funded purchases. County or state-funded construction bids shall be advertised as required by applicable state statute. Posting of all written solicitations on the County's procurement web-page is mandatory unless specifically exempted on a class or individual basis by the Procurement Services Manager. Such exemption shall be applied when required to support the best interest of the County, and shall be applied in conformance with any applicable Florida State Statutes.

Additional sources identified through market research by Procurement Services or a department may be directly notified of the procurement action.

D. Pre-Bid/ Pre-Proposal Conferences

A pre-bid or pre-proposal conference may be scheduled under any solicitation when it is deemed advisable to allow vendors to consult with OPS staff and user department(s) to help ensure full mutual understanding of the terms, conditions, and requirements of the solicitation, and, if applicable, to view the site where the work is to be completed. This conference shall be scheduled roughly in the middle of the solicitation period to allow enough time for vendors to prepare for the conference, and to consider the information provided during the course of the conference.

To encourage maximum competition, attendance of these conferences by vendors is preferred, and generally stated, to be optional. However, vendor attendance at such conferences may be made mandatory on an exceptional basis dependent upon the specific requirements of the procurement. Procurement Services is authorized, in consultation with the user department, to determine if vendor attendance of a pre-bid or pre-proposal conference is mandatory or optional. The general policy regarding restricted discussions between County and vendor personnel during the solicitation process is waived during pre-bid/ pre-proposal conferences.

E. Addenda to Solicitation Documents

There may be occasions when it will be necessary to change the specifications, terms, or conditions of a given solicitation during the course of the solicitation period. Such changes may be in response to user department changes or clarifications, written vendor inquiries, or other reasons. Such changes shall be formalized by the issuance of a solicitation addenda to all potential vendors who have obtained the solicitation document. The addenda becomes part of, and supersedes, the solicitation document. No change to the terms, conditions, or other requirements stated in a solicitation is official unless the change is expressed in a formal addenda to the solicitation. Vendor bids or proposals may be rejected by the County if the vendor fails to acknowledge receipt of all addenda. Addenda should be issued a minimum of five (5) working days in advance of the due date for responses to ensure adequate time for vendor receipt and consideration of the information contained within the addenda.

F. Receipt of Vendor Responses

1. Specific Direction Regarding the RFQ Process

Quotations received under RFQ actions processed within the dollar value of this section by either departmental or OPS personnel shall be maintained unopened until the established response due date, and then all opened at the specified time for receipt of quotations.

2. Specific Direction Regarding the ITB Process

Sealed bids under the ITB process shall be publicly opened by OPS personnel at the place, date and time specified in the ITB or any subsequent addenda(s). No submission of a bid, and no change to a submitted bid, shall be accepted after that time unless otherwise authorized by the terms and conditions of the relevant solicitation, or if such response is specifically requested by OPS during the balance of the acquisition proceedings. Unless precluded by the quantity of line items, vendor pricing shall be publicly announced at the time of bid opening. A tabulation sheet identifying all bidders and their relative pricing shall be posted to the County website as soon as practicable after the bid opening.

3. Specific Directions Regarding the RFP Process

Proposals submitted under the RFP process shall be publicly opened by OPS personnel at the time and place specified in the solicitation or any subsequent addenda(s). No submission of a proposal, and no change to a submitted proposal, shall be accepted after that time unless otherwise authorized by the terms and conditions of the relevant solicitation, or such response is specifically requested by OPS during the balance of the acquisition proceedings. A tabulation sheet identifying all responding vendors shall be posted to the County website as soon as practicable after the bid opening. It is not mandatory for this initial tabulation to include the pricing submitted by responding vendors. A priced tabulation may be posted either when pricing is definitized or after passage of the public notice period specified in 5.b below.

4. Specific Direction Regarding the RSQ Process

The RSQ process is primarily used for the acquisition of certain professional services as defined within Section 287.055, Florida Statutes, entitled the "Consultant's Competitive Negotiation Act (CCNA)". Specific detail regarding such RSQ activity, and use of continuing contracts, under the CCNA Statute is included in the following section of this procedure.

5. General Direction Regarding All Responses

- a. **Timeliness:** As indicated above, all vendor responses must be received by the time and date stated in the solicitation document to be considered timely and eligible for award. Vendors shall be contacted if their response is not submitted in a timely manner, and given the choice of return of their response at their expense, or destruction of the response. Procurement Services will retain evidence of the late submission of the

response, and the time and manner of disposition of the late response, within the solicitation files. Any vendor appeal in writing in this regard shall be addressed to procurement representative for the purchase, and fully coordinated with the County Attorney's Office. It may be assumed that any acceptance of a late response will be an exceptional event based on current case law precedent, and the specific conditions of any specific claim or dispute. An OPS Internal Operating Procedure that provides additional detail regarding the receipt and opening of bids and proposals is posted on the County website.

b. Public review: All supporting documents associated with a specific purchase will be available for public review and release as dictated by state statute or other applicable directive. These documents are provided for information only, and no information contained therein shall be construed to represent any formal award recommendation until such time as a notice of formal award recommendation is issued or posted.

G. Offer (Bid or Proposal) Requirements

1. Specific Direction Regarding the ITB Process/ Mistake in Bid

a. Responsiveness: Under Invitations to Bid (ITBs), each offer shall comply with all terms, conditions, and other requirements of the specific solicitation without exception or variation, unless such exception or variation is waived as a non-material irregularity or informality by the Procurement Services Manager in coordination with the County Attorney's Office and/or user department. At the discretion of the County, clarifications that do not impact the scope, specifications, or pricing of the intended purchase may be requested of responding vendors by the OPS contracting officer during the evaluation phase of the acquisition cycle.

b. Mistake in Bid: Any allegation or claim of a mistake in bid by a responding vendor must be submitted in writing, be researched by the OPS contracting officer, and referred to the Procurement Services Manager for resolution in consultation with the County Attorney' Office.

c. Clarification/Negotiations Under an ITB: Direction in this regard is stated at H.1.a below.

2. Specific Direction Regarding the RFP Processes

Vendor responses should comply with the proposal preparation directions included in the solicitation. At the discretion of the County, supplemental or clarifying information that does not involve a significant impact on an initial response, or significant change in the general scope of the intended purchase, may be requested of responding vendors by the OPS Contracting Officer during the evaluation phase of the acquisition cycle.

The negotiation and best and final offer process under an RFP (see paragraph H.2.b below) should be initiated when the initial evaluation identifies a need for significant clarification or

revision(s) to technical or pricing proposal response(s). This process involves solicitation of revised pricing and/or revised technical proposals from vendors that submitted offers that can be considered suitable or susceptible to award (ie; within the “competitive range” for award).

3. Specific Direction Regarding the RSQ Process

The RSQ process is primarily used for the acquisition of certain professional services as defined within Section 287.055, Florida Statutes, “Consultant’s Competitive Negotiation Act (CCNA)”. Specific detail regarding such RSQ activity, and use of continuing contracts, under the CCNA Statute is including in the following section of this procedure.

