

City of Belle Isle, Florida

PURCHASING POLICY



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SECTION 1 - INTRODUCTION

1.1 PURPOSE

The purpose of this Purchasing Policy, (hereinafter referred to as “Policy”) is to establish the necessary policies and procedures for the City of Belle Isle, (hereinafter referred to as “City”) to obtain goods and services in the most efficient, economical and ethical manner. This Purchasing Policy shall be in compliance with the rules, regulations and requirements of the State of Florida and the Procurement Code.

1.2 SCOPE

This Policy shall apply to all purchases of goods and services by the City.

1.3 RESPONSIBILITIES

The City Manager is the purchasing agent for the City and is responsible to ensure this Policy is followed by all City departments. The Finance Director is the primary contact for questions regarding this Policy. It is the responsibility of all who have been delegated to purchase for the City to adhere to this Policy.

1.4 CHANGES IN LAWS AND REGULATIONS

In the event an applicable law or regulation is modified or eliminated, or a new law or regulation is adopted, the revised law or regulation shall, to the extent inconsistent with this Policy, automatically supersede this, Policy.

1.5 SEVERABILITY

If any section of this Policy, or any application thereof, to any person or circumstance, is held invalid, such invalidity shall not affect other sections or applications of this Policy, which can be given effect without the invalid section or application, and to this end, the sections or applications of this Policy are declared to be severable.

1.6 GOVERNING RULES/GUIDELINES

The terms and provisions of this Policy shall be deemed by operation of law to be a part of the term and conditions of each procurement or contract involving the City of Belle Isle as a part, except that an authorized official has expressly provided for a written exception to one or more of the requirements provided for in this Policy, with respect to a particular procurement or contract.

All City departments, employees, and elected officials shall be in accordance with this Policy, unless otherwise governed under a specific policy.

All purchases will be made in an economical manner to achieve the best value, avoiding unnecessary or duplicative items. Consideration will be given to consolidating or breaking out purchases to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

The City will award contracts only to responsible vendors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. Consideration will be given to such matters as vendor integrity, compliance with public policy, record of past performance, and financial and technical resources.

In regards to the dollar threshold amounts indicated in this Policy, the total cost of the purchase should be considered, not the cost of the individual items. In addition, purchases should not be artificially or purposely divided to circumvent the dollar threshold limits.

A competitive bid process is a transparent method in which competing suppliers are invited by openly advertising the scope, terms and conditions, and evaluation criteria. The award is made to the lowest responsive and responsible bidder meeting the qualifications and specifications. The goal is to obtain goods and services at the lowest price by stimulating competition.

1.7 CITY'S RIGHTS

Nothing in this Policy reduces or invalidates the City's right to accept or reject any or all bids or proposals or any parts thereof, and to award, if an award is made, to the most responsible bidder whose bid and qualifications indicate that the award will be in the best interest of the City.

1.8 NON-DISCRIMINATION

It is the policy of the City to promote the principles of equal opportunity in its contracting activities by assuring that those seeking to do business with the city will treat contractors, subcontractors, and employees equally and will not engage in discrimination against their contractors, subcontractors, or employees because of their actual or perceived race, color, religion, ancestry, national origin, disability, medical condition, marital status, domestic partner status, sex, gender, gender identity, gender expression, or sexual orientation or as a member of any other protected class.

The Contractor will certify to the City that that no person shall on the basis of race, color, national origin, sex, age, disability, family or religious status, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Florida Civil Rights Act of 1992 and other nondiscrimination authorities be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity.

SECTION 2 – DEFINITIONS

2.1 DEFINITIONS

Wherever used in this Policy, the following terms have the meanings indicated which are applicable to both the singular and plural thereof and all genders:

Agency: A state agency, a municipality, a political subdivision, a school district, or a school board.

Best Value: The highest overall value based on factors that include, but are not limited to price, quality, design, time, and workmanship.

Bid: A formal written price offer from a vendor to the City to furnish goods, products or services.

Contractor: Any person or entity (including officers, directors, executives and shareholders who are active in the management of a person or entity) who bids or applies to bid on any work of the City, or who provides (or solicits to provide) goods or professional services to the City. For purposes of this Policy, Contractor, Supplier, and Vendor may be used interchangeably.

Contractual Services: The rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors, and such services may include, but are not limited to, evaluations, consultations, accounting, security, management systems, management consulting, educational training programs, research and development studies or reports, and technical and social services. Contractual Services does not include any contract for furnishing of services, labor or materials for the construction, renovation, repair, modification, or demolition of any roadway or bridge, building, portion of building, utility, or structure.

Cooperative Purchasing: Procurement conducted by or on behalf of more than one public procurement unit or agency.

Emergency: A reasonably unforeseen breakdown in machinery, damage, destruction or obstruction of machinery or roadway or any property owned or operated by the City; a threatened termination of an essential service; the development of a dangerous condition; the development of a circumstance causing the stoppage or slowdown of an essential service; a threat to the public health, welfare or safety; or the opportunity to secure significant financial gain, or avoid significant financial loss, through immediate or timely action.

Firm: Any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice architecture, engineering, or surveying and mapping in the state.

Procurement: Buying, purchasing, renting, leasing or otherwise acquiring any goods or services for public purposes in accordance with the law, rules, regulations and procedures intended to provide for the economic expenditure of public funds. It includes, but is not limited to, all functions which pertain to the obtaining of any supplies, materials, equipment and/or services, including Contractual Service, Design Professional Services, and Professional Services, construction projects and capital improvement projects required by the City regardless of the source of funds.

