Section 105.01. Purchasing Authority ~~of county administrator.~~

(a) *County Commission*. Any county purchase of supplies, material, equipment, or services costing more than two hundred thousand dollars ($200,000) shall be approved by the county commission. All contracts approved by the county commission shall be signed by the chairman, the clerk, and the county administrator, and approved as to form and legal sufficiency by the county attorney. Any purported contract not so executed shall be void ab initio and shall have no force and effect whatsoever. The county commission may enter into contracts under this paragraph based on the recommendations of the county administrator, bidding procedures, or other methods that the commission determines are in the best interest of the county. In addition, the county commission may direct the county administrator to take several bids and negotiate with these bidders to obtain an offer that is more advantageous to the county.

(b) *County Administrator*. Any county purchase of supplies, material, equipment, or services costing less than two hundred thousand dollars ($200,000) may be approved by the county administrator or his/her designee. If any emergency exists, the county administrator may authorize necessary purchases or contracts exceeding this amount, provided that the county administrator certifies that a true emergency exists, and details of the purchase or contract and the circumstances relating to it are provided to the commission for review and ratification.

(c) *Procurement Manager*. ~~Except as otherwise provided by Florida Statutes, a~~Any county purchase of supplies, material, equipment, or services costing less than one hundred thousand dollars ($100,000) may be approved by the procurement manager or his/her designee. The procurement manager is also authorized to approve and utilize the cooperative and piggyback procurement methods with no limit, after taking such action has deemed necessary to validate the procurement method and obtain the best price for the county.

~~Except as otherwise provided by Florida Statutes, the county administrator or his designee is granted authority to purchase or contract for: (a) supplies, materials, equipment, real property, and services, (other than services under section 287.055, F.S, except as otherwise set forth herein) costing seventy five thousand dollars ($75,000.00) or less; and (b) planning or study activity services obtained pursuant to the "Consultants' Competitive Negotiation Act", F.S. § 287.055, when the fee for such professional services is thirty five thousand dollars ($35,000.00) or less for the county; and (c) utilize cooperative and piggyback procurement methods after taking such action as the county administrator shall deem necessary to obtain the best price for the county. Any such purchase or contract may be executed by the county administrator in the name of the county without commission action, although copies of any such contracts shall be available to the commission for inspection. In an emergency, contracts for purchase of parts or repairs to then-existing county equipment or machinery may be purchased or contracted by the county administrator in his capacity as the county~~

~~administrator, provided the county administrator certifies that a true emergency exists, and routes a copy of the purchase order or contract to the commission for its inspection with a memorandum describing the emergency situation.~~

~~**Section 105.02. County commission.**~~

~~Any county purchase of supplies, material, equipment, or services in excess of the authority provided in section 105.01 or the Purchasing Policies and Procedures Manual, and services (other than as delegated in section 105.01) obtained pursuant to the "Consultants' Competitive Negotiation Act", F.S. § 287.055, shall be approved by the county commission. Purchase orders of seventy-five thousand dollars ($75,000.00) or less may be executed by the county administrator. If a formal written, integrated contract, in excess of seventy-five thousand dollars ($75,000.00), is required for such purchases, said contract shall be signed by the chairman, the clerk, and the county administrator, and approved as to form and legal sufficiency by the county attorney. Any purported contract not so executed shall be void ab initio and shall have no force and effect whatsoever. The county commission may enter into contracts under this paragraph based on the recommendations of the county administrator, bidding procedures, or such other methods that the commission determines are in the best interest of the county. In addition, the county commission may direct the county administrator to take several bids and negotiate with these bidders to obtain an offer that is more advantageous to the county.~~

Section 105.02 Procurement Manual

The procurement manager shall prepare a procurement manual to outline the requirements and procedures for the county to follow to maintain fair and competitive purchasing. The procurement manual shall be approved by resolution of the county commission. To the extent not inconsistent with this Code, the procurement manual is hereby incorporated herein.

Section 105.03. Bid ~~not required~~ procedures.

(a) *Bid Not Required.* Nothing in this chapter shall be construed as requiring the county to go out for bids, or, if bids are invited, that the lowest bidder be selected; provided, however, that it is recognized that on certain projects and services the Florida Statutes specifically require bidding.