H. Negotiations

1. Negotiations/Clarifications Within the ITB Process

a. Negotiations may be conducted with the lowest responsive and responsible responding vendor under an Invitation to Bid action when the low bid is in excess of the budgeted amount. This is an exceptional procedure to be used when the low bid is within a reasonable range of the budgeted amount. When multiple vendors are involved, such discussions shall not involve any change to the requirements stated in the Invitation to Bid. When a single vendor is involved, such discussions may, with the approval of the Procurement Services Manager in coordination with the County Attorney’s Office, involve technical or administrative changes that do not impact on the general scope or purpose of the intended purchase.

b. Minor clarifications that involve no substantive change to an initial vendor response may be informally discussed and resolved by the OPS contracting officer in coordination with the user department with any vendor responding to a solicitation. Such effort is not deemed to constitute negotiation activity.

2. Negotiations Within the RFP Process

a. The RFP process may include formal negotiations with the responding vendors as required to complete technical evaluations or to ensure receipt of fair and reasonable pricing. All formal negotiation discussions shall be managed by the OPS Contracting Officer with full participation by representatives of the user department. When such negotiations are required, they should be conducted with all vendors within the competitive range for award. If such negotiations result in a need for revision of initial proposals, OPS will request all participating vendors to submit a best and final offer confirming any technical or pricing changes resultant from the negotiations. A firm date and time for receipt of best and final offers shall be established. Any best and final offer received late shall be treated in the manner previously described for submission of initial proposals. Additional detail regarding negotiations associated with a purchase involving use of a formal Selection Committee is provided in the following section of this procedure.

b. Minor clarifications that involve no significant change to an initial vendor response may be informally discussed and resolved by the OPS Contracting Officer in coordination with the user department with any vendor responding to a solicitation without use of the formal negotiation procedures discussed above.

3. Negotiations Within the RSQ Process

The RSQ process is primarily used for the acquisition of certain professional services as defined within Section 287.055, Florida Statutes, entitled “Consultant’s Competitive Negotiation Act (CCNA)”. Specific detail regarding such RSQ activity, and use of continuing contracts, under the CCNA Statute is including in the following section of this procedure.

I. Recommendation for Award

Recommendation for award(s) within the dollar range of this section shall be made in accordance with the evaluation criteria and method stated in the solicitation. Upon final determination of an award recommendation (generally denoted by the forwarding of a recommendation to the Board of County Commissioners), the OPS Contracting Officer shall post appropriate notice on the County website. The OPS Contracting Officer may also issue a formal recommendation notice to all responding vendors. If a letter notice is provided, the letter should identify the recommended vendor and state the rationale for the award recommendation. Any change in an award recommendation that occurs after issuance of an initial award recommendation notice will require issuance of a revised award recommendation notice.

J. Resolution of “Tie” Situations

Any initially priced competitive process (RFQ, ITB, or RFP) resulting in a tie situation will be resolved in favor of the vendor having a permanent business facility within Lake County. If such action does not result in a clear award recommendation, all vendors involved in the tie will be requested to submit a best and final offer that will be subject to the conditions set forth for the initial receipt of bid or proposal responses. If a tie still exists after this process is completed, award will be resolved in favor of a vendor having an established Drug-free Workplace Program. If this does not clearly resolve the tie, a publicly announced drawing will be conducted by the Procurement Manager with representation from the user department, the County Attorney’s Office, and any other interested party.

In the event of a perceived technical tie in any phase of a CCNA solicitation between a vendor having a permanent business facility in Lake County and a vendor not having such a facility, the tie will be resolved in favor of the vendor having such a facility. This is considered to be an application of the “location” evaluation factor stated in the CCNA statute given the premise that such a vendor would be in a better position to respond to County requirements.

K. Debriefing Of Unsuccessful Responding Vendors

Once a formal award recommendation under an RFP or RSQ action has been finalized, vendors requesting a formal debriefing regarding the evaluation of their proposal may be scheduled for

that activity. Debriefings may be conducted by telephone or in person. The County will be represented by the assigned contracting officer, and may include a representative of the Selection Committee or informal evaluation group as applicable to the specific action. Discussion will be limited to issues regarding the proposal submitted by the vendor requesting the debriefing, and will be focused on information intended to enable the responding vendor to respond in a more successful manner in the future.

L Response to Public Records Request

Any request for documentation relating to any solicitation process submitted by any vendor, or any member of the public, will be processed in strict compliance with applicable Public Records law, statute, or procedure in full coordination with the County Attorney's Office.

M. Appeal and Protest Procedures

A vendor wishing to protest an award decision regarding any contract within the dollar limitation of this section shall do so via written notice to the Procurement Services Manager. For any protest to be determined eligible for consideration, the initial formal protest document (a notice of intent to protest is not considered a formal protest) shall clearly state the grounds for the protest, and be received within ten (10) calendar days commencing from:

- the date a "recommendation" notice for the purchase is posted on the County's website, or
- the date of issue of a specific award recommendation letter by OPS.

It is the County's intent to ensure that a ten (10) calendar day protest period is available prior to any contract award having a value in excess of \$25,000, and that any protest is fully considered in advance of final contract award. Any protest notice received after the actual date of contract award may be rejected without consideration. All vendors within the competitive range for award should be advised when a protest is received, and be allowed to make timely written comment in regard to the protest.

For purchases having an annual or one-time value of \$100,000 or less, the Procurement Services Manager, in coordination with the County Attorney's Office, will review any timely protest, and make the initial County recommendation regarding the protest. For purchases having a annual or one-time value in excess of \$100,000, or purchases below that amount wherein it is determined appropriate by the County Manager, the County reserves the right to assign initial review and recommendation regarding a protest to a competent third party.

The initial recommendation will be based strictly on the written record, which shall consist of the submitted protest, the response to the protest prepared by appropriate County staff, and any additional written input from any other party on which the protest may have direct impact. The initial recommendation shall be in writing and clearly state the rationale for sustainment or denial of the protest. The initial recommendation shall be forwarded to the County Manager for review. The County Manager will then submit a formal recommendation regarding resolution of the protest to the Board of County Commissioners for final consideration and decision, generally in conjunction with the award recommendation.

Note: See Section 21 for additional guidance regarding FTA-funded purchases.

N. Approval and Signatory Authority for Purchases Exceeding \$25,000

The Board of County Commissioners (BCC) is the general approval and signatory authority for all new contract awards falling within the dollar value stated above. Detailed direction regarding initial award authority for contracts and other agreements within the dollar value of this section is set forth in Section 2 of this manual.

The Procurement Services Manager and contracting officers may serve as the signatory authority for new contract awards falling within the dollar value stated above when such action is specifically included in the award recommendation approved by the BCC. Beyond the initial award, OPS is the signatory authority for all purchase orders forming either individual (one-time contract) or blanket (term and supply contract) purchase commitments. OPS shall advise awarded vendor(s) of award by issuance of a purchase order or transmittal of a contract.

11. SPECIFIC NEGOTIATED ACQUISITION PROCEDURES

There are a number of procedural variances between acquisitions that are processed on a strict bidding basis (Invitation to Bid, Request for Quote), and acquisitions that are processed using negotiated (Request for Information, Request for Proposal, Request for Statement of Qualification) procedures. Many of these procedural variances have been addressed in other sections of this manual. However, certain procedures that are especially unique to the negotiated process require specific direction. This section of the manual describes those unique processes, and is intended to provide sufficient detail on these processes to enable user departments and the general vendor community to be fully aware of their respective roles in the negotiated acquisition process.

