

Sarasota County Procurement Manual

Sarasota County Procurement Manual

TABLE OF CONTENTS

SECTION 1	RESPONSIBILITIES AND FUNCTIONS OF PROCUREMENT STAFF.....	3
SECTION 2	AUTHORITY	3
SECTION 3	DELEGATION OF AUTHORITY.....	3
SECTION 4	INTEGRATED FUND ACCOUNTING SYSTEM (IFAS)	3
SECTION 5	THRESHOLD LEVELS	4
SECTION 6	PROCUREMENT METHODS.....	4
SECTION 7	LOCAL PREFERENCE.....	9
SECTION 8	EMERGENCY PROCUREMENTS	10
SECTION 9	PROCUREMENT EXEMPTIONS	11
SECTION 10	INSURANCE REQUIREMENTS	13
SECTION 11	PAYMENT MECHANISMS	13
SECTION 12	MINORITY OWNED BUSINESS ENTERPRISES	14
SECTION 13	CONVICTED VENDOR LIST	14
SECTION 14	CELLULAR SERVICES	14
SECTION 15	COMPUTER HARDWARE & SOFTWARE	15
SECTION 16	PROTESTS	15
SECTION 17	DEFINITIONS	16

Sarasota County Procurement Manual

The Procurement Manual is designed to explain and facilitate understanding of the Procurement Code, the functions, policies and procedures of Sarasota County and to serve as a guideline for Business Centers and Agencies. The Procurement Code consists of Sarasota County Ordinance 2003-084, which has been approved by the Board of County Commissioners. Procedures contained herein are applicable to all County personnel involved in requisitioning, receiving, transferring and replacing supplies, materials, services and equipment.

SECTION 1 **Responsibilities and Functions of Procurement Staff**

- 1.1. Procurement staff administers the Procurement Code as set forth in Article VI, Chapter 2 of the Sarasota County Code.
- 1.2. Procurement is responsible for establishing purchasing policies in compliance with the Procurement Code, obtaining fair prices for goods and services, dealing fairly and consistently with all vendors, suppliers and contractors, consolidating purchases of like or common items and generally coordinating purchasing, contracting, transfer and disposal procedures with County staff.
- 1.3. The primary function of Procurement is to purchase the supplies, materials, equipment and services required by County staff in a time frame and manner that meets the needs of County staff and at a price that maximizes the value of every dollar spent.

SECTION 2 **Authority**

- 2.1. In accordance with Article VI, Chapter 2 of the Sarasota County Code, the Procurement Manager is hereby designated as the "Procurement Official".

SECTION 3 **Delegation of Authority**

- 3.1. Only the Board of County Commissioners, or their designee(s), are authorized to approve procurement contracts on behalf of Sarasota County.
- 3.2. Section 2-214 (a) of the Procurement Code authorizes the County Administrator, or his designee, to approve procurement contracts up to \$100,000 for products and services included in and consistent with the adopted operating budget or capital improvement budget.
- 3.3. Section 2-214 (b) of the Procurement Code authorizes the County Administrator, or his designee, to approve and execute Work Assignments for Continuing Professional Services Contracts that do not exceed \$50,000 or 10% of the contract amount, whichever is greater.
- 3.4. The County Administrator, or his designee, is authorized to approve and execute procurement contracts up to \$500,000 each, for projects included in the Local Economic Stimulus Project list, pursuant to Section 2-214(d) of the Procurement Code.
- 3.5. The Procurement Official is authorized to approve and execute certain contract renewals, extensions, amendments, and term contracts pursuant to Sections 2-214 (e), 2-214 (f) and 2-214 (g) of the Procurement Code.
- 3.6. The Procurement Official and his designee(s) are authorized to approve purchase orders in accordance with Section 2-214 (h) of the Procurement Code.

SECTION 4 **Integrated Fund Accounting System (IFAS)**

- 4.1. IFAS is the basic financial system for the County. IFAS provides users electronic, on-line access to: general ledger, accounts payable, accounts receivable, cash receipts and purchase requests.
- 4.2. IFAS is a menu driven system that allows users to key, approve, and route electronic purchase requests to Procurement for purchase order processing. IFAS allows users to review the

Sarasota County Procurement Manual

status of purchase requests and to generate reports, on screen or printed, for purchase requests or purchase orders right from their desk.

- 4.3. Training in the IFAS electronic purchase request processing is provided by Procurement upon request.

SECTION 5 **Threshold Levels**

5.1. Sarasota County has adopted a centralized Procurement system designed to provide the maximum efficiency while maintaining security and control.

5.2. All procurements for Sarasota County will be conducted in a manner that promotes competition and secures the best value. Splitting transactions to evade thresholds is prohibited.