Professional Services: The value of services which are substantially measured by professional competence of the firm performing them and which are not susceptible to realistic evaluation/assessment by cost of services alone. Professional Services shall include but are not limited to, accountants, auditors, engineers, financial advisors, information technology consultants, insurance services, legal services, marketing firms, and planning consultants.

Renewal: Contracting with the same contractor for an additional contract period after the initial contract period, only if pursuant to contract terms specifically providing for such renewal.

Request for Bid (RFB): A written or electronically posted solicitation for competitive sealed bids.

Request for Information (RFI): A written or electronically posted request made by an agency to vendors for information concerning commodities or contractual services. Responses to these requests are not offers and may not be accepted by the agency to form a binding contract.

Request for Proposal (RFP): A written or electronically posted solicitation for competitive sealed proposals.

Request for Qualification (RFQ): Used to obtain statements of qualification of potential development teams or consultants.

Responsive Bid/Proposal/Reply: A bid, or proposal, or reply submitted by a responsive and responsible vendor which conforms in all material respects to the solicitation.

Responsible Vendor: A vendor that has submitted a bid, proposal, or reply that conforms in all material respects to the solicitation.

Sole Source: A procurement in which only one vendor is capable of supplying the goods or services, one is selected for substantial reasons, eliminating the competitive bidding process.

Supplier: See "Contractor".

Vendor: See "Contractor".

SECTION 3 - ETHICS AND CODE OF CONDUCT

3.1 ETHICAL STANDARDS

The city is committed to a purchasing process governed by the highest ethical standards and integrity to inspire the confidence of the organization and the public being served. To achieve these purposes, the city subscribes to the following code of ethics:

- The city will avoid unfair practices by granting all competitive respondents' equal consideration as required by Federal, State, and City regulations.
- The city will conduct business in good faith, demanding honesty and ethical practices from all participants in the purchasing process.
- The city will promote positive vendor relationships by affording courteous, fair, and ethical treatment.
- The city will avoid involvement in any transactions or activities that could be considered a conflict between personal interest and the interests of the City.

Employees must not become obligated to any suppliers and shall not participate in any City transaction from which they may personally benefit. Except as may be authorized by applicable State law, no employee or elected official shall accept gifts, gratuities, rebates, kickbacks, or benefits of any kind from prospective bidders, vendors, or suppliers. No employee or elected official shall bid for, enter into, or be in any manner interested in any contract for City purchase. No employee or elected official shall seek to influence the purchase of a product or service from any supplier or vendor. This restriction shall not be construed to restrict persons from evaluating and appraising the quality and value of the product to be purchased or service(s) to be rendered where the person's scope of employment contemplates advice and counsel with respect to the purchase.

The avoidance of actual or perceived conflicts of interest is a prerequisite to the efficient and sound operation of the city and maintenance of the public trust.

All City of Belle Isle employees shall adhere to the ethical standards contained in the Florida Statutes Chapter 112, Part III, Code of Ethics for Public Officers and Employees, as well as those contained in the City of Belle Isle Personnel Manual and the City of Belle Isle Conflict of Interest Policy.

3.2 LOBBYING

Lobbying of evaluation committee members, city employees, or elected officials regarding any type of formal solicitation or contract, during the selection process or bid protest, by the bidder/proposer/protester or any member of the bidder's/proposer's staff, an agent of the bidder/proposer/protester, or any person employed by any legal entity affiliated with or representing an organization that has responded to a formal solicitation or contract or has a pending bid protest is strictly prohibited either upon publication of the formal solicitation until either an award is final or the protest is completely resolved by the City.

Nothing herein shall prohibit a prospective bidder/proposer from contacting the City to address situations such as clarification and/or questions related to the procurement process as outlined in the formal solicitation documents. For purposes of this provision, lobbying activities shall include but are not limited to, influencing or attempting to influence action or non-action in connection with any formal solicitation or contract, through direct or indirect oral or written communication, or an attempt to obtain goodwill of persons and/or entities specified in this provision. Such actions may cause any formal solicitation or contract to be rejected.

3.3 DISQUALIFICATION OF VENDORS

Vendors who are debarred, suspended, or otherwise ineligible to transact business with public entities as determined by the State of Florida Department of Management Services and included on such lists as the Suspended Vendors List or Convicted Vendors List are barred from submitting bids for any City solicitations.

3.4 UNAUTHORIZED PURCHASES

An unauthorized purchase occurs when any employee of the City orders, contracts for or buys any goods, services, materials or supplies outside the purview of this Policy. Any individual making an unauthorized purchase may be subject to disciplinary actions as appropriate, which may include termination and/or prosecution. The following are unauthorized purchasing practices:

- Artificially dividing purchases into multiple segments in an attempt to circumvent the dollar threshold approvals or requirements as established.
- Purchasing any goods and/or services above the thresholds delineated herein.
- Committing to a purchase without proper approval.
- Obtaining items available on an existing City term contract from a supplier that does not hold the contract.
- Providing false information such as false quotations (without actually contacting and obtaining a quotation, bid or proposal from a vendor).

3.5 VIOLATIONS OF THIS POLICY

Any individual, employee, or elected official, in violation of this Policy may be subject to disciplinary actions as appropriate, which may include termination and/or prosecution.

SECTION 4 – PURCHASING METHODS AND THRESHOLDS

The methods below shall be used in the purchasing of goods and services for the use of the City. Belle Isle's City Manager or designee reserves the right to allow purchases that may not be specifically addressed in this policy or state statute and are deemed reasonable and allowable.

