

applicable regulations, guidelines and standards. Any person who believes their rights have been violated should report such discrimination to the County’s Title VI/Nondiscrimination Coordinator through the office of the County Attorney.

O. Ethics and Conflict of Interest. All County employees involved in any part of the procurement process are required to act in an ethical manner. Local policies, including disciplinary action for violations, addressing such practices may be found in the Administrative Policy Manual, AM-806.1, Conflicts of Interest/Ethics Code 104.06 (which supplements the requirements of F.S. Chapter 112) and County Code Section 105.08 – Disclosure of Relationships. In addition to civil penalties imposed by state or federal authorities, violation of these practices will be evaluated in accordance with the disciplinary procedure provided in AM-807.1.

P. Projects Involving Federal Funding. When a procurement involves federal assistance, ~~or~~ the expenditure of federal funds, or federal grant funds for a pass-through agency (such as Florida Department of Emergency Management and the Florida Department of Law Enforcement), the procurement and any resulting contract shall be conducted in accordance with any mandatory applicable federal laws and regulations, including 2 C.F.R. §200.317 through 327. Departments are responsible for defining funding sources when requesting a bid number or entering a requisition. Key items of note in relation to 2 C.F.R. include:

1. Departments shall avoid acquisition of unnecessary or duplicative items, with consideration given to consolidating or breaking out procurements 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.

2. Geographical preference may not be considered for work under 2 C.F.R. §200.319.

Q. Cone of Silence. Potential bidders/respondents and their agents must not communicate in any way with the Board of Commissioners, County Administrator or any County staff other than Purchasing personnel in reference or relation to a solicitation. This restriction is effective from the time of bid advertisement/release until the Board of County Commissioners meets to authorize award. Such communication may result in disqualification.

R. Domestic Preference. To the extent practical, as determined by the Department Director and Purchasing Manager, a preference will be given to items produced in the U.S.A. All U.S. Flags purchased for display at County facilities shall be Made in the U.S.A.

S. Alternate Project Delivery Methods. When appropriate and authorized under local, state and federal law, delivery methods such as job order contracting (JOC) and design-build may be utilized.

1.4 PURCHASING DEFINITIONS

APPLICABLE LAW - Any local, state or federal law which applies to the transaction or issue at hand, as amended from time to time. If any specific statute or local law is cited in this manual, such reference shall be to the statute or local law, as amended from time to time.

EMERGENCY - Any circumstance which creates a threat to public health, safety, welfare or property, or may result in substantial loss to the County. The term shall not be limited to officially-declared local, state or federal emergencies. In the absence of an officially declared state of emergency, the Purchasing Manager (for purchases up to \$35,000), the County Administrator or the Board shall determine whether an emergency exists for procurement purposes.

EMERGENCY PROCUREMENT – A procurement transaction necessitated by an emergency where the delay incident to compliance with this manual would be detrimental to the best interests of the County.

ENTERPRISE ERP – Tyler Technologies enterprise resource planning (ERP) software program previously known as Munis.

INVITATION TO BID – A solicitation for fixed pricing to complete specified work or provide specified commodities or services.

INVITATION TO NEGOTIATE (ITN) – A solicitation for proposals to determine a best value option to meet a specific goal or address a specific problem. The solicitation seeks one or more respondents with whom the County will negotiate for the procurement of commodities or contractual services. Unless otherwise identified in the individual solicitation, evaluation will be completed as outlined in Section 5.1, however negotiations with multiple firms may be conducted concurrently.

MANDATORY BID THRESHOLD – The mandatory bid threshold shall be \$35,000. Commodities or services having an estimated value equal to or in excess of the mandatory bid threshold shall be procured through a competitive selection process; provided that the County Administrator shall be authorized to enter into a procurement transaction up to \$75,000, without competitive selection, and at his discretion, without three quotes if determined to be in the best interest of the County, unless otherwise required by applicable law; and provided further that the Board shall be authorized to approve a procurement transaction up to or in excess of \$75,000, without competitive selection, unless otherwise required by applicable law.

OFFICIAL – Any reference to a county official in this manual – such as the County Administrator, County Attorney, Department Director, Purchasing Manager or Risk Manager – shall include the official, or his or her designee.

ORIGINATING DEPARTMENT – The department within the County which originated the request for procurement of a commodity or service.

REQUEST FOR INFORMATION (RFI) – A solicitation of input from interested parties for an upcoming solicitation or project. This procurement practice used to obtain comments, feedback

or reactions from potential suppliers (contractors) prior to the issuing of a solicitation. Generally, price or cost is not required. Feedback may include best practices, industry standards, technology issues, etc. Responses from an RFI may also be used to qualify or select vendors authorized to provide supplemental services paid for by the public, with a portion of revenue or fee paid to the county, such as food trucks and concessions.

REQUEST FOR PROPOSAL (RFP) – A solicitation for proposals to achieve a stated objective. An RFP is characterized by a description of the desired objective and a statement of evaluation criteria. RFPs may request a price proposal, to be considered in accordance with the evaluation criteria. (See section 5.1 below).

REQUEST FOR QUALIFICATION (RFQ) – A solicitation to professionals to submit a summary of their qualifications to perform a general or specific job or service. If the RFQ is subject to the Consultants’ Competitive Negotiation Act, the County shall select no less than three professionals for discussions and, if requested by the County, for presentations. After staff recommendation and approval by the Board, the County shall enter into negotiations for a contract with the most qualified professional(s). RFQs shall be governed by the Consultants’ Competitive Negotiation Act, to the extent applicable. (See section 5.2 below).

RESPONSIVE BIDDER – A bidder whose bid, proposal or submittal complies in all material respects with the bid invitation or solicitation request, as determined by the County.

RESPONSIBLE BIDDER – A bidder who has the capability in all respects to fully perform the contract requirements, and the integrity and reliability that will assure good faith performance, as determined by the County.

SERVICES – This term shall generally include all services rendered to the County, except those described in section 287.057(3)(e), Florida Statutes (e.g, legal services, health services, etc). Services described in section 287.057(3)(e), Florida Statutes, may be procured without competitive selection.

SOLE SOURCE/SINGLE SOURCE – The only known vendor reasonably capable of providing a specific commodity or service to the County. These terms are used interchangeably, with Sole Source being commonly used by the County, but Single Source defined in 2 C.F.R.

SOLE BRAND – The only known brand reasonably capable of fulfilling the specific needs of the County.

TECHNICALITY OR IRREGULARITY – An item which is not in compliance with the bid invitation or solicitation request, but which is determined by the applicable County awarding authority to be immaterial to the substantive terms and conditions of the bid, proposal or submittal. The waiver of a technicality or irregularity shall not result in an unfair advantage or disadvantage to any person responding to the bid invitation or solicitation request.

1.5 AUTHORITY OF THE PURCHASING MANAGER

A. Line of Authority. The Purchasing Division is part of the Office of Management and Budget. The Purchasing Manager is directly responsible to the Director of the Office of Management and Budget. Except as otherwise provided in this manual, the Purchasing Manager shall procure or oversee the procurement of all commodities and services