5.3. Minimum threshold requirements are:

Less than \$3,000	One quote
\$3000 to \$10,000	Three verbal quotes
\$10,000 to \$25,000	Three written quotes
\$25,000 to \$50,000	Written quotes secured by Procurement Specialists
Over \$50,000	Formal Bid or RFP

SECTION 6 **Procurement Methods**

Business Units are encouraged to consult with the applicable Procurement Specialist to determine which procurement solicitation to use at the beginning of their planning process for the project under consideration.

6.1. Request for Quote (RFQ")

6.1.1. A quote is a solicitation method by which oral or written prices are obtained from vendors for a product or service that is estimated to cost less than \$50,000. Quotes may be conveyed by via letter, telephone, fax or email, and do not require advertising, a sealed response, a public opening or public reading of the responses.

6.1.2. A properly prepared request for a quotation (RFQ) should:

- Describe the products(s) and/or services in detail, using clear, concise and complete language to indicate quantities, quality requirements, packaging, warranties, delivery requirements, etc.
- Provide vendors with sufficient time to respond to the RFQ
- Provide all vendors with identical copies of the RFQ and assure that all are alerted in writing to any changes in the requirements
- Specify a deadline for the submission of the quotes
- Arrange for pre-quote conferences when there is the possibility of extensive questioning by the vendors
- Assure that vendors can provide proof of adequate insurance.

6.1.3. Formal Quotes

6.1.3.a. A formal quote has an estimated price between \$25,000 and \$50,000. Procurement staff may use QuoteWire, to obtain formal quotes from vendors. The Business Unit is responsible for notifying Procurement as soon as it is determined that the need for an RFQ exists, and to provide Procurement with technical specifications.

Sarasota County Procurement Manual

6.1.4. Informal Quotes

- 6.1.4.a. An informal quote has an estimated price below \$25,000. Prices must be obtained from at least 3 vendors, unless the solicitation falls below the \$3,000 threshold.

6.2. Competitive Sealed Bids

- 6.2.1. An [Invitation for bid](#) is a procurement method regulated by Florida State Statutes and used for most procurements exceeding \$25,000. Sealed bids are submitted in response to a formal invitation for bid, to prevent pricing from being revealed prior to the time and date set for the bid opening. Bids are awarded to the responsive and responsible bidder submitting the lowest bid price. In awarding bids, preference shall be given to local businesses in accordance with Section 2-219 of the Sarasota County Procurement Code, and further defined in Section 7 of the Procurement Manual.
- 6.2.2. A bid opening is the official process in which sealed bids are opened, at the time and date specified in the invitation for bid. The amount of each bid is recorded by Procurement at the bid opening.
- 6.2.3. Sarasota County's threshold level requiring sealed bids is \$50,000 or more in aggregate purchases over the course of any one-year period. Sealed bids are appropriate for both products and services or any combination of the two.

6.3. Construction Quotes \$0 - \$50,000

- 6.3.1. The Board of County Commissioners authorizes the Procurement Official or designee through the Procurement Code to allow the procurement of construction goods or services beneath the \$50,000.00 threshold without Competitive Sealed Bids.

6.4. Construction Bid (\$50,000 +)

- 6.4.1. Sarasota County procures construction services in accordance with Florida Statutes 255.20(1) and 255.20(2).
- 6.4.2. Construction goods and services anticipated to exceed \$50,000 are procured through the Invitation for Bid process.
- 6.4.3. In the design-bid-build process, a design consultant is selected on the basis of qualifications and a fee for the Professional Services is negotiated or the project may be designed in house. Once the design is complete, a sealed bid is used to select a construction contractor. A Construction Contract is awarded to the lowest Responsible and Responsive Bidder. The Criteria for determining the lowest responsive and responsible bidder must be specifically stated in the bid documents and approved by the Procurement Official.

6.5. Design-Build

- 6.5.1. Sarasota County adheres to the procedures established by Section 287.055 of the Florida Statutes in procuring Design-Build services. The Design-Build Procurement is a qualification-based selection process that produces a short list of qualified Respondents. A Request for Proposal is sent to all of the Short-listed firms. Negotiations are initiated with the highest qualified short-listed respondent. Design Build solicitations allow the County to select a single entity to provide all of the services necessary to both design and construct a project.

6.6. Construction Manager at Risk

- 6.6.1. Construction-Manager-At-Risk Procurement is a qualification-based selection process that produces a short list of qualified Respondents. Negotiations are initiated with the highest qualified Respondent or a Request for Proposals is sent to all the Respondents listed on the short list.