All solicitations under this section must:

1. Be made in accordance with federal and state requirements, including 2 CFR § 200.319(b);
2. Incorporate a clear and accurate description of the technical requirements for the property, equipment, or service being procured; and
3. Identify any additional requirements which the offerors must fulfill and all other factors that will be used in evaluating bids or proposals.

4.1 Up to \$6,000 – Small Purchases:

Total purchases that fall within this dollar limit may be purchased without quotes. While written quotes and bids are not necessary for items or services costing up to \$5,999, or specifically excluded in applicable State law, every effort should be made to ensure goods and services are being purchased in the most efficient and cost-effective manner possible and that the price received is reasonable.

4.2 \$6,000 to \$10,000 – Informal Quotes:

Total purchases shall be made according to the best obtainable price, or best quality service substantiated with an explanation and provided by at least three (3) written informal quotes. Quotes may be on official company letterheads, by way of e-mail, handwritten by a potential vendor, or any other **written** means to ensure that competitive quotes have been obtained. Specifications will be developed prior to solicitation of the quotes, so all vendors are providing a quote on the same level. If at least three (3) written quotes are not possible, a written explanation of such must be approved by the City Manager based on Purchasing Approval Thresholds (see Section 4). The supporting documentation must be included with the quotes.

Quote award must be based on qualifications of the prospective vendor, acceptability of the product, delivery time, inventories, past performance, degree of compliance with requirements, price and other circumstances that will encourage delivery of the best products and services.

4.3 \$10,000 to \$60,000 – Formal Quotes:

Purchases shall be made according to the best obtainable price, or best quality service substantiated with an explanation, and provided by at least three (3) bona fide written quotes on official vendor letterhead.

Note regarding 4.2 & 4.3 above:

- Written justification shall be provided by the requisitioner as to how one vendor was chosen. Determinations can be made by local availability, items in stock, vendor delivery, shipping charge, etc.
- In the event there are not three (3) known vendors which have goods/services available, or that a vendor refuses to quote, less than three (3) quotes are permissible provided the user attaches the quotes that were obtained and identifies the names of other vendors contacted who could not provide the goods/services.
- Quotes must have the following information:
 - Vendor
 - Name of person quoting you and the phone number
 - Item and price
- Purchases under \$60,000 that will require a budget adjustment to or from a capital line item will require City Manager approval on a City Manager Office Memo or a City Manager Authorization Form.
- Purchases above \$60,000 that will require a budget adjustment to or from a capital line item, will require City Council approval.

- The City Manager has authorization to waive or modify the requirement for three (3) quotes as deemed necessary within the state's small purchase limit threshold.

4.4 Competitive Purchases in excess of \$60,000 – Formal Competition Guidelines:

All purchases exceeding \$60,000 require formal solicitation procedures; utilizing Request for Proposal, for services, or Request for Bids, for tangible goods, as specified by state regulations and shall be processed and executed by the City Manager.

Professional services under \$60,000 are considered a small purchase and are exempt from formal procurement; however, nothing in this section shall prevent the city from seeking qualifications-based proposals for professional services under \$60,000 if in the best interest of the city.

A. REQUEST FOR BID (RFB)

Except as otherwise provided herein, the Request for Bid (RFB) process is a formal solicitation required for purchases of goods and services costing at least \$60,000 when the City is capable of specifically establishing *precise* specifications defining the actual commodity or contractual services. Responses to the RFB must be received in a sealed bid format, opened and read aloud at a specific date, time and location. After opening each bid, the bid amount and the respondent's name shall be recorded, signed by the City Manager, and witnessed. Such bid record shall be open to public inspection pursuant to F.S. Chapter 119. **After bid/proposal opening but before making a recommended contract award decision, the City reserves the right to issue a post bid/proposal opening addendum to obtain additional information or request documents for bidders/proposals that was not provided with the bids/proposals.**

The RFB shall state, or incorporate by reference, all specifications, minimum requirements, contractual terms and conditions, performance and/or payment bond requirements, insurance requirements, and other information applicable to the procurement. Only one bid from a respondent for each procurement solicitation shall be considered. In the event a respondent timely submits more than one bid, the last bid received shall be considered. If multiple submittals are received in the same envelope, none of the submittals will be considered.

Public notice of the RFB shall be given in accordance with applicable Florida statutes and may be provided electronically and as otherwise permitted by law. A pre-bid conference may be held as mandatory or non-mandatory at the option of the City Manager. The terms of a RFB may be modified or interpreted by a written addendum issued by the City Manager, and any such addendum shall be sent to each registered recipient of the RFB.

After reviewing the recommendation of the reviewer(s), the City Manager shall select the bid that will provide the best value to the City based on the content of the bid together with the criteria contained in the RFB. For contracts that will be funded in whole or in part by federal agencies that require selection based on lowest responsive bid, the criteria contained in the solicitation shall constitute the criteria for determining a responsive bid. The City Manager shall notify the selected respondent in writing that the City intends to award a contract. If the City Manager determines that it is in the best interest of the City, the City may cancel an outstanding RFB and may or may not re-bid or may accept or reject any or all bids in whole or in part.

The City Manager shall have the authority to waive all nonmaterial irregularities on any and all bids, except timeliness and signature requirements, and shall have the authority to correct obvious math errors subject to the right of the respondent to withdraw the bid. A respondent alleging a material mistake may be permitted to withdraw its bid if the mistake is clearly evident or the respondent submits evidence which clearly and convincingly demonstrates that a mistake was made. Withdrawal means the respondent will not be considered for selection.