A. Consideration of Environmental Resource Conservation Factors

Negotiated acquisition procedures allow for award decisions to be made based on a “best value” basis by considering factors other than price. As indicated by County Resolution 2003-64 and other County initiatives, full consideration of environmental factors should be considered in the award of all County purchases. User department and procurement personnel should jointly review purchases that will be awarded on a “best value” basis to determine if the purchase is susceptible to establishment of additional evaluation factors that could have a positive environmental impact. If such impact can be identified and measured in a sustainable manner, the solicitation should be structured to provide for consideration of such additional factors. The following examples are provided:

- Vehicle purchases could be evaluated on a full life cycle cost basis with fuel usage over the life of the vehicle, recycled material content, and residual value considered as initial award factors.

- Appliance purchases could be evaluated on a full life cycle cost basis with power costs over the life of the appliance considered as an initial award factor.
- All commodity purchases besides those specified above should be reviewed for applicability and application of full life cycle cost factors.
- Purchases for landfill operations may involve technical alternatives that could reduce the need for additional landfill capacity in the future. Such purchases could include a cost avoidance factor that could be used during the evaluation process.
- For any purchase of items composed of recyclable materials, include recovery of costs at the end of the item's life cycle as part of the initial cost evaluation.

If such factors can be identified and effectively utilized, the solicitation document must clearly state the factor being considered and the manner in which it will be considered.

B. Request for Information (RFI)

The RFI process is used for the purpose of seeking information, comments, or reactions from industry regarding a specific or general issue or concern. The RFI itself is an informal written document prepared and issued in any manner appropriate for the specific need. Although the RFI procedure is informal in nature, responses may be requested to be submitted by a specified date and time. A RFI may be used during the market research phase of an acquisition to assist the County in identifying potential proposers, approaches, general pricing estimates, or other relevant information. The RFI itself will generally not contain the full range of administrative, pricing, and technical terms and conditions required to form a contract.

C. Specific Direction Regarding Contracts for CCNA Professional Services

1. Use of Continuing Contracts Awarded Under the CCNA Statute.
 - a. Any requirement involving use of professional services identified within Section 287.055, Florida Statutes, (Consultant's Competitive Negotiation Act or CCNA) and falling within the "continuing contracts" thresholds therein stated (currently \$200,000 for project-independent study effort, or in direct support of a specific project having an estimated value below \$2 million), may be awarded by issuance of a task order under an existing "continuing" or "on-call" contract having a scope that includes the specific required services. User departments are authorized to request such task orders as described within the OPS Internal Operating Procedure entitled "Task Orders for Professional Services Under Continuing Contracts". That procedure is maintained on the County website. Task orders under continuing CCNA contracts are not subject to pricing competition.
 - b. Although the County's Automated Request for Quotation (RFQ) system can generally be used for all quotation activity under many of the County's term and supply contracts,

orders under CCNA continuing contracts may not be initiated in that manner until such time those contracts are specifically included within that system.

2. CCNA Requirements Over Continuing Contract Access Thresholds

Requirements for technical services falling within the definition expressed in Section 287.055, Florida Statutes, but in excess of the financial limits stated in C.1.a above will be processed as directed by CCNA using the County's RSQ or RFP procedures.

3. Additional Information regarding the CCNA Statute

Further information regarding CCNA can be found at the following website:

http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0287/SEC055.HTM&Title=->2006->Ch0287->Section%20055#0287.055

D. Request for Statement of Qualifications (RSQ)

1. Although it may be used otherwise, the RSQ form of formal solicitation has been specifically formulated to obtain statements of qualifications from vendors for purchase of professional services covered under the CCNA. The County's RSQ form, and the CCNA source selection process employed by the County, are structured to implement the CCNA portion of the County's "business friendly" initiatives. These initiatives require RSQ responses to focus on the most essential qualification information related to the specific project. They also promote an efficient and effective evaluation process that is in accord with the CCNA statutes. The RSQ form itself dictates direct and concise technical responses. The procedures detailed in paragraph F of this section support the use of highly qualified senior level technical evaluators operating within a simplified, direct, and efficient evaluation process.

2. The CCNA statute requires a solicitation evaluation process that is initially based strictly on technical competition. The County's standard RSQ form includes an explanation of the purpose of the RSQ, a description of the service to be purchased, general terms and conditions, and CCNA-specific terms and conditions regarding instructions for response, evaluation criteria, and the related negotiation and award selection process. These solicitations result in an initial award recommendation based solely on the relative technical qualifications of the responding vendors. Pricing is not included in the initial solicitation process. The RSQ process involves an extensive evaluation process for each responding vendor to include criteria such as qualifications and experience of principals and staff, technical capability, financial stability, location, experience, history, and references. For that reason, the RSQ process involves the use of formal Selection Committee procedures to assure such evaluations are conducted in an appropriate and accurate manner. Pricing input and associated negotiations initially occur only with the vendor (or vendors, if the intent is to award within multiple award structure) that submitted the highest ranked technical proposal. All negotiations will be facilitated by the OPS Contracting Officer acting in conjunction with appropriate technical personnel. The intent of negotiations is to finalize a formal contract with the most highly qualified vendor(s). If these negotiations do not

result in an agreement on price or other contractual terms and conditions, the County may then repeat the negotiation process with the next highest ranked technical proposer.

3. As a matter of note, either the specialized RSQ procedure discussed above, or the general RFP procedure discussed below, may be used for the purchase of professional services either within or without the definitions stated in the CCNA statutes.

E. Request for Proposals (RFP)

1. As previously stated in these guidelines, a RFP is a solicitation wherein the associated award evaluation and vendor selection process is based on a best value evaluation, rather than strictly upon award to the lowest priced responsive and responsible vendor. Relative price may or may not be a significant or determining award factor under a RFP.

2. The evaluation and award of an RFP that involves competitive pricing as a determining or significant award factor will generally not require the use of a formal Selection Committee. Technical evaluation of proposals received in response to such an RFP shall generally be completed by user department personnel on an informal review basis in coordination with the OPS Contracting Officer.

3. The evaluation of an RFP that does not involve pricing as a significant or determining factor in the resultant award is a sensitive and demanding process involving a high degree of subjective judgment. In these cases, formal Selection Committee procedures may be used to assure such evaluations are conducted in the most appropriate and accurate manner. The recommendation whether to use a formal Selection Committee process under a specific RFP resides with the OPS Contracting Officer. The balance of this guideline section provides an overview of formal Selection Committee procedures to enable user departments to prepare for, and participate in, such processes in conjunction with Procurement Services.

