

**INDIAN RIVER COUNTY
OFFICE OF MANAGEMENT AND BUDGET
PURCHASING DIVISION**

DATE: December 8, 2022

TO: BOARD OF COUNTY COMMISSIONERS

THROUGH: Jason E. Brown, County Administrator
Kristin Daniels, Budget Director

FROM: Jennifer Hyde, Purchasing Manager

SUBJECT: Adoption of Modifications to the Purchasing Manual

BACKGROUND:

Section 105.06 of the Indian River County Code of Ordinances directs the county administrator to prepare a purchasing policies and procedures manual, which is commonly referred to as the Purchasing Manual. Revisions are necessary from time to time, and while not required by code, the administrator has always directed the changes be presented before the Board for their information and concurrence. The updated manual will be posted to the County web site for easy access.

DISCUSSION:

The following changes have been made and approved:

1. Section 1, General Information, has been updated to make explicit policy statements required for the county to be eligible for federal funding, as well as pass through funding to the sheriff from the Florida Department of Law Enforcement (FDLE). These statements were added in the Ethics and Conflict of Interest, and Project Involving Federal Funding paragraphs in the General Provisions, Purposes and Applications section, and in a new Full and Open Competition section.
2. Section 1 has also been amended to add explicit authorization for the use of alternate construction project delivery methods such as job order contracting (JOC) and design-build.
3. Section 1, Definitions has been updated to expand the capabilities of the Request for Information (RFI) process, which is most often used to obtain information about available products to help develop solicitation documents. It would be advantageous to use this short response process to prequalify vendors to provide supplemental services paid for directly by the public, such as food trucks for various events, and therefore, that explicit authority has been added. Typically, these vendors pay the county a portion of their proceeds, or a flat daily rate, with the annual revenue amounts well below the bid threshold.
4. The time for vendors to make notice of protest in connection with a competitive selection process has been reduced from seven to five calendar days. When notified by a department of a pending agenda for award of a solicitation, Purchasing makes public notice of intent regarding the bid, effectively starting the protest clock. Often this notification to Purchasing is not able to

be made until six or seven days prior to the proposed BCC meeting. The time noted in the manual for departments to submit their recommendation of award has been decreased from 10 days prior to the proposed BCC meeting, to seven days. These changes, while still affording ample time for the aggrieved to protest, facilitates bid award in a timeline preferred by the departments. Commensurate with this deduction, the seven day period for denied protests to be appealed is reduced from seven calendar days to three business days.

To support the modification of the protest timeline, a review of the protest timelines for neighboring counties was made. Only one other local county offers a protest notice period of longer than five calendar days, and none give more than five business days to appeal.

5. Section 5, which relates to Requests for Proposals (RFPs) and Requests for Qualifications (RFQs) had dictated a maximum number of selection committee members. As some solicitations require input from more than the maximum seven departments and agencies, the maximum has been stricken, and only the requirement for a minimum number of committee members remains. Composition of the selection committees remain subject to the county administrator's approval.
6. Section 6. Summary of Procurement is updated to clarify, as has been practice, the Board is not required to approve individual procurements associated with an existing local agreement, or an eligible cooperative or piggyback agreement (such as contracts awarded by the State).
7. Section 10, Information Technology Procurement Process has been streamlined and clarified. Step by step instructions are removed, and more explicit guidelines for the purchases are provided.

RECOMMENDATION

Staff recommends the Board note its concurrence with the changes approved by the County Administrator.

ATTACHMENTS:

Changes to the Purchasing Manual