B. REQUEST FOR PROPOSAL (RFP)

Except as otherwise provided herein, the Request for Proposal (RFP) is a formal solicitation required for the purchase of goods and services costing at least \$60,000 when the City *cannot* specifically define the scope of work or when it is not practical or advantageous to procure by competitive sealed bidding. The proposer provides detailed information in response to the RFP which may result in a contractual agreement. The RFP process allows for negotiation in the scope of services, terms and conditions, price, and delivery. A RFP may include a Request for Qualification or may be preceded by a Request for Information, as detailed below.

A selection committee may be used, as determined by the City Manager. Public notice of the request for proposals and of selection committee meetings shall be given in accordance with applicable Florida statutes and may be provided electronically and as otherwise permitted by law. The City Manager may have discussions with respondents prior to the RFP opening whenever necessary to assure that the responses address the statement of need or the problem described in the RFP. **After bid/proposal opening but before making a recommended contract award decision, the City reserves the right to issue a post bid/proposal opening addendum to obtain additional information or request documents for bidders/proposals that was not provided with the bids/proposals.**

Proposals shall be opened publicly at the location, date, and time designated in the RFP. After opening, the respondent's name shall be recorded and witnessed. The RFP record shall be open to public inspection pursuant to F.S. Chapter 119. After considering the recommendation of the selection committee, if applicable, the City Manager shall select the proposal that will provide the best value to the City based on the content of the proposal together with the criteria contained in the RFP. The City Manager shall notify the selected respondent in writing that the City intends to negotiate a contract. Upon selection of the proposal determined to be the best value to the City, contract negotiations may commence with the person or entity whose proposal was selected. If an agreement is reached with the respondent, the City and respondent shall enter into a contract. If an agreement is not reached, the City Manager shall advise the respondent in writing of the termination of negotiations. After such termination of negotiations, negotiations may be conducted with the next respondent determined to be in the City's best interest (the "alternate respondent"). If the contract terms can be agreed upon with the alternate respondent, the two parties shall enter into a contract.

If the City Manager determines that it is in the best interests of the City, the City may cancel and may or may not re-issue or reject, in whole or in part, any or all proposals. The City Manager shall have the authority to waive all nonmaterial irregularities on any and all proposals except timeliness and signature requirements.

C. REQUEST FOR QUALIFICATION (RFQ)

Except as otherwise provided herein, the Request for Qualification (RFQ) is a formal solicitation required for the acquisition of professional services costing at least \$60,000. RFQ proposals primarily indicate information regarding the education and experience background of the respondent. Price is not to be indicated in the initial RFQ but it is negotiated with successful respondent. If the RFQ is for professional architectural, engineering, landscape architectural or surveying and mapping services, then the rules of applicable State law shall apply.

D. REQUEST FOR INFORMATION (RFI)

The Request for Information (RFI) method is used to help gather information about a product or service in order to make a decision. The RFI may also be used to collect detailed information about potential suppliers and their capabilities; to advise potential suppliers of the City's intent to purchase a certain product or service; and to show that the City is acting in a fair manner and including all potential participants. The RFI may be utilized for any threshold dollar amount.

4.5 LOWEST RESPONSIBLE AND RESPONSIVE BIDDER. This provision applies in circumstances when the City is awarding a contract based on the lowest, responsible and responsive bidder. In determining the lowest, responsible and responsive bidder, in addition to price, the City shall have the discretionary power to render decisions on and may accept or reject bids or proposals on the basis of any one or more of the following:

- (1) The ability, capacity, skill and sufficiency of resources of the bidder to perform the contract and provide the requested materials or service.
- (2) The bidder's ability to perform the contract within the time specified.
- (3) The character, honesty, integrity, reputation, judgment, experience and efficiency of the bidder.
- (4) The quality of performance and conduct of the bidder on previous contracts with the City or any other reference or party that the bidder has performed work or services.
- (5) A bidder's propensity to request change orders based on bidder's conduct under previous contracts with the City.
- (6) A bidder's previous failure to meet specified substantial completion dates or other milestone dates on previous contracts with the City.
- (7) A bidder's current workload and projected workload during the performance of the contract.
- (8) The previous and existing compliance by the bidder with federal, state and local laws, regulations and ordinances applicable, relating or similar to the contract or work to be performed; to include, but not limited to laws, regulations and ordinances of State of Florida, local governments, FDEP, FDOT, Water Management District, and OSHA.
- (9) The quality, availability and adaptability of the supplies or professional or contractual services to the particular use required.
- (10) The ability of the bidder to provide future maintenance and service on the matter procured and the financial impact upon the City to receive future maintenance and services.
- (11) The bidder's pecuniary ability and financial stability.
- (12) The ability to meet the City's stated requirements for bonding and insurance in order to fully protect the interests of the City.
- (13) Whether the bidder is in arrears to the City on a debt, is a defaulter on any bond or to any surety, whether the bidder's taxes or assessments are delinquent, and/or whether bidder has failed to render payments to subcontractors, suppliers, employees or material men.
- (14) Whether bidder is involved in a recent past (within past three years) or a current dispute with the City involving threatened or pending litigation regarding a previous contract with the City.
- (15) The proximity of bidder's labor force, equipment and business operation in relation to the City.
- (16) Proportional amount of the work or services bidder intends to perform with its own organization as compared with the portion it intends to subcontract and the qualifications of subcontractors whom the

bidder proposes to use.

(17) Whether the bidder submitted a bid or proposal that conforms to the requirements stated in the request for bids or proposal issued by the City.