F. Use of Selection Committees

1. General Direction

a. As stated above, formal Selection Committees should be used for the evaluation of responses to all RSQ actions, and those RFP actions where price is not a significant or determining factor for award. Selection Committees shall be comprised of technically expert personnel from multiple departments and/or external entities with an emphasis on assignment of senior level personnel knowledgeable of all, or specific aspects of, the work to be performed.

b. Formal Selection Committees are subject to all applicable provisions of the “Sunshine Law”. All formal Selection Committee meetings shall be advertised and conducted in strict compliance with the then current provisions of the “Sunshine Law” (Section 286.011, Florida Statutes).

c. Selection Committee members shall be recommended by the Procurement Services Manager working in coordination with the user department, and approved by the County Manager. The designated procurement representative for the specific acquisition shall facilitate all committee meetings, prepare written minutes of all such meetings, and provide general support to the committee throughout its deliberations.

d. Selection Committee proceedings will be completed in accordance with all applicable provisions of the “Sunshine Law” and may be audio-taped. Procurement Services will be responsible for audio-taping evaluation/selection meetings when such action is required or desired.

2. Formation of Selection Committees

a. Selection Committees shall generally consist of three (3) or five (5) voting members. The actual number of personnel involved will be based upon the specific nature of the RSQ or RFP (i.e., dollar value, single or multiple user departments, and/or complexity of the good or service being purchased). On an exceptional basis, multiple personnel from a single department may be included on a Selection Committee when necessary to ensure the completion of an accurate and comprehensive evaluation (see specific direction in this regard in paragraph 3.b below).

b. An alternate voting member may be included at the time the committee is appointed, and will become a voting member in the event that a long-term substitution is required.

c. The Department Director or Division Manager of a user department impacted by a specific contract award will serve as one of the members of the Selection Committee for that purchase.

d. A non-voting technical advisor may be used in conjunction with a Selection Committee when necessary to ensure a complete and accurate evaluation is completed.

3. Performance of Personnel Designated for Selection Committees

a. Each individual appointed to a Selection Committee shall assure that his/her service on such committee shall be in compliance with the Conflict of Interest and Code of Ethics requirements of the County, and the Florida Sunshine Law as and if applicable. Individuals appointed to serve as Selection Committee members must plan to attend all evaluation meetings, and be prepared to complete all actions required to complete a comprehensive evaluation.

b. If proper evaluation requires that the Selection Committee include multiple parties from the same department, each such individual shall ensure that they do not discuss any aspect of the evaluation outside of appropriately advertised Committee meetings.

c. Any request by County staff to be excused after initial selection for a specific Selection Committee must be in writing, and be signed by the Department Director of the

committee member seeking excuse from participation. A short-term substitute may be approved by the County Manager if deemed necessary or appropriate in the event of an unexpected absence of a Selection Committee member from a scheduled meeting.

4. Evaluation and Negotiation of Proposals/ Statements of Qualifications

a. Evaluation: Each proposal shall be evaluated independently by each member of the committee based on the criteria and process established in the RFP or RSQ document. The committee may hold a “kick-off” meeting to review the solicitation and discuss their role in the evaluation process. Subsequent meetings may be scheduled to discuss and rate the technical proposals, attend discussions and/or presentations of short-listed firms, conduct reference checks, conduct other related activities, and upon specific request, to review and evaluate price proposals in association with the review and evaluation of the technical proposals. The primary purpose of the Committee is to provide an initial short-listing and final technical ranking of the vendor responses. Responding vendors may be advised by the assigned OPS contracting officer of their relative status at the time short-listing occurs, and at the time a specific vendor or vendors are designated as the highest qualified respondent(s).

b. Negotiation: Any pricing negotiations associated with a solicitation involving a Selection Committee are to be completed by the OPS Contracting Officer operating in conjunction with the user department(s). Negotiations should be conducted by personnel most familiar with the financial and technical aspects of the specific purchase. Personnel conducting the negotiations may or may not include personnel from the Selection Committee for the specific project. Any designated negotiating party may consult with any individual Selection Committee member during the negotiation process. Public advertising of negotiation sessions will be completed when required by the then current provisions of the Sunshine Law. The OPS Contracting Officer shall prepare a written summary of each negotiation session.

c. Award Recommendation: Upon completion of the Selection Committee and all associated negotiation proceedings, the OPS Contracting Officer managing the evaluation/award process will prepare an award recommendation memo and/or agenda item. The recommendation shall provide detail regarding the evaluation of each proposal received, and a clear and comprehensive description of the basis of the award recommendation. The OPS Contracting Officer shall issue notice of award recommendation in the manner described in section 10.I of this procedure.

12. REJECTION OF BIDS OR PROPOSALS

The Procurement Services Manager may reject any and all bid(s) or proposal(s) received in response to a solicitation intended to result in a contract or other agreement of any dollar value when such rejection is in the best interest of the County. A bid or proposal may be rejected if any of the following conditions exist:

- The vendor's bid under an ITB does not conform, or has taken cardinal exception, to the specifications and/or solicitation documents; or the vendor's proposal under a RFP or RSQ has taken exception to an essential requirement of the solicitation.
- There is compelling evidence of insufficient financial resources and/or lack of technical ability of the vendor to provide the required goods or services within the time specified without delays or interference.
- There is compelling evidence of previous or existing non-compliance by the vendor with laws or ordinances relating to the specific purchase.
- There is compelling evidence of inadequate quality or performance by the vendor on previous purchases.
- Vendor has been declared to be in default on any County or public entity contract or agreement, or debarred or suspended or determined ineligible for award by any public entity authorized to enforce such conditions.
- Vendor has not complied with any insurance, bonding, or administrative requirements associated with qualification for award.
- When pricing cannot be determined to be fair and reasonable.
- Insufficient competition.
- Any other cause in the best interest of the County.
-

The protest procedures set forth in Section 10 of this manual do not apply to any County determination made to reject all bids or proposals received in response to a solicitation.

13. MULTIPLE AWARD AGREEMENTS / CONTRACTS

A. General Conditions for Use

“Multiple award” contracts are binding agreements awarded to multiple vendors who have met the basic qualifying requirements established within the solicitation, but may not establish firm pricing for a specific product or specific service to be provided. Such contracts should provide for the inclusion of additional qualifying vendors, and the release of vendors no longer meeting the qualifying conditions, over the full life of the contract.

Examples of these contractual agreements include (but are not limited to):

- Agreements or contracts awarded by the County or other governmental entities that are awarded to specified multiple vendors based on qualifications and/or sample job pricing.

- Agreements or contracts awarded by the County or other governmental entities to multiple vendors that include pricing information relating to cost elements such as hourly or discount rates, but not an actual firm fixed price for a given good or service. Agreements or contracts structured in this manner generally do not include all the information necessary to determine the firm price for a given product or service from the information contained in the agreement or contract.
- Agreements or contracts awarded by the County or other governmental entities to multiple vendors that include firm fixed unit prices for specifically described goods or services. In such contracts, the vendor offering the lowest unit price for a given good or service is the primary vendor and is generally given the first opportunity to provide that good or service. The next lowest priced (secondary) vendor for the item may be given the opportunity to provide the item if the primary vendor cannot supply the item in the required timeframe.

B. Competition Requirements

a. General: Multiple award contracts that do not include specific unit pricing generally require additional competitive action prior to award of a specific task to a specific vendor. Specific procedures for use of each such multiple award contract will be developed on a case-by-case basis by OPS in coordination with the appropriate user departments. These procedures shall be structured to provide the competitive structure and documentation necessary to clearly support the award of a specific task to a specific vendor. These procedures will be included in the solicitation and resulting contract.