Sarasota County Procurement Manual

6.7. Construction Term Contracts

- 6.7.1. Sarasota County adheres to the procedures established by Section 255.20 Florida Statutes in procuring services via a Term Contract. Preparation of bidding documents shall be as defined in the "Modeling Process".
- 6.7.2. Contracts may be awarded to a single or multiple bidders, as specified in the solicitation.
- 6.7.3. Single Award Construction Term Contract
 - 6.7.3.a. A contract is awarded to the lowest responsive and responsible bidder.
 - 6.7.3.b. Local Preference as established in Section 2-219 of the Procurement Code shall apply to the determination of the lowest responsive responsible bidder.
 - 6.7.3.c. Work Assignments will be issued on an as needed basis. The total of all Work Assignments shall not exceed the total contract price.
 - 6.7.3.d. Work Assignments shall not exceed the threshold as established by 255.20 Florida Statutes.
 - 6.7.3.e. The County may add line items for work not defined in the Contract per the guidelines established in the General Conditions/Provisions as long as said work does not exceed 25% of the Work Assignment cost.
 - 6.7.3.f. This percentage may be increased upon prior approval of the Procurement Official.
 - 6.7.3.g. The total Work Assignment cost inclusive of all negotiated items shall not exceed the threshold as defined in Section 6.7.3.d above.
 - 6.7.3.h. The Project Administrator may negotiate modifications to line item prices as listed in the Contract to take into consideration economy of scale as long as the negotiated price does not exceed the listed unit price.
 - 6.7.3.i. The Contract may be extended on a yearly basis upon the approval of both the County and the contractor for a total of three years or the expenditure of funds whichever comes first.
- 6.7.4. Multiple Award Construction Term Contract
 - 6.7.4.a. Contracts are awarded to multiple responsive and responsible bidders, as specified in the solicitation.
 - 6.7.4.b. Local Preference as established in the Section X of the Procurement Code shall apply to the determination of the lowest responsive responsible bidder.
 - 6.7.4.c. After identifying the lowest responsive and responsible bidder, offers will be made to the next responsive and responsible bidder(s) to accept the prices of the low bidder until the County has the number of qualified contractors as stipulated in the solicitation.
 - 6.7.4.d. If the number of qualified contractors stipulated in the solicitation documents cannot be found the County reserves the right to either rebid or accept the number of qualified respondents determined to be responsive and responsible.
 - 6.7.4.e. Work Assignments will be issued on an as needed rotational basis based on the Bid Award ranking not dollars. The County will attempt to ensure that all contractors receive an equitable amount of work, but does not make that guarantee.

Sarasota County Procurement Manual

- 6.7.4.f. The total of all Work Assignments shall not exceed the total Contract price.
- 6.7.4.g. Work Assignments shall not exceed the threshold as established by 255.20 Florida Statutes.
- 6.7.4.h. The County may add line items for work not defined in the Contract per the guidelines established in the General Conditions/Provisions as long as said work does not exceed 25% of the Work Assignment cost.
- 6.7.4.i. This percentage may be increased upon prior approval of the Procurement Official.
- 6.7.4.j. The total Work Assignment cost inclusive of all negotiated items shall not exceed the threshold as defined in Section 5.9(1)(c) above.
- 6.7.4.k. The Project Administrator may negotiate modifications to line item prices as listed in the Contract to take into consideration economy of scale as long as the negotiated price does not exceed the listed unit price.
- 6.7.4.l. The Contract may be extended on a yearly basis upon the approval of both the County and the contractor for a total of three years or the expenditure of funds whichever comes first.

6.8. Request for Proposal

- 6.8.1. A [Request for Proposals](#) (RFP) is a document used to solicit proposals from potential providers for goods and services. Price is not usually a primary evaluation factor. An RFP provides for the negotiation of all terms, including price, prior to execution of a contract with the selected proposer. Requests for Proposals are most often issued for procurements exceeding \$25,000 but may be issued at the discretion of the Procurement Official, regardless of the anticipated dollar amount of the expenditure.
- 6.8.2. The RFP document may include, but is not limited to, general information, qualification requirements, applicable laws and rules, functional or general specifications, performance specifications, statement of work, proposal instructions, and evaluation criteria.
- 6.8.3. [Business Unit RFP Responsibilities](#)

The requesting Business Unit must provide sufficient information to enable Procurement to draft a solicitation that allows prospective Proposers to prepare responsive proposals. All essential criteria of the desired goods or services should be included in the Statement of Work or performance specifications. At a minimum, the Business Unit should provide the following components in written form:

 - Background or Historical Information
 - Statement of Work (service), or performance specification (product);
 - Time frame in which work is to be completed;
 - Minimum qualifications
 - Estimated cost
- 6.8.4. Additional assistance with drafting an RFP document is available in the Procurement instructional document ["How to Draft an RFP"](#).
- 6.8.5. The requesting Business Unit must have funds budgeted and available for the intended expenditure, before an RFP can be finalized and advertised. Prior to the RFP's advertising, the requesting Business Unit shall provide a GL account number,

Sarasota County Procurement Manual

from which Procurement will debit the total cost of all advertising associated with the Request for Proposals.