(18) Any other circumstances or factors deemed in the best interest of the City as determined by the City's discretion.

The above factors may be determined by bidder's past performance with the City, information obtained from other project owners, information submitted as part of the bid/proposal or in response to an inquiry by the City, and/or information otherwise known or discovered by the City. The City may conduct detailed examinations of bidders, including of bidders' personnel, place of business and facilities, compliance with federal, state, and local laws and all relevant licensing and permitting requirements, and other matters of responsibility germane to the procurement process. The failure of a bidder to supply information in connection with an inquiry in a timely manner, at the City's discretion, may be grounds for rejecting such bidder. Until the final award and execution of a contract, the City reserves the right to reject any and all bids and proposals and to waive technical errors and irregularities as may be deemed best for the interests of the City.

4.6 COOPERATIVE PURCHASING AND GOVERNMENT AGENCY CONTRACTS (PIGGYBACK)

The City Manager shall have the authority to join with other units of government agencies in cooperative purchasing ventures when the best interest of the City would be served, and the purchase is in accordance with the City's Purchasing Policy. To the extent not prohibited by general law, the City may piggyback onto a pre-existing contract made by a state, county, municipality, school district, or other governmental agency concerning the goods, materials, equipment, or services the City wishes to acquire, provided that the vendor has a statewide or federal purchasing contract, or a qualified, documented procurement awarded by another state or local government agency. Federal and/or state contract numbers must be identified on the invoice approval and a copy of the contract must be kept on file with the finance department. The competitive bid process is waived in the event that the desired goods and services may be purchased from other governmental agencies when such contracts are the result of a competitive public procurement process or a qualified, documented procurement by another state or local government agency. All purchases pursuant to other government agency contracts must be reviewed and evaluated by the City Manager to determine if it meets the City's requirements regarding competitive bidding and award. Piggybacking is not authorized when the action would call for a substitution of goods, materials, equipment, or services that were not originally bid on and not originally evaluated as part of the contract award. Piggybacking is not authorized for the procurement of "professional services" as defined by F.S. § 287.055.

4.7 SOLE SOURCE / NON-COMPETITIVE PURCHASES

The competitive bid process is waived when it is determined and substantiated in writing; after conducting a good faith review of available sources, that there is only one source for the goods and services or it is determined that competitive bidding is neither practical, feasible nor advantageous to the City in securing goods and services. Price, scope, terms and conditions may be negotiated whenever possible and a record of sole source/non-competitive procurement shall be maintained by the Finance Department. A written justification of the sole source/non-competitive purchase must be approved by the City Manager prior to the purchase and accompany the invoice for payment. Sole source/non-competitive purchases exceeding \$60,000 require City Council approval.

4.8 EMERGENCY PURCHASES

The competitive bid process is waived, when the normal functioning of government and operation of the City

would be hampered, the preservation or protection of property or where property, equipment, public health/safety of any person/life could be endangered through unexpected circumstances by adhering to the usual purchasing procedures. A written justification detailing the complete circumstances of the emergency and probable consequences along with supporting documentation of the emergency purchase must be approved by the City Manager prior to the purchase. The approval must accompany the invoice for payment. The lack of planning does not constitute an emergency. The existence of the emergency condition creates an immediate and serious need for services, construction or items of tangible personal property that cannot be met through normal procurement methods.

In the event an official state of emergency has been declared, the City Manager is expressly authorized to execute contracts with the State of Florida, Federal Emergency Management Agency (FEMA) and/or other applicable emergency relief entities on behalf of the City in order to accomplish all necessary relief efforts, provided that the requirements of this section have been met.

The City Manager shall report to the City Council any emergency procurement exceeding his purchasing authority threshold at the next scheduled City Council meeting.

4.9 CITY COUNCIL WAIVER TO FORMAL PROCUREMENT

To the extent not prohibited by general law, the City Council may, by majority vote, waive the formal procurement procedures contained in the City's Purchasing Policy for the procurement of a particular good, material, equipment, or service if the City Council deems such waiver to be in the best interest of the City. This provision does not apply to formal procurement required by state statute or to any procurement relating to a state or federal grant.

4.10 EXEMPTIONS

The following items shall not be subject to competitive solicitation unless otherwise required by future changes in the law:

- i. Educational or training conferences, seminars and workshops.
- ii. Artistic services.
- iii. Lectures by individuals.
- iv. Good, services or commodities provided by a governmental agency.
- v. Legal services, including attorney, paralegal, expert witness, appraisal, special magistrate, or mediator services.
- vi. Proprietary computer software and applications.
- vii. Public notices or advertisements.
- viii. Postage and express delivery service.
- ix. Internet service, electricity service and other utilities services.
- x. Acquisition or disposition of real estate interests and related inspection and closing cost.
- xi. Donations or grants by the city to non-profits, charitable and community organizations or other grant programs created by the city council.
- xii. Membership dues.
- xiii. Travel expenses.
- xiv. Films, videos, audio-visual materials, books, periodicals, or publications from publishers, exclusive distributors or intellectual property owners of such materials.

4.11 PROFESSIONAL SERVICES

The procurement of professional architectural, engineering, landscape architectural, and surveying and mapping services within the scope of F.S. Chapter 287 shall comply with the requirements of F.S. § 287.055. The procurement of a professional auditor for financial auditing services within the scope of F.S. Chapter 218 shall comply with the requirements of F.S. § 218.391.