The County's Automated RFQ System may be used to secure quotations under the "existing" multiple award contracts included in the system regardless of the dollar value of the specific purchase. Detailed guidance in this regard is provided in the related OPS Internal Operating Procedure maintained on the procurement website.

b. CCNA Exception: It is noted that the procedures stated in this section do not apply to multiple award continuing contracts for services falling within the definition expressed in Section 287.055, Florida Statutes (CCNA). Additional guidance in this regard is provided in Section 11 of this procedure, and in the OPS Internal Operating Procedure entitled "Task Orders for Professional Services Under Continuing Contracts" (copy at the County website).

C. Exception From Selection Committee Proceedings

Although Selection Committees are mandated for use on complex purchases that do not involve pricing as an evaluation factor, multiple award contracts for non-complex goods or services that do not involve initial pricing competition may be awarded without the use of such committees. This is due to the fact that these contracts generally involve clear qualification or product standards and subsequent competitive spot market purchases.

14. ACCESSING CONTRACTS FROM OTHER GOVERNMENTAL AGENCIES

A. Conditions for Use

1. Contracts awarded by other government agencies (and those discussed in 2 below) may be considered for use on a direct award basis when those contracts were awarded on the basis of full and open price competition. Such direct awards are considered competitive in nature as the other entity contract was itself a competitive award. Accessing an existing contract (often referred to as “piggy-backing”) reflects an assignment of existing contract rights to purchase supplies, equipment, or services. When considering such activity, the County must ensure that the original contract contained an assignability clause and that the terms and conditions of that contract meet County requirements, and FTA requirements in regard to FTA-funded purchases.

OPS Contracting Officers may access items or services from any State of Florida or other governmental agency contract when the required good or service is not included on an existing County contract and when the other entity contract:

- allows for its use by entities such as Lake County,
- was directly processed by the other entity on a competitive basis,
- includes the specific good or service to be procured by Lake County,
- includes the specific price to be paid by Lake County for the specific good or service to be procured by Lake County,
- is not otherwise ineligible for use by Lake County, and
- market research indicates the pricing to be accessed is current, fair, and reasonable.

2. Use of multiple-award contracts awarded by entities other than governmental agencies may also be considered subject to Procurement Services review and approval of the competitive procedures to be used under such contracts. Examples of entities that may be considered in this regard are consortiums such as US Communities that use a lead agency to compete a primary award having the expressed purpose of use by other governmental entities. Another specific example is use of contracts awarded by quasi-governmental organizations such as transit agencies that allow for ordering of specific items available under the awarded contract by a specified governmental agency. When using any such contract, specific County rules may be applied at the discretion of the County. FTA-funded vehicle purchases will often be purchased within the purview of this section. See Section 21 for further detail in that regard,

B. Process for Accessing Contracts from other Government Agencies

Before any purchase controlled by this section can be made, vendors should comply with all County requirements. A copy of the contract or award documents shall be obtained from the

government agency that awarded the contract. At a minimum, a copy of specific information including the contract number, expiration date, terms and conditions, the description of the goods and/or services, price, warranty period, payment terms, shipping terms, and other pertinent information shall be secured.

When determining whether or not to access another entity's contract, staff is to carefully review the terms and conditions of that contract, noting any terms and conditions that vary from the County's normal practices, and confirming that vendors included in that contract are in fact authorized and able to provide to other entities the goods and services which they were awarded on the competitively awarded contract.

C. Purchase Request from User Department/Division

The user department shall submit a requisition and any other supporting documentation as may be applicable to support purchases being made in accordance with this section.

D. Authority to Award Purchases Accessing Contracts from other Government Agencies

A purchase order will be issued by Procurement Services upon receipt of acceptable supporting documentation from the user department, and all appropriate reviews and approvals are obtained. Award approvals of such actions shall follow the approval levels at the appropriate dollar value thresholds set forth elsewhere in this procedure, and shall also conform to any existing supplemental approval direction associated with specific BCC or County Manager directives.

15. LIMITED COMPETITION ACQUISITIONS

A. Policy

It is the policy of Lake County to purchase its goods and services through a full open and competitive process. However, when competition is not available or when it is determined in the best interest of the County to utilize other than full and open competition, execution of purchases on a sole source, restricted source, or emergency basis may be authorized. Specific guidance on emergency actions is contained in Section 16 of this manual.

A primary procurement goal is to foster full and open competition in the acquisition of goods and services for the County departments. The Procurement Services Manager (or designee) currently serves as the County's Competition Advocate in this regard. The Competition Advocate will review all sole or restricted source recommendations to determine the appropriate acquisition approach after researching the availability of alternative sources of supply. The Competition Advocate will work closely with user departments to ensure that work requirements are expressed in terms of performance or functionality whenever practical.

B. Definitions

1. A sole source purchase is the acquisition of a good or service for which there is only one source that can provide the good or service, and an equal product or service is not available from any other source.
2. A limited competition purchase is the non-emergency acquisition of a good or service from a limited number of specified sources. Such actions generally involve situations where competition is limited by documented security, confidentiality, or technical and/or market concerns such as interoperability or franchise considerations. Such actions may result in a direct award after all appropriate approvals have been secured, or may result in a limited, informal competition in response to urgent situations that do not meet the criteria for true emergencies.

C. Review Process

When the user department believes that full and open competition is either not possible, or not in the County's best interest, an appropriate written justification signed by the department director must be submitted to the Competition Advocate. The user department should at a minimum indicate the purpose of the acquisition, the uniqueness of the item or service, why waiving the competitive process is in the County's best interests, any market research performed by the user department to support their decision, and any proposed actions that can promote competition in future similar purchases.

D. Regulatory Compliance

1. The purchase of goods and services on a limited or non-competitive basis shall be conducted in full accordance with Section 287.057(5), Florida Statutes.
2. For such purchases in excess of \$25,000 in value, OPS shall electronically post a description of the potential purchase for a period of at least seven (7) working days, and appropriately consider all responses to that notice.
3. For such purchases in excess of \$100,000 in value, OPS shall issue a written Request for Information (RFI) to all registered vendors for the specific commodity being purchased, and any other known potential supplier(s). The RFI shall remain open for response for a period of not less than ten (10) working days. OPS will appropriately consider all responses to the RFI.
4. It is specifically noted that any federally-funded purchase should be reviewed for maximum competitive potential, with solicitation of pricing from any single source being the last alternative considered. Further specific direction in regards to such purchases is as follows:

Sole Source Under Federally-Funded Purchases. When the County requires supplies or services available from only one responsible source, and no other supplies or services will satisfy its requirements, the County may make a sole source award. It is specifically noted that when the County requires an existing contractor to make a change to its contract that is beyond the scope of that contract, the County has made a sole source award that must be justified. Sole

source justifications can be based on unique capability or availability factors associated with a specific vendor if one of the conditions described below is present:

- a. **Unique or Innovative Concept:** The vendor demonstrates a unique or innovative concept or capability not available from another source. Unique or innovative concept means a new, novel, or changed concept, approach, or method that is the product of original thinking, the details of which are kept confidential or are patented or copyrighted, and is available to the County only from one source and has not in the past been available to the County from another source.
- b. **Patents or Restricted Data Rights:** Patent or data rights restrictions preclude competition.
- c. **Substantial Duplication Costs:** In the case of a follow-on contract for the continued development or production of highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in substantial duplication of costs that are not expected to be recovered through competition.
- d. **Unacceptable Delay:** In the case of a follow-on contract for the continued development or production of a highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in unacceptable delays in fulfilling the recipient's needs.