- 6.8.6. During the time when the document is being drafted, the advertising period, the evaluation period, and as appropriate after recommendation of award, the Business Unit shall have no contact with potential or actual proposers, and shall direct all communications regarding the RFP to Procurement.
- 6.8.7. [Procurement RFP Responsibilities](#)
 - 6.8.7.a. Procurement staff works with the Business Unit to prepare a solicitation document that clearly states the minimum qualifications, response format, submission deadlines and other requirements.
 - 6.8.7.b. Procurement staff will establish evaluation criteria for each RFP. Evaluation criteria are qualitative factors, clearly stated in the RFP, which are used by the committee to evaluate and rank proposals to select the most qualified proposer (or proposers). Evaluation criteria often include, but are not limited to, past performance, references, technical capability, experience, price, quality and performance requirements. Each RFP shall clearly state the relative importance of the evaluation criteria.
 - 6.8.7.c. Procurement staff shall facilitate the RFP process, from initial document drafts through award and contracting. Procurement is available to address questions about policy or procedure, and is responsible for approving and justifying actions taken during the RFP process.
- 6.8.8. RFP Evaluation Committee Responsibilities
 - 6.8.8.a. An RFP Evaluation Committee is established for each RFP to review proposals, and conduct interviews during the evaluation process for a specific product or service.
 - 6.8.8.b. The committee is typically composed of representatives from the functional area identified in the RFP, but may also include representatives from other Business Units, or citizens with knowledge of the products or services being purchased. The RFP Evaluation Committee is chaired by a Procurement representative, who is a non-voting member of the committee.
 - 6.8.8.c. The makeup of each RFP Evaluation Committee must be approved by the Procurement Official.
- 6.8.9. Cancellation and Re-advertisement of RFP
 - 6.8.9.a. In the event it is determined to be in the best interest of the County to do so, the Procurement Official may cancel the RFP without making an award, at any point in the solicitation process, in accordance with the reserved rights identified in Section 2-220 of the [Procurement Code](#).
 - 6.8.9.b. RFP's that are canceled must undergo review and possible remediation, at the direction of Procurement, before they may be re-advertised.
- 6.8.10. Award of RFP
 - 6.8.10.a. Each RFP shall be awarded to the responsive and responsible Proposer or Proposers whose proposal, in the sole opinion of the evaluation committee, is determined to be the most advantageous to the County.
 - 6.8.10.b. In awarding each RFP, preference shall be given to local businesses in accordance with Section 2-220 of the Sarasota County Procurement Code, and further defined in Section 7 of the Procurement Manual.

Sarasota County Procurement Manual

- 6.8.10.c. Section 2-220 (i) of the Procurement Code grants preference to local businesses in the evaluation of an RFP. Proposers who qualify as a local business shall be granted points totaling 10% of the total points allotted. This preference does not apply to those operations classified as Professional Services, as defined in [Section 287.055, Florida Statutes \(CCNA\)](#).
- 6.8.11. Tie Breaking Procedures
 - 6.8.11.a. In the event of a tie between a non-local business proposer and a local business proposer, award shall be made to the local business proposer. A local business is defined in section 7.1.1.
 - 6.8.11.b. In the event of a tie between two or more local business proposers, or two or more non-local business proposers, award shall be made to the proposer with the lower volume of work previously awarded in the twenty-four months prior to the submittal deadline.

6.9. Request for Information

- 6.9.1. A Request for Information (RFI) is a formal method of gathering information from potential providers on a proposed product or service.
- 6.9.2. Information submitted in response to an RFI is often used to develop specifications included in a future solicitation (RFP).
- 6.9.3. A contract is not awarded as the result of an RFI.

6.10. Request for Professional Services (“RPS”)

- 6.10.1. Sarasota County adheres to the procedures established by Section 287.055 of the Florida Statutes in procuring professional engineering, architectural, landscape architectural and land surveying services.
- 6.10.2. All professional services in these disciplines estimated to cost in excess of \$25,000 must be solicited through a formal Request for Professional Services.
- 6.10.3. For professional service requirements under \$25,000, Procurement will coordinate the solicitation, evaluation, and related expenditures with the user group. The PSRC will not be utilized for these requirements; however, the evaluation guidelines stipulated in F.S. 287.055 will be followed.
- 6.10.4. Tie Breaking Procedures
 - 6.10.4.a. In the event of a tie between a non-local business proposer and a local business proposer, award shall be made to the local business proposer. A local business is defined in section 7.1.1.
 - 6.10.4.b. In the event of a tie between two or more local business proposers, or two or more non-local business proposers, award shall be made to the proposer with the lower volume of work previously awarded in the twenty-four months prior to the submittal deadline.

SECTION 7 Local Preference

Sarasota County grants preference to local businesses in accordance with Sections 2-219 and 2-220 of the Sarasota County Procurement Code. The Procurement representative will oversee the application of local preference to Competitive Sealed Bids and Competitive Sealed Proposals.