(b) *Rejection of bids.* The county commission shall have the authority to reject any or all bids, parts of any or all bids, or any or all bids for any one or more supplies or contractual services included in the proposed contract, when the public interest shall be served thereby. Further, after rejection of all bids, the county commission may republish for new bids. The county administrator and procurement manager shall have this same authority with respect to bids for contracts under their purchasing authority.

(c) *Waiver of bidding procedures.* The county commission may waive or modify the bidding procedure on specific contracts.

~~**Section 105.04. Bidding procedures.**~~

~~The following bidding procedures shall be followed if bidding is used and the procedures are not otherwise modified:~~

(~~a~~) ~~*Public notice to solicit competitive bids or proposals/advertisement.* Any public notice to solicit competitive bids or proposals/advertisement shall be considered an invitation to potential bidders to submit offers to the county in conformity with the county's invitation. All bids received shall be considered irrevocable offers until such time as the county commission accepts an offer or rejects the offer as provided for in the bid specifications.~~

~~(b) *Publication of notice.* Public notice of any solicitation of competitive bids, or proposals or statements of qualifications shall generally be by publication in at least one newspaper of general circulation in the county when required by F.S. § 255.0525, and in additional instances at the discretion of the county administrator. Publication of notice will be made on the county's web site, as well as other appropriate online bid notification sites, and may be made directly to potentially interested parties.~~

~~(c) *Bid bonds and other bid security.*~~

~~(1) *Bids under thirty five thousand dollars ($35,000.00).* Normally, a bid bond shall not be required; however, if the county administrator determines that a bid bond is desirable in a particular instance the solicitation of competitive bids or proposals/advertisement shall specify the requirement for a bid bond and subparagraphs (2) and (3) of this paragraph shall apply.~~

~~(2) *Bids thirty five thousand dollars ($35,000.00) or over.* Bid bonds equal to five (5) percent of the total bid amount shall be submitted with each bid unless the public notice soliciting competitive bids or proposals/advertisement specifies that a bid bond is not necessary. Unsuccessful bidders shall be entitled to return of the bond no later than the final award of bid. The county shall retain the bid bond of a successful bidder upon failure by the successful bidder to execute and deliver a contract and, where applicable, the required payment and performance bonds within fifteen (15) days after receipt of a proposed contract from the county, unless such time is extended by the county administrator.~~

~~(3) *Bid security in lieu of bid bond.* Any bidder may submit a certified check or a cashier's check, drawn on any bank authorized to do business in the State of Florida in an amount equal to five (5) percent of the total bid amount as bid security in lieu of a bid bond. The county shall retain the bid security of a successful bidder upon failure by the successful bidder to execute and deliver a contract and, where applicable, the required payment and performance bonds~~

~~within fifteen (15) days after receipt of a proposed contract from the county, unless such time is extended by the county administrator.~~

~~(d) *Bid opening procedures.*~~

~~(1) *Sealed.* Bids shall be submitted sealed and shall be identified as bids on the envelope.~~

~~(2) *Opening.* Bids shall be opened in public at the time and place stated in the public notice.~~

~~(3) *Tabulation.* A tabulation of all bids received shall be available for public inspection.~~

~~(e) *Rejection of bids.* The county commission shall have the authority to reject any or all bids, parts of any or all bids, or any or all bids for any one or more supplies or contractual services included in the proposed contract, when the public interest shall be served thereby. Further, after rejection of all bids, the county commission may republish for new bids. County administrator shall have this same authority with respect to bids for contracts under the purchasing authority of the county administrator. (Section 105.01)~~

~~(f) *Bidders in default to county.* The county commission may reject the bid of a contractor, vendor, or other service provider who is in default on the payment of taxes, licenses, or other monies due the county. The county administrator shall have this same authority with respect to bids for contracts under the purchasing authority of the county administrator. (Section 105.01)~~

(g) ~~*Award of contract.* The county commission after review of bids received may award the contract to the bidder who, in the view of the county commission, has submitted the bid that is in the overall best interest of the county. The county administrator shall have this same authority with respect to submittals and bids for contracts under the purchasing authority of the county administrator. (Section 105.01)~~