Sole Source Justification. If the recipient decides to solicit an offer from only one source, the recipient must justify its decision adequately in light of the standards of subparagraph 3.i(1)(b) of this Chapter. **All sole source justifications must be in writing.**

Cost Analysis. Prepare or obtain a cost analysis verifying the proposed cost data, the projections of the data, and the evaluation of the costs and profits.

E. Approval Process:

When all review and evaluation requirements are completed, and the Competition Advocate is satisfied that a sole or restricted source procurement is required, a waiver of full and open competition may be requested via an appropriate recommendation to the County Manager. The County Manager has the authority to approve any proposed sole or restricted source procurement having a dollar value of \$25,000 or less. Actions having a value in excess of \$25,000 shall be forwarded to the Board of County Commissioners for approval prior to purchase. All vendors should comply with all County requirements prior to award.

16. EMERGENCY PURCHASES

A. Definition

An emergency purchase is defined as an unforeseen or unanticipated urgent and immediate need for equipment, supplies, or services where the protection of life, health, safety or welfare of the

community or the preservation of public properties would not be possible using normal purchasing procedures.

B. Process for Emergency Purchases

1. Preferably before, but in any event as soon as possible after, completion of any emergency purchase, the user department shall provide a written certification of the emergency to the Procurement Services Manager. This certification shall be signed by the department director or specific designee for confirmation of emergency conditions. Unless precluded by the nature of the emergency situation, vendors are to comply with all County requirements prior to formal award approval. If notified in advance of the actual emergency purchase, and if there is no compelling cause not to do so, OPS will immediately provide a purchase order number to the user department verbally, with written confirmation within twenty-four (24) hours.

2. If the item or service cannot be obtained from a vendor with an existing County contract, the user department is encouraged to obtain at least two (2) quotations from registered County vendors whenever possible. All necessary affidavits, insurance certificates, proof of proper licenses, trade certificates, permits, and additional documentation as the emergency work may require should be acquired from the vendor.

3. The user department shall submit the following documentation to OPS within five (5) working days after initiating action in response to an emergency situation:

- Requisition
- Written quotation(s) from the vendor(s)
- The user department's justification and/or explanation of circumstances for emergency purchase, to include a clear definition of the products and/or services sought and how and where it will be used. This is to be signed by the department director or specific designee.
- Any other supporting documentation as may be applicable

C. Authority to award emergency purchases

In the event a department director, or an authorized designee, determines that a true emergency situation exists which requires an immediate response, required goods or services may be ordered by the responsible user department regardless of the amount of expenditure. A confirming purchase order will be issued by OPS upon receipt of acceptable supporting documentation from the user department. If the expenditure is in excess of \$25,000, the award shall be presented to the BCC for retroactive approval.

D. Monitoring emergency purchase requests

The Procurement Services Manager shall monitor the use of emergency procedures by user departments, and will report to the County Manager any departmental procurement practices which indicate abuse of emergency purchase authority.

17. UNAUTHORIZED PURCHASES

Unauthorized purchases are purchases that have been completed outside of the authority and procedures set forth in this manual. Department directors shall take all appropriate measures to ensure that such incidents do not occur. Any apparent unauthorized purchase, regardless of dollar value, will be reviewed by the County Manager. This review requires the preparation of a memo to the County Manager from the department director responsible for the unauthorized purchase. This memo shall state why and how the purchase was made, and describe actions that will prevent a recurrence of the unauthorized purchase. The memo will be routed through the Procurement Services Manager who is responsible for making a recommendation for disposition of the unauthorized purchase based on the specific issues involved.

The employee responsible for an unauthorized purchase may be subject to disciplinary action, and may be held responsible for payment of the unauthorized purchase.

18. CONTRACT MODIFICATIONS

A. Definitions

1. “Modification” is a general term that applies to any change made to an existing contract. This term is used throughout the following paragraphs of this section to generally refer to all and any change to an existing contract. Within OPS, this term is specifically used to define as a short-form unilateral or bilateral document intended to exercise an existing right or option under an existing contract. One example of a “modification” is the process and form used to exercise a currently existing option period under a term and supply contract.

2. “Amendment” specifically refers within OPS to a bilateral change process and form used to effect a specific formal change to the existing terms and conditions of a contract. Examples include an “amendment” confirming a corporate buy-out resulting in a need to change the name of the contractor holding a current contract, or an “amendment” deleting a formal function or aspect of an awarded contract.

3. “Change Order” is used primarily in reference to construction contracts and purchase orders. The term “change order” is used in conjunction with construction projects to describe the process of confirming a formal change to the quantity and/or type of work to be performed within the current scope of the contract. One example would be the deletion of piping to one location under a multi-location piping project.

The term “change order” is also used specifically within OPS to signify a monetary change to the purchase order in support of a specific contract. One example in this regard is the process and form used to raise the funding allocated to a given term and supply contract.

B. Submittal to Procurement Services

1. When a user department requires a modification to an existing contract, and/or a financial change to an existing purchase order, a written request for the change must be submitted to the Office of Procurement Services. **Before** submitting such a request, and coordinating as required with the Budget Department, the user department should ensure that:

- The additional or otherwise changed requirements are valid and essential.
- Funds citing appropriate accounting codes are available to cover the purchase.
- Appropriate justification for the change is included with the request package.

2. The user department’s modification request must include all required supporting documentation to include, but not be limited to:

- A completed contract modification request properly completed and signed.
- The user department’s justification and/or explanation for request to modify the purchase order or contract.
- Any other supporting documentation as may be applicable.

C. Authority to Approve Contract Modifications

1. The various delegations of authority applicable to modifications of contracts (excluding those for acquisition of real property for which approval authority always resides with the BCC) are set forth below. Any modification action not specifically stated below as falling within the authority of the County Manager (or designee) shall be approved by the BCC. **BCC approval is required for any modification that significantly changes the scope or structure of a contract initially approved by the BCC. The Procurement Services Manager will coordinate with the County Attorney’s Office on such modifications.** See Section 2.B.2 and 2.B.3 of this procedure for definitions of “one time” and “term and supply” contracts.

2. The County Manager may modify any contract awarded within the County Manager’s award authority to a **total** contract amount of \$25,000 without acquiring prior BCC approval. This authority is hereby re-delegated in full by the County Manager to the Procurement Services Manager, and by the Procurement Services Manager to OPS Contracting Officers. Any modification that causes the dollar value of a contract to exceed \$25,000 shall be approved in advance by the BCC. All subsequent modifications to that contract shall be approved by the BCC unless a different procedure is specified in a contract-specific agenda item.

3. Except as noted in item 5 below, the County Manager may modify any “one time” contract that required initial award approval by the BCC up to a total modification value of \$25,000 without acquiring prior BCC approval. This authority is hereby re-delegated in full by the County Manager to the Procurement Services Manager and by the Procurement Services Manager to OPS Contracting Officers. Any modification that causes the total modification value to exceed \$25,000 will require the prior approval of the BCC. All subsequent modifications to the dollar value of that contract shall be approved by the BCC unless a different procedure is specified in a contract-specific agenda item.

4. The County Manager may modify the annual estimated dollar value of any County term and supply contract that required initial award approval by the BCC without further BCC approval regardless of the dollar value of the specific change request. This authority is re-delegated by the County Manager to the Procurement Services Manager in full, and by the Procurement Services Manager to OPS Contracting Officers.

5. The County Manager may modify any “one-time” contract having an original value in excess of \$1 million for road, park, and/or facilities construction to a total modification value of either \$25,000 or one percent (1%) of the original contract price, whichever is greater. Contingency funding approved by the BCC in the initial award approval is excluded from the total modification value, and may be transferred from the contingency fund to the contract price without further BCC approval. The County Manager may delegate, with or without power of re-delegation, all or a portion of this authority to the Procurement Services Manager or user department director on a case-by-case basis. Any such delegation shall be stated in the award agenda item for the specific contract or agreement, or by separate memo. Any modification that causes the total aggregate modification value to exceed the stated limitation shall require the prior approval of the BCC. All subsequent modifications shall be approved by the BCC unless a different procedure is specified in a contract-specific agenda item.

6. Any modification which reduces, or does not impact, the original or modified value of a “one time” contract or other agreement may be approved by the County Manager. This authority is hereby re-delegated by the County Manager to the Procurement Services Manager, and by the Procurement Services Manager to OPS Contracting Officers for contract price reductions having an aggregate value of \$25,000 or less.

19. MONITORING AND REPORTING VENDOR PERFORMANCE

A. General Guidance

Vendor performance refers to any actions by a vendor under a contract, purchase order or other binding agreement with the County. Any actions by a vendor which does not comply with the stipulated terms and conditions of a contract will be considered non-performance and is to be documented and reported to the Office of Procurement Services (OPS) by the user department. Non-performance includes, but is not limited to, failure to deliver, late delivery, sub-standard or unacceptable goods and/or service levels, habitual incorrect shipments or invoicing, unauthorized

subcontracting, or assignments of responsibilities not coordinated in advance with the designated procurement representative.

Under most contracts and/or purchase orders, the user department serves as the primary administrator and monitor of the vendor's performance. The user department shall appoint project managers or other department representatives who shall be responsible for monitoring vendor performance as it relates to the terms and conditions of the contract(s) and/or purchase order(s) issued. Vendor non-performance actions are to be documented and reported to OPS for appropriate action aimed at correcting vendor performance. Should performance not improve, OPS in coordination with the department and the County Attorney's Office, will consider more extreme measures such as placing the vendor on probation, contract termination, suspension of the vendor from bidding on County contracts, or vendor debarment.

A formal County Policy (LCC-39) and Procedure (LC-20) entitled both of which are entitled "Contract Administration" are maintained on the County website. These documents provide additional detail and guidance associated with this section.

B. Action by User Department in Regards to Non-Performance Proceedings

The vendor should be contacted by telephone to discuss the problems being experienced. A mutual understanding should be reached, if possible, and a time frame for corrective action established. A meeting should be held with the vendor to help resolve problems whenever possible. Should the vendor continue to not meet the requirements, the user department/division should complete the vendor non-performance form, or prepare a memo to OPS and attach any available documentation to substantiate the report, including a copy of any letters sent to the vendor or records of meetings.

C. Submittal of Documents to OPS

A copy of the vendor's non-performance form, or a memo from the user department, together with supporting documents, should be sent to OPS. The user department should retain a complete copy for its records.

D. Action by OPS

After receiving the vendor non-performance documentation, OPS will review the documentation, and meet with the user department to determine the appropriate course of action. This action may include calling the vendor for an informal resolution of a specific issue, sending the vendor a notice to cure or correct performance, or scheduling a meeting with the vendor. Where progressive steps aimed at correcting vendor performance have not served that purpose, OPS may then schedule a formal meeting with all involved vendor and department personnel with the intent of determining the most appropriate course of action including, but not limited to:

1. Requiring the vendor to implement a corrective plan within a specified period,
2. Establishing a probational period for the vendor to correct all noncompliance problems,

3. Terminating the contract for default with consideration of suspension or debarment,
4. Determining the issue to be tentatively resolved with scheduled follow-up, or
5. Determining the issue to be fully resolved with no further action necessary.

In particularly clear non-performance circumstances, compelling evidence of an immediate need for continuity of services, and the concurrence of the Procurement Services Manager and the County Attorney's Office; termination of a contract for default may be effected without completion of the formal proceedings expressed above.

A copy of all written actions or documents are to be provided by OPS to the user department. The final decision and formal action shall be documented in writing within the contract folder for future use in determining vendor responsibility in future award recommendations.

It is noted that OPS has initiated an automated vendor performance retention system wherein OPS Contracting Officers can record performance issues, both positive and negative, subject to retrieval via company name. Departments are urged to provide data in regards to vendor performance to assist the County in completion of future vendor selection decisions.

20. BONDS AND INSURANCE

A. Bid/Proposal Bond or Guarantee

A deposit to guarantee the vendor's intention to enter into an agreement with the County based on either a stated dollar value or a percentage of the bid or proposal dollar value may be required by the County. If a bid/proposal deposit or bond is required, it shall be in the form and amount specified in the solicitation.

B. Performance and Payment Bond

The County may require a performance and payment bond from the vendor selected for contract award in such amount as may be deemed reasonably necessary to protect the best interests of the County. The bond shall be in the form supplied by the County and in the amount required by the solicitation. Unless otherwise specified, the vendor shall provide a conforming bond within five (5) working days of such request from the cognizant procurement representative. Award will be withheld pending receipt of a conforming bond.

C. Other Bonding Requirements

Specific agreements may contain other types of bonding requirements. Specific guidance in this regard is to be included in the solicitation, and complied with by the vendor.

D. Insurance

The County may require insurance coverage from the vendor selected for award as may be deemed reasonably necessary to protect the best interest of the County. The insurance coverage shall be in the form and amount(s) stated in the solicitation after appropriate coordination with the County's designated personnel within the Human Resources Department. The vendor shall provide evidence of insurability during the solicitation phase of the procurement and, unless otherwise specified, shall provide a conforming certificate of insurance within five (5) working days of such request from the designated procurement representative. Award will be withheld pending receipt of a conforming certificate of insurance.

E. Submittal of Required Insurance Certificates and/or Bonds

Awards may be contingent upon submission of required insurance coverage certificates and/or performance and payment bonds. If the vendor selected for award fails to fulfill these requirements within the required time frames, the award recommendation to that vendor may be rescinded, and a revised recommendation may be issued to the next vendor eligible for award. The County may consider a vendor's failure to provide the required documentation in the required timeframe as an indicator of non-responsibility under any future procurement action.