7.1. Definition of “Local Business”

- 7.1.1. “Local business” means the vendor has paid a local business tax either to Sarasota County or to the county in which the vendor is located, if applicable, prior to bid submission that authorizes the vendor to provide the commodities or services to

Sarasota County Procurement Manual

be purchased, and maintains a permanent physical business address located within the limits of either Sarasota, Manatee, DeSoto or Charlotte County from which the vendor operates or performs business, and at which at least one full time employee is located. In addition, fifty percent (50%) or more of the employees based at the local business location, must reside within Sarasota, Manatee, DeSoto or Charlotte County. In the event the local office is not the primary location of the vendor, at least 10% of the vendor's entire full-time employees must be based at the local office location. Alternatively, this requirement may be satisfied if at least one corporate officer, managing partner or principal owner of the vendor resides in either Sarasota, Manatee, DeSoto or Charlotte County.

7.1.2. Primary location is defined as the corporate headquarters of the business.

7.2. Local Preference Submittal Requirements

7.2.1. Bidders and Proposers wishing to be granted local preference must submit the following documents with their bid or proposal:

7.2.1.a. Signed Local Business Qualification Affidavit,

7.2.1.b. Copy of local business tax receipt (if applicable)

7.2.1.c. Signed Personnel Affidavits

7.2.2. Bidders or proposers who submit falsified data shall be disqualified from consideration as a local business in Sarasota County for a period of one (1) year.

7.3. Local Preference Applied to Sealed Bids

7.3.1. When applying local preference to competitive sealed bids, the Procurement representative will notify the responsive and responsible lowest local business bidder that they have five (5) business days to resubmit a bid that matches or beats the low bid submitted by the non-local business, provided the local businesses original bid was within 10% of the lowest bid submitted by the non-local business.

7.3.2. If the lowest local business bidder submits a revised bid that matches, or beats, the bid submitted by the lowest non-local business bidder, Procurement will award the bid to the local business. If the lowest local business bidder fails to submit a bid that matches or beats the bid submitted by the lowest non-local business bidder, Procurement will award the bid to the non-local business.

7.4. Local Preference Applied to Sealed Proposals

7.4.1. When applying local preference to competitive sealed proposals (RFP's), the Procurement representative will apply points equaling up to 10% of the total points allotted in the evaluation criteria, to any business submitting documentation that they are considered a local business. The allocation of points shall be clearly defined in each solicitation, and, when appropriate, may include points awarded for the use of local sub-consultants and the length of time a business has maintained a permanent local office.

SECTION 8 Emergency Procurements

8.1. Emergency procurements may be authorized when there is an immediate danger to persons or property or the threat of substantial economic loss to the County.

8.2. When feasible, local businesses shall be contacted to provide emergency products or services.

Sarasota County Procurement Manual

- 8.3. The Procurement Official must be notified of the need for an emergency procurement in writing by a General Manager or Executive Director as soon as possible. Emergency procurements will be made with such competition as is practical under the circumstances.
- 8.4. After the Procurement Official is notified of the need for an emergency procurement, the requestor will initiate a memo requesting approval of the County Administrator, or his designee. The emergency procurement authorization memo must be routed through the Procurement Official, and shall contain the following minimum information:
- Detailed explanation of the basis for the emergency
 - Date the emergency procurement was initiated
 - Information regarding the vendor selection process (including whether or not a local business was selected)
 - Financial information (including the total estimated cost of the procurement)
- 8.5. All emergency procurements must be subsequently reported to the Board of County Commissioners, through the County Administrator.

SECTION 9 Procurement Exemptions

The Procurement of goods and services shall be made using a competitive process whenever possible. However, there are instances, when it may be in the County's best interest to exempt a purchase from competition. All procurement exemptions requests must be submitted using either a Procurement Exemption Request form, a Sole Source Exemption Form or a Piggyback Exemption Form, and are subject to review by Procurement staff and approval by the Procurement Official. In accordance with Section 2-216 of the Procurement Code, the following procurements may not be subject to competitive requirements in the judgment of the Procurement Official.

9.1. Legal Services

The County Attorney has the sole authority to procure legal services. "Legal Services" shall mean any services provided by an attorney or law firm.

9.2. Legislative Lobbying Services

Legislative lobbying services provided by an attorney or law firm shall not be deemed to constitute legal services.

9.3. Sole Source Procurements

9.3.1. The Procurement Code, Section 2-216 states that "A contract may be awarded for goods or services without competition when the Procurement Official determines in writing that there is only one source for the required item".

9.3.2. In order for a vendor to be considered a sole source provider, a [Sole Source Exemption Form](#) must be submitted and approved by the Procurement Official. Sole source status is granted for a period of twelve months after which a new form must be presented for consideration.

9.3.3. Sole Source vendors must meet one or more of the following criteria:

- No other vendor can provide a comparable product or service, regardless of cost
- The product or service is proprietary (only one company has the legal right to sell it)
- Other vendors sell something similar, but we need something very specific to be compatible with existing equipment, and only one vendor sells it
- The County has formally standardized on a specific manufacturer's product

Sarasota County Procurement Manual

- Plans or drawings were signed and certified by this firm and no other firm is allowed to use them

9.3.4. The following criteria are not considered legitimate sole source exemptions:

- Time or Cost Savings
- Consistency
- Vendor Preference
- Continuation of work under an expired quote or contract

9.4. Piggybacking

9.4.1. Piggybacking is the procurement of goods and services from vendors who have been selected, regardless of contract status, as a result of a competitive selection process for State of Florida purchasing agreements, purchasing co-operative agreements, National Association of County (NACo) agreements, federal GSA agreements, other government agencies, recent Sarasota County Agreements, other public entities, inter-local agreements, or other organizations comprised of government entities or officers that have been through a competitive selection process which is substantially equivalent to that of the County.

9.4.2. All piggyback exemptions must be requested with a [Piggyback Exemption Form](#), and must be approved by the Procurement Official.

9.5. Other Procurements that may be granted exemption from competitive requirements.

9.5.1. All procurement exemption requests must be submitted using a [Procurement Exemption Request form](#), and are subject to review by Procurement staff and approval by the Procurement Official. Procurements made from nonprofit organizations.

9.5.2. The procurement of dues and memberships in trade or professional organizations, subscriptions for periodicals, books, electronic information, media, maps, pamphlets and similar material in printed or electronic form; real property and related services; works of art for public display, advertising, medical, dental, psychological, pharmaceutical, nursing, and other medically related professional services; room or board for social service clients; funeral related services; water, sewer, electrical, cable television, or other utility services; and business travel services.

9.5.3. Contracts for goods and services to be provided directly to the public by the contractor.

9.5.4. The procurement of goods and services as part of the process of apprehending persons suspected of violating the law.

9.5.5. Direct purchase orders issued for sales tax savings.

9.5.6. The procurement of instructors, trainers, facilitators, counselors, perishable food, used equipment, artistic services, educational field trips and recreational field trips,.

9.5.7. Goods or services given to the County via grant, gift or bequest.

9.5.8. Security services provided by off-duty law enforcement personnel and organizations employing such personnel.

9.5.9. Products or services related to information technology which is necessary:

9.5.9.a. to maintain existing warranties, or

9.5.9.b. to maintain compatibility with existing County systems

9.5.10. Contracts for goods and services that are provided at no cost to the County.

Sarasota County Procurement Manual

- 9.5.11. Additional work on a completed construction project whereby warranties may be voided if original contractor does not perform modifications or repairs. Applicability of this clause shall be at the sole discretion of the Procurement Official.

9.6. Unauthorized Purchases

- 9.6.1. Per Section 2-227 of the Procurement Code, any employee who authorizes the purchase of materials, supplies or services, outside the centralized Procurement system is in violation of County Procurement procedures.
- 9.6.2. Purchases authorized prior to the approval of a Purchase Order, shall be considered "after the fact" purchases, and will require the submittal of an ["After-The-Fact Procurement Form"](#).
- 9.6.3. At the discretion of the County Administrator, the unauthorized purchase of materials, supplies or services may result in:
- Written reprimand;
 - Suspension without pay;
 - Termination of employment

SECTION 10 Insurance Requirements

- 10.1. Insurance must be obtained for all (but not limited to) services, contracting operations, concessions, sports leagues, sports training, maintenance agreements and consulting services. The purpose is to protect County assets, County employees and the general public from losses for property damage, bodily injury, loss of use, business interruption and financial loss.
- 10.2. Regardless of the method of payment, these guidelines must be followed. Insurance is required based upon risk and loss potential. The Contract Matrix on the [Risk Management SharePoint site](#) will guide you to the exposure index and the required limits of liability.

SECTION 11 Payment Mechanisms

11.1. Purchasing Card

- 11.1.1. The County Purchasing Card Program, administered through Bank of America, allows cardholders to make small purchases (under \$3,000) without a purchase requisition. Purchasing cards may also be used for larger purchases, if those products or services are included in an annual agreement.
- 11.1.2. The Purchasing Card provides an electronic purchasing and payment process to acquire goods and services in a cost effective and controlled manner. Cost savings are realized by both the County and vendors, since invoices are not sent to Sarasota County for Purchasing Card purchases and payment is received immediately through the Visa system.
- 11.1.3. Purchasing card holders are required to complete online training and pass a test prior to obtaining a County purchasing card. The [Purchasing Card Manual](#) establishes policies and procedures for the purchasing card program. Purchasing card transactions must be made in accordance with the County's ordinances, policies and procedures and with the Florida Statutes.

11.2. Purchase Requisition

- 11.2.1. Purchase requisitions govern transactions between the County and its vendors for the procurement of goods and services.
- 11.2.2. Purchase requisitions may stand alone or be used in conjunction with two-party contracts.

11.3. Payment Request

Sarasota County Procurement Manual

- 11.3.1. Payment requests are used only when a vendor does not accept purchasing cards or purchase orders.

11.4. Contracts

- 11.4.1. A Procurement contract is a purchasing mechanism which may be used in conjunction with, but not in lieu of, a competitive procurement method such as a bid or RFP. Contracts govern the business transaction between the County and its vendors. Contracts may be negotiated and executed after a bid, RFP or Call has been issued and awarded.
- 11.4.2. Contracts may be used in any of the following circumstances:
- A large potential expenditure represents a high level of risk to the County
 - A project may extend over a long period of time
 - A payment structure is complex and a contract will serve as a standing definition of when payments are due and the amount of the payments
 - Whenever the potential for disagreement between the County and the vendor represents a risk to the County, financial or otherwise
 - An expenditure requires Board approval and a contract is an appropriate mechanism to obtain that approval
 - A contract is required by law, policy or other similar established regulation
 - A contract is determined necessary at the sole discretion of the Procurement Official.

SECTION 12 Minority Owned Business Enterprises

It is the policy of Sarasota County that all businesses regardless of size, owner's race, color, national origin, religion, or sex, shall be afforded equal access to participate in the competitive process of supplying goods and services to the County.

SECTION 13 Convicted Vendor List

- 13.1. [Section 287.133\(3\) \(d\), Florida Statutes](#), provides that the Department of Management Services shall maintain a list of the names and addresses of those who have been disqualified from participating in the public contracting process under this section.
- 13.2. Procurement staff will review the [State of Florida Convicted Vendor list](#) prior to approving contracts and grant agreements to ensure Sarasota County does not enter into agreements with vendors prohibited from providing goods and services to a public entity.

SECTION 14 Cellular Services

- 14.1. In order to ensure that the County receives the best possible cellular service quality, and that cellular service is available at the greatest possible number of county locations, it is in the County's best interest to evaluate and assess cellular telephone service providers cyclically and on an ongoing basis.
- 14.2. The evaluation of cellular services, including manual user testing if necessary, shall be conducted annually by the County's Enterprise Information Technology unit.
- 14.3. When cellular service evaluations indicate that market and/or service conditions have fluctuated, and the County believes competition for cellular services is favorable, a solicitation for cellular telephone service shall be advertised.

Sarasota County Procurement Manual

- 14.4.** Services selected as a result of any such solicitation shall be procured through the issuance of a County Purchase Order, as the frequent changes in provider offerings and service levels are often not conducive to a term contract arrangement.

SECTION 15 **Computer Hardware & Software**

- 15.1.** All computer hardware and software purchases must be approved by Enterprise Information Technology (EIT).
- 15.2.** The only exception is for software packages and computer accessories that are not fixed assets cost less than \$3,000, and for which the user will provide their own support.

SECTION 16 **Protests**

- 16.1.** Any bidder, proposer or offeror who believes that they have been aggrieved in connection with the solicitation or award of a contract, may protest the solicitation or the award action in accordance with the procedures outlined in Section 2-223 of the Procurement Code.
- 16.2.** Protest responses and proceedings are facilitated by the Procurement Official, but may require involvement of staff from the affected Business Unit.
- 16.3.** Protests of the terms, conditions, and specifications contained in a solicitation, including any provisions governing the methods for ranking or evaluating bids, proposals, or replies, awarding contracts, reserving the rights of further negotiation, or modifying or amending any bid, proposal, reply, or contract, the notice of protest must be filed with the Procurement Official within three business days after the posting of the solicitation.
- 16.4.** Protestors must verbally notify the Procurement Official of their intent to protest the award of a solicitation within three (3) business days of the posting of the Notice of Award Action. Protestors must file a formal written protest within five (5) business days of the posting of the Notice of Award Action.
- 16.5.** Upon receipt of a formal written protest which has been timely filed, the solicitation process or the contract award process will be stopped until the subject protest is resolved, unless it is determined that particular facts and circumstances require the continuance of the solicitation process or the contract award process without delay to avoid an immediate and serious danger to the public health, safety or welfare of the County.
- 16.6.** The Procurement Official must furnish a decision to the protestor in writing within five (5) business days of receipt of a formal written protest.
- 16.7.** A protestor may appeal the decision of the Procurement Official to the County Administrator. The formal written appeal must be made within five business days of receipt of the decision of the Procurement Official. The protest appeal shall include the basis for the protestor's disagreement with the decision of the Procurement Official.
- 16.8.** The County Administrator or his designee must provide a written decision to the protestor within seven (7) business days of receipt of an appeal of the Procurement Officials decision.
- 16.9.** A protestor may appeal the decision of the County Administrator to the Board of County Commissioners. The formal written appeal shall be made within five (5) business days of receipt of the decision of the County Administrator or his designee and shall include the basis for the protestor's disagreement with the decision of the County Administrator.
- 16.10.** The decision of the Board of County Commissioners regarding any protest shall be final.
- 16.11.** Failure of a protestor to file a protest within the times required at any step of this procedure or failure to include the required information in the protest shall invalidate the protest.
- 16.12.** The administrative proceeding before the Board of County Commissioners is quasi-legislative in nature and is not a public hearing or quasi-judicial proceeding. The Procurement Official

Sarasota County Procurement Manual

shall provide the protestor with a copy of the appeal procedures prior to the appeal being heard by the Board.

SECTION 17 Definitions

- 17.1. Administrative Agent:** County employee indicated in a contract who is responsible for the performance of the project, contractor communications, and all pertinent documentation.
- 17.2. Bid:** The sealed response submitted by a bidder to an Invitation for Bid.
- 17.3. Call for Professional Services:** A solicitation for professional services (architects, engineers, landscape architects and surveying/mapping services) governed by the Consultants Competitive Negotiation Act (FS 287.055).
- 17.4. Capital Improvement Program (CIP):** Public infrastructure improvements which the County undertakes, including the construction or reconstruction in whole or in part, of any building, road, or structure concerned with the governmental functions of the County.
- 17.5. Continuing Professional Service Contracts:** A contract for professional services used on an "as needed" basis. The contract may involve the services of architects, professional engineers, landscape architects, land surveyors or mappers, all of which are governed by Florida statute 287.055 ("CCNA"). Other continuing contracts may involve the professional services of other disciplines such as scientists or public relations and are not covered by the CCNA.
- 17.6. Contract:** A formal, mutually binding legal relationship, written representation, understanding or agreement between two or more parties, which includes the terms, conditions, and respective obligations. Such agreements may include but are not limited to: grants, revenue-producing agreements, leases, lease-purchase agreements, real estate purchase or sale contracts, and interlocal and interagency agreements. All contracts and contract amendments falling under this definition require Board approval.
- 17.7. Contractor:** The individual or legal entity with whom the County has entered into a contract to furnish goods, services or construction for an agreed upon price.
- 17.8. Emergency Procurement:** A procurement necessitated by an unforeseen condition that poses an imminent threat to the public health, safety or welfare where the delay involved in using standard procurement practices would be detrimental to the interests of the public.
- 17.9. Evaluation Criteria:** Those aspects of a proposal that will be evaluated quantitatively or qualitatively to assess which proposer can best meet the County's requirements.
- 17.10. Firm:** Any individual, partnership, corporation, association, joint venture or other legal entity legally able to conduct business.
- 17.11. Procurement:** The unit of the County's Office of Financial Planning responsible for the supervision of County purchasing.
- 17.12. Informal Solicitation:** Written or oral quotation below a given dollar threshold and not formally advertised.
- 17.13. Invitation for Bid:** All documents used to solicit competitive or multi-step sealed bids.
- 17.14. Minor Irregularities:** Any irregularities in a submitted bid or proposal that, in the opinion of the Procurement Official, may be waived or accepted in order to maintain the integrity and assure fairness of the solicitation process and to be in the best interests of the County.
- 17.15. Joint Project/Inter-Local Agreements:** A formal agreement between the County and one or more other public entities setting forth the obligations of each party regarding payments or performance of activities required to complete a specific project
- 17.16. Notice of Award:** A written notification from signed by the Procurement Official notifying bidders or proposers that there is an award of a bid, RFP, or Call for Professional Services.

Sarasota County Procurement Manual

- 17.17. Procurement Code:** County ordinance(s) identifying the procedures for the solicitation of goods and services related to the function of County government.
- 17.18. Procurement Contract:** A formal, mutually binding legal relationship, written representation, understanding or agreement between two or more parties, which includes the terms, conditions, and respective obligations. Such agreements may include but are not limited to: grants, revenue-producing agreements, leases, lease-purchase agreements, real estate purchase or sale contracts, and interlocal and interagency agreements. All contracts and contract amendments falling under this definition require Board approval.
- 17.19. Procurement Official:** The Manager of the County's Procurement Department or his/her designee.
- 17.20. Professional Services Review Committee:** A committee designated to review and rank, per the CCNA, proposals received in response to Calls for Professional Services.
- 17.21. Request for Information (RFI):** A non-binding method whereby the County publishes its need for input from interested parties for an upcoming solicitation. A RFI is used to obtain comments, feedback or reactions from potential contractors prior to the issuance of a solicitation. Generally price or cost is not required. Feedback may include best practices, industry standards, technology issues, etc.
- 17.22. Request for Proposals (RFP):** The document used to solicit proposals from potential providers for goods and services. Price is usually not a primary evaluation factor. Provides for the negotiation of terms, including price, prior to contract award. May be a single or multi-step process.
- 17.23. Responsible:** Term used to indicate that a prospective contractor has the financial resources, personnel, and overall capability to provide the goods or services in question.
- 17.24. Responsive:** Term used to indicate that a submitted bid or proposal conforms in all material respects to the stated requirements of the solicitation.
- 17.25. Work Assignment:** A negotiated assignment via a continuing services contract indicating a scope of work, fee schedule, and time line. Depending on dollar limits established in the original contract, a work assignment may be executed by the administrative agent or may require Board approval.