4.12 CONSTRUCTION CONTRACTS

Contracts for construction of any public building or public work or for repairs upon existing public buildings or public works shall be competitively awarded to an appropriately licensed contractor. To assure the greatest degree of competition and comply with the requirements of F.S. § 255.0525, the solicitation for competitive bids or proposals must be publicly advertised at least once in a newspaper of general circulation in the county where the project is located. When project costs are estimated to exceed \$200,000.00, the solicitation must be advertised at least twenty-one (21) days prior to the established bid opening and at least five (5) days prior to any scheduled pre-bid conference. When project costs are estimated to exceed \$500,000.00, the solicitation must be advertised at least thirty (30) days prior to the established bid opening and at least five (5) days prior to any scheduled pre-bid conference. A construction project may not be divided into more than one project for the purpose of evading the advertising requirements.

Bid packages shall be provided to potential bidders at a fair and reasonable price and shall include a complete set of plans/drawings and a book of specifications. Proposal packages shall include information concerning the project goal and any parameters that need to be met.

SECTION 5 – PURCHASING APPROVAL THRESHOLDS

5.1 APPROVAL THRESHOLDS

The following purchasing approvals apply for the purchase of goods and services for the City:

Capital Assets	Regardless of amount, if the purchase is for a capital asset, pre-approval must be obtained by the City Manager. A capital asset includes property, plant equipment and infrastructure assets (e.g., roads, sidewalks and similar items) with an initial, individual cost of more than \$750 and an estimated useful life in excess of one year.
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<u>Purchase Amount</u>	<u>Approver</u>
Up to \$6,000	<i>Supervisor or Manager</i>
From \$6,000 to \$10,000	<u>Department Head or designee</u>, if the cost of goods and services to be purchased is included in the approved budget for the department. <u>City Manager or designee</u>, if the item or service is not included in the approved budget for the department and a budget amendment is not necessary. <u>City Council</u>, if the item or service to be purchased is not included in the approved budget for the department and a budget amendment is necessary.
From \$10,000 to \$60,000	<u>City Manager or designee</u>, if the item or service to be purchased is included in the approved budget for the department. <u>City Manager</u> if the item or service is not included in the approved budget for the department and a budget amendment is not necessary. <u>City Council</u>, if the item or service to be purchased is not included in the approved budget for the department and a budget amendment is necessary.
Greater than \$60,000	City Council

SECTION 6 – PURCHASING PROCEDURES

6.1 NEW VENDORS

Vendors are required to submit a completed and signed IRS Form W-9 before receiving any payment from the city. It is the responsibility of each department to make sure the vendor has provided the Form W-9 prior to making any purchase.

6.2 TAX EXEMPT STATUS

The city is exempt from paying Florida State Sales Tax. All employees who purchase goods or services on behalf of the City shall supply each vendor with a copy of the City's tax exemption certificate or tax-exempt number to avoid being assessed state sales taxes. The City's Sales Tax Exemption is for the purchase of goods or services exclusively for use of the City. Employees and officials are expressly prohibited from purchasing goods or services for personal use using the City's tax exemption number/certificate.

6.3 VENDOR INVOICES

An invoice must be provided to the city before any payment will be made. The vendor listed on the invoice must match the vendor provided on the IRS Form W-9. The invoice must also include an invoice number, date, description of goods or services provided and amount. The City will not issue payment from a quote, estimate, delivery ticket, or statement.

6.4 INVOICE APPROVAL

The City does not use purchase orders; however, an Invoice Approval form must be attached to all invoices except for contracts, utilities, professional services and other recurring disbursements. The Invoice Approval form must contain the vendor's name, a description of the purchase, amount, and the expenditure account and must be signed by the department head or their designee. All applicable back-up documentation including quotes, formal bids, competitive negotiation documentation or the appropriate exception to the process, including sole source purchase documentation, must be attached to the invoice.

After department approval, the Invoice Approval form, invoice, and all required documentation, is submitted to the City Manager for approval.

6.5 CHECK REQUESTS

Check requests are used for purchases that are exempt from the normal purchasing process. Common uses of check requests include subscriptions, memberships, dues, registrations, donations, reimbursements, etc. Proper documentation must be attached showing itemized details and cost.

6.6 VENDOR PAYMENTS

The City processes payments in accordance with the Prompt Payment Act. Vendors should contact the City's Finance Department regarding payment status or questions.

6.7 PURCHASING CARDS / CREDIT CARDS

Purchasing Cards/Credit Cards are covered under a separate policy. Please refer to the City of Belle Isle Credit Card Policy for Elected Officials and City Employees.

6.8 PETTY CASH

Petty cash funds are used for expenditures of \$50 or less made by a city employee, elected official, or committee member. Adequate receipts and documentation must be maintained to support all transactions made from Petty Cash and attached to a Petty Cash slip signed by the individual requesting the funds as well as the Department Head or designee and City Manager.

6.9 RESPONSE REJECTIONS

In all of purchasing methods stated in this Policy, the City Manager has the authority to reject any or all responses after the solicitation due date when it has been determined that the respondent(s) is non-responsive or award recommendation is not in the best interest of the City. In the event of a Request for Proposal or Qualification, where there is an Evaluation Committee established to review the responses, the Evaluation Committee must make a recommendation to the City Manager to reject any or all responses.

6.10 ADVERTISEMENT REQUIREMENTS

Formal solicitations such as Request for Bids, Request for Proposals and Request for Qualifications must be advertised at least once in a newspaper of general paid circulation which is published at least five (5) days a week in Orange County. Other publications may be used in addition to this requirement to reach selected markets.

Adequate public notice of formal solicitations with estimated value less than \$200,000 must be given a minimum of seven (7) days from the solicitation due date. Formal solicitations with projected cost greater than \$200,000 must appear at least twenty-one (21) days prior to the solicitation due date and at least five (5) days prior to any scheduled pre-submission meeting. Formal solicitations for construction projects that are projected to cost more than \$500,000 must be advertised at least thirty (30) days prior to the solicitation due date and at least five (5) days prior to any scheduled pre-submission meeting.

Quote Requests and Requests for Information are not required to be advertised in the newspaper.

6.11 CHANGE ORDER APPROVAL

To avoid a delay in the progress of any project, the City Manager or designee may approve, without further Council action, a change order to an existing contract provided the change order is within the overall scope of the project, does not exceed the greater of ten percent (10%) of the original contract amount or \$100,000 for construction projects, or does not exceed \$59,999 for non-construction projects, and the funds are available in the approved budget for the Department. If the change order is in excess of the above threshold or if the increase in cost requires a budget amendment, the change order must be approved by the City Council. The City Manager will ensure the scope of services is in accordance with the contract specifications.

No oral statement of any person shall modify or otherwise change, or affect the terms, conditions or specifications stated in the resulting contract. All change orders must be approved in writing by the City prior to the work commencing unless the delay in receiving City approval causes serious threat to the public health, safety or welfare, or will result in significant additional cost to the City due to delay. Under any circumstance, work to be performed under the change order shall not begin until all written approvals have been received. Any work completed by the contractor without required written approvals will be the sole responsibility of the contractor, not the City.

6.12 CONTRACT APPROVALS, AMENDMENTS, RENEWALS, AND EXTENSIONS

The City Manager or designee is authorized to approve and execute contracts if the total contract amount does not exceed the Purchasing Approval thresholds (see Section 4) and funds are available in the approved budget for the Department. This includes, but is not limited to, service or maintenance agreements, awards on proposals, competitive negotiated agreements, and consultant services agreements. All contracts with a total value of \$60,000 or greater, one-time or annual basis, shall require City Council approval and signature of the Mayor.

The City Manager or designee is authorized to approve any change to a contract that alters the terms and conditions or provides a change in the scope which total value does not exceed the Purchasing Approval thresholds (see Section 4). Such changes must be signed and approved in a formal amendment. All amendments with total contract amount of \$60,000 or greater shall require City Council approval and signature of the Mayor.

The City Manager is authorized to renew approved contracts as long as such action is in accordance with the terms, conditions, and renewal period specified in the original contract and the total dollar amount of the contract

is within the City's approved budget. Contract renewals beyond six (6) years from the date of the original contract shall require City Council approval.

The City Manager is authorized to extend approved contracts for a period of no more than one-hundred eighty (180) calendar days when the extension serves the best interest of the City. Contract extensions exceeding one hundred eighty (180) calendar days shall require City Council approval.

6.13 BID PROTEST PROCEDURES

Any actual or prospective bidder/responder who is allegedly aggrieved in connection with the solicitation or pending award of a contract may file a protest with the City Manager. A protest shall be valid only if it is submitted in writing to the City Manager within three (3) business days of issuance of such determination, decision or recommendation and if such protest complies with the content requirements specified herein. **Failure to timely submit a written protest shall constitute a waiver and invalidation of any protest to the applicable solicitation, bid, or award.** The written protest must contain the following:

- (1) Identity and contact information for the protestor;
- (2) The number and title of the RFB or RFP, as applicable;
- (3) A clear statement of the factual basis for the protest;
- (4) A statement of all statutes, laws, ordinances, or other legal authorities supporting the protest; and
- (5) A statement of the relief to which the protestor is entitled.

A person or entity filing a protest must, at the time of filing the written protest, post with the City a bond, cashier's check, or money order payable to the City in an amount equal to ten percent of the value of the protestor's bid or estimated contract value or \$10,000.00, whichever is less. Said bond, cashier's check, or money order shall remain posted during the pendency of any appeal. If the protestor does not prevail, the City's costs and charges, excluding attorneys' fees, shall be paid from such bond, cashier's check, or money order. The bond shall contain the condition that all of the City's costs and charges in defending the protest and any subsequent appeal shall be payable from such bond.

After receipt of a timely written protest, the City Manager shall consider and attempt to resolve the protest. The City Manager may appoint a designee of his or her choosing to represent and act on behalf of the City Manager for the purposes of investigating, reviewing, and resolving a protest at all stages of the bid protest review and proceedings. Such designee should have adequate experience and background in public procurement matters and be familiar with the City's procurement procedures.

Prior to rendering a decision, the City Manager shall schedule and conduct a meeting in order to hear the arguments from the protestor and other interested bidders/responders. The time, date, and location of the protest meeting must be noticed by the City to the protestor and other bidders/responders. At the protest meeting, the protestor and any other interested bidders/responders, or their legal counsel, will be allowed to make a brief oral presentation of evidence and argument, and written or physical materials may be submitted prior to or at the protest meeting. The City Manager may orally announce his or her decision at the conclusion of the protest meeting and must render a written decision within seven (7) business days of the protest meeting. The decision by the City Manager may be appealed to City Council by filing a protest with the City Manager within three (3) business days of the City Manager's decision. The decision of the City Council will be final and will represent the position of the City.

Any protest based exclusively on disagreement with the technical judgment of evaluators is subject to summary rejection unless there is clear and convincing evidence of arbitrary or capricious action in that regard. In the event of a timely protest, the City shall not proceed further with the solicitation or with the award of the bid/contract until the City Manager renders his or her written decision or unless the City Manager, after consultation with the City Attorney, forwards to the City Council a written request to award the bid/contract without delay in order to protect the public health, safety or general welfare and the City Council approves said request.

There is a compelling City interest in procuring goods and services in a timely manner so as to provide City residents and visitors with efficient, cost-effective, and operationally effective City infrastructure, facilities, and services in a timely manner. Consequently, procurement disputes must be resolved with minimal delays. Therefore, the procedure set forth herein is the sole means by which a bidder/responder aggrieved by a decision of the City may seek recourse. Refusal or failure by any aggrieved bidder/responder to pursue its right of protest under these procedures shall constitute a waiver of its right to pursue any further remedies or appeals, either administratively or judicially. Any judicial proceedings that may or could be filed against the City by an aggrieved or adversely affected party shall be filed within thirty (30) days after the City's final decision on a procurement matter. **Failure to timely file a judicial action in accordance with these procedures shall constitute a waiver and invalidation of any protest to the applicable solicitation, bid, or award.**

6.14 POST AWARD TERMINATION & REPLACEMENT.

Unless otherwise prohibited by law, in the event the bidder/contractor who is awarded a contract by the city through a competitive procurement process is terminated or removed from further work or services by the city for a default in the performance under the contract, the city may, without commencing a new competitive procurement process and without waiving any rights or remedies against the defaulting bidder/contractor, contract with the next lowest responsive and responsible bidder that is willing and able to complete the work or services if such is determined by the city council to be in the city's best interest. In awarding a contract to the next lowest responsive and responsible bidder that is willing and able to complete the work or services, the city may accept such bidder's original bid price or negotiate a price more consistent with the original low bid submitted by the defaulting bidder/contractor.

SECTION 7 – ADDITIONAL POLICIES AND PROCEDURES

7.1 DISPOSAL OF SURPLUS ITEMS

All tangible and intangible City property must be declared surplus by City Council prior to being disposed of. The City Manager is responsible for the disposition of surplus items that have been declared surplus by the City Council in accordance with Sections 2-221 to 2-226 of the municipal code. The City Manager shall have the authority to sell by auction or advertised bid, trade, donate or sell to another government entity, destroy, scrap, classify as waste, or dispose of excess surplus and obsolete supplies or personal property, regardless of the dollar amount. Records of such disposition shall be maintained in the Finance Department.

7.2 MINORITY BUSINESSES

Minority businesses shall be ensured to have an equitable opportunity to participate in the City's procurement process.

7.3 ENVIRONMENTAL PURCHASING

Environmental purchasing is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services. The City Manager shall encourage wherever possible, specifications which provide for expanded use of durable goods and reusable goods containing the maximum post-consumer waste and recyclable content without affecting the intended use. Environmental factors to be considered may include recycled content, pollutant releases, waste generation, energy consumption, depletion of natural resources and potential impact on human health and the environment.

7.4 STATE OR FEDERALLY FUNDED GRANT PROCUREMENTS

The City recognizes that certain procurement procedures for state or federally funded grant programs may conflict with standard City procedures. The City Manager is authorized to modify City procurement procedures in order to comply with procurement procedures for state or federally funded grant programs.

- For the administration of federal awards, the City will adhere to all federal procurement requirements outlined in the Office of Management and Budget (OMB) Uniform Requirements including the non-procurement and suspension regulations that restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.
- Adherence to the Conflict of Interest Code will be strictly enforced.
- Contracts may not be awarded to contractors or individuals on the List of Parties Excluded from Federal Procurement and Non-procurement Programs.
- A System for Award Management (SAM) review of potential contractors or individuals may be included in the process.
- No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the City may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

7.5 LOCAL PREFERENCE

The City reserves the right to purchase commodities and services from a local business. A local business preference of no greater than 5% of the price submitted by the nonlocal business shall be granted with City Council approval. "Local Business" shall be defined as a person, firm, corporation, or other business entity

maintaining a valid address within the City of Belle Isle. A business which operated through the use of a post office box or mail house shall not be eligible to qualify as a "Local Business". This Local Preference policy shall not be applied to the following circumstances:

- Purchases of Professional Services which are subject to F.S. §287.055.
- State or Federal law prohibits the use of local preferences,
- The work is funded in whole or in part by a governmental entity where the laws, rules, regulations or policies prohibit the use of local preferences,
- The business is determined to be unqualified to perform the work as determined by the city,
- Purchases exempt from the provisions of the City of Belle Isle Procurement Policy,
- Purchases made utilizing cooperative procurement agreements with other governmental or public entities,
- Purchases from local, State, GSA and/or other federal contracts and public entities,
- Emergency purchases,
- Purchases made for items that have been deemed a sole source

When Formal Written Quotes are received, and the lowest price is offered by an entity located outside of Belle Isle, and a price is offered by a Belle Isle Business, and it is within five (5) percent of the lowest price offered, then the Belle Isle Business shall be given the opportunity to match the lowest price offered. If the Belle Isle Business agrees to match the lowest price is reached, the Belle Isle Business will be awarded the bid if the Belle Isle Business is otherwise fully qualified and meets all Board requirements.

The Business must:

1. Deliver a written affidavit to the city. The affidavit shall certify, that the business meets the definition of a Local Business, shall provide all necessary information establishing that fact, and shall be signed under penalties of perjury.
2. It is the responsibility of any vendor claiming to be a Local Business to include a copy of its affidavit with its Quote, Bid or Proposal.
3. The City shall verify the accuracy of any such affidavit when determining whether a vendor meets the definition of a Local Business.