21. SPECIFIC GUIDANCE RELATING TO FTA PURCHASES

FTA-funded purchases must conform to the relevant directives included in FTA Circular 4220.1F. The following guidelines provide directions and confirmations that apply to all purchases (to include micro-purchases (defined by FTA as those below \$ **3,000.00**) funded by the Federal Transportation Administration (FTA) in support of the County's public transportation program:

- a. Standard of Conduct requirements addressing potential conflict of interest situations applicable to County officers, agents, or Board members are set forth within Section 112.3143, Florida Statutes.
- b. The County will ensure elimination or mitigation of any organizational conflict of interest situation under any purchase action to include any FTA-funded purchases. One example in this regard is ensuring that a vendor designing a construction project is excluded from bidding for the actual construction of the project.
- c. The County shall disclose information to FTA regarding any protest received under any FTA-funded purchase, and provide status regarding resolution of any such protest. In addition, FTA has developed an appeals process for reviewing protests of a recipient's procurement decisions. Specific direction in regards to that appeal process is as follows:

Requirements for the Protester. The protester must qualify as an "Interested Party". A subcontractor does not qualify as an "Interested Party" because it does not have a direct economic interest in the results of the procurement. An established consortium,

joint venture, partnership, or team that is an actual bidder or offeror and is acting in its entirety, would qualify as an “Interested Party” because it has a direct economic interest in the results of the procurement. An individual member of a consortium, joint venture, partnership, or team, acting solely in its individual capacity, does not qualify as an “Interested Party” because it does not have a direct economic interest in the results of the procurement. An association or organization that does not perform contracts does not qualify as an “Interested Party,” because it does not have a direct economic interest in the results of the procurement.

Exhaust Administrative Remedies. The protester must exhaust its administrative remedies by pursuing the County’s protest procedures to completion before appealing the County’s decision to FTA.

Appeal Within Five Days. The protester must deliver its appeal to the FTA Regional Administrator for the region administering its project or the FTA Associate Administrator for the program office administering its project within five (5) working days of the date when the protester has received actual or constructive notice of the recipient’s final decision. Likewise, the protester must provide its appeal to the FTA Regional Administrator for the region administering its project or the FTA Associate Administrator for the program office administering its project within five (5) working days of the date when the protester has identified other grounds for appeal to FTA. For example, other grounds for appeal include the County’s failure to have or failure to comply with its protest procedures or failure to review the protest.

Extent of FTA Review. As provided in the Common Grant Rule for governmental recipients, FTA will limit its review of third party contract protests to issues alleging procedural failures on the part of the County in regards to the protest or violations of federal, state, or local law or regulations.

- d. All FTA-funded purchases shall be reviewed to ensure the most efficient and effective approach is being utilized, to include avoidance of purchase of unnecessary or duplicative items, completion of lease/purchase analysis, and structuring of solicitations to support maximum competition and most economical pricing. Pre-qualification processes shall not be utilized. All stated qualification requirements, to include corporate and individual experience, shall be reasonable and necessary in nature, and directly related to the good or service being purchased. Purchase quantities, to include those falling within micro-purchase thresholds, shall not be split to avoid competition thresholds. Purchases involving “brand name or equal” conditions shall be limited to situations wherein an adequate specifications cannot be developed in an adequate time frame or manner, and shall include salient characteristics of the brand name product. All FTA-funded solicitations shall provide for solicitation of an adequate number of qualified sources, and an adequate period of time for response by vendors, to allow for full consideration of FTA-specific terms and conditions by all potential responding vendors. Bonding requirements shall comply with Circular 4220 Section IV, 2.b.h.(1), and shall not be excessive in nature. Contracts for construction, alteration, or repair at any contract tier exceeding \$2,000 to include provisions requiring compliance with the Davis-Bacon Act.

- e. FTA-funded purchases may include options to ensure the future availability of property or services, based on ability to justify those options as needed for its public transportation or project purposes. An option is a unilateral right in a contract by which, for a specified time, a recipient may acquire additional equipment, supplies, or services than originally procured. An option may also extend the term of the contract. Options are to be evaluated on a technical and pricing basis during initial evaluation of vendor offers. Exercise of such options shall be effected only after due diligence supporting the exercise is completed and documented.
- f. A “fair and reasonable” price determination must be completed for all purchases, to include those falling within the micro-purchase thresholds established by FTA. All FTA-funded purchases that are processed as formal purchases by the County the must be supported by an independent cost estimate provided prior to issuance of any solicitation for a specific purchase, or completion of any change order activity. All purchases at any dollar value must include documentation that confirms fair and reasonable pricing was attained for the given goods or services, and the basis therefor. All contract options impacting on pricing shall be considered at the time of initial award evaluation. Cost or pricing analysis shall be performed in conjunction with every procurement action including modifications. Cost and profit analysis shall be performed in conjunction with any sole source purchase or any purchase where adequate price competition was not realized. All cost analysis performed shall be consistent with federal cost principles.
- g. All vendors considered for award must be screened for such eligibility via use of the SAM/EPLS database. All formal contracts shall contain remedies for breach of contract, and clauses that provide for termination for default and termination for convenience. All revenue contracts shall be awarded using competitive selection processes and procedures. Time and Material contracts will only be used when no other type of contract is suitable. Any such contract shall include a ceiling price that can not be exceeded without vendor risk unless the value is increased via specific authorization. Use of cost-plus-percentage of cost contracts is prohibited. Other specific directives for FTA-funded contracts include:
 - 1. All “design-bid-build” contracts shall fully comply with 49 USC 5325(d)(2). All “design-build” contracts shall fully comply with Circular 4220.1F, VI, 3.h.
 - 2. All purchase documents shall address federal statutory and regulatory requirements associated with all relevant grant requirements.
 - 3. All contracts shall include a provision giving hiring preference to veterans.
 - 4. The contract term limitation, inclusive of options, for any contract for purchase of rolling stock shall not exceed five (5) years (seven (7) years for rail cars).
 - 5. Advance payments are prohibited unless specifically approved by FTA. Progress payments may only be made on the basis of costs incurred or percentage of completion.
- h. It is specifically noted that the Davis-Bacon Act applies to all FTA-funded construction projects that involve an expenditure in excess of \$2,000. Contracts for construction,

alteration, or repair at any contract tier exceeding \$2,000 shall include provisions requiring compliance with the Davis-Bacon Act. Any solicitation for such effort shall include and enforce the latest applicable wage determination available at the time the ITB is issued.

- i. It is specifically noted that all FTA-funded purchases must comply with all elements of the Buy America Act and related FTA provisions with regard to steel or manufactured products. FTA-funded purchases of vehicles or other rolling stock, on either a direct award or contract access basis, must fully comply with pre-award and post delivery audit of compliance with all applicable Buy America requirements..
- j. Except under unusual examples such as those expressed in Section 15.D.4, the County will not allow or enable the addition of work beyond the initial contract scope that constitutes a cardinal change to the contract. Equitable distribution shall be realized under contracts or situations where competition is not obtained. One example in this regard is multiple-award CCNA contracts.