~~(h) *Payment and performance bonds.*~~

~~(1) *Contracts under one hundred thousand dollars ($100,000.00).* Normally, payment and performance bonds shall not be required; however, if the county administrator determines that payment and performance bonds are desirable in a particular instance, the public notice soliciting competitive bids or proposals/advertisement shall specify the requirements for payment and performance bonds and subparagraphs (2), (3), and (4) of this paragraph shall apply. Except for a contract subject to paragraph (i), when there is no bond requirement the county shall make only one payment for the entire amount when the terms of the contract have been fulfilled.~~

~~(2) *Contracts one hundred thousand dollars ($100,000.00) and over.* Payment and performance bonds equal to one hundred (100) percent of the contract price shall be provided by the successful bidder at the time of the execution of the contract. The~~

~~public notice soliciting competitive bids or proposals/advertisement shall specify the requirements for payment and performance bonds.~~

~~(3) *Payment and performance bond requirements.* Each payment and performance bond shall be provided by a surety company authorized to do business in the State of Florida. The bond shall remain in effect for at least thirty (30) days after final completion.~~

~~(4) *Security in lieu of payment and performance bonds.* In lieu of the bond required by this subparagraph (h) a contractor may file with the county an alternative form of security in the form of cash, a money order, a certified check, a cashier's check, or an irrevocable letter of credit. Any such alternative form of security shall be for the same purpose and be subject to the same conditions as those applicable to the payment and performance bonds required by this subparagraph (h). The determination of the value of an alternative form of security shall be made by the county administrator.~~

~~(i) *Waiver of bonds.* At the time of award of contract, the county may waive the requirement for payment and performance bonds and the cost of said bonds shall be deducted from the contract price.~~

~~(j) *Waiver of bidding procedures.* The county commission may waive or modify the bidding procedure on specific contracts.~~

~~Section 105.04.1. Reserved.~~

~~Editor's note(s)—Section 1 of Ord. No. 2010-019, adopted Oct. 5, 2010, repealed § 105.04.1, which pertained to local preference in purchasing or contracting, and derived from Ord. No. 2009-101, adopted July 14, 2009.~~

Section 105.04~~5~~. Professional services.

Public announcement and qualification procedures, competitive selection, and competitive negotiation for professional services of architects, professional engineers, landscape architects, or registered land surveyors shall be as specified in F.S. § 287.055, as applicable, as said section exists or may be amended.

~~**Section 105.06. Purchasing policies and procedures.**~~

~~The county administrator shall prepare a policies and procedures manual which shall provide county employees with practices and procedures that are to be followed consistent with the principles embodied in this chapter. Failure of any employee to follow said polices and procedures shall not void an action taken under this chapter or give rise to a cause of action to anyone, including unsuccessful bidders; however, the commission may consider any irregularities when considering an award of contract. If fundamental fairness has been violated, the commission shall reinstate the bidding process unless exigency requires otherwise.~~

Section 105.057. Purchase of real property.

In addition to statutory methods and procedures for the purchase of real property, the county may acquire real property by bid, negotiated sale, or exchange. Where appropriate the county shall establish the value of the property by appraisal.

Section 105.068. Disclosure of relationships.

Any entity submitting a bid or proposal or entering into a contract with the county shall disclose if any officers are elected officials or county employees. In addition, the entity must disclose any relationship that may exist between the contracting entity and a county commissioner or county employee.~~or an affiliate of the entity and a county commissioner or county employee.~~

The relationship with county commissioner or county employee that must be disclosed is as follows:

Current county commissioner or county employee, ~~F~~father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, or grandchild.

The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of the entity.

The disclosure of relationships shall be a sworn statement made on a county approved form.

Section 105.079. Waiver of sovereign immunity in contracts.

Notwithstanding any specific contractual language to the contrary, in any contract executed by the chairman of the board of county commissioners on behalf of the county, the county shall be bound only by the express written terms of the contract as originally written or as expressly modified by a written document executed by the chairman. No action or demand for arbitration shall be commenced against the county based on an implied covenant within the express written terms of the contract or upon a provision implied by law. Failure of a party to comply with the express written terms of the contract shall act as a bar to any action or arbitration by said party against the county. This represents the limits of waiver of sovereign immunity by the county with regard to county contracts.

Section 105.810. Environmentally preferred procurement policy.

The county is committed to the procurement of products and services that minimize negative environmental and social impacts and emphasize long-term values. Preference shall be given to products and services that have a lesser or reduced effect on human health and the environment when compared to other products and services that serve the same purpose. This

comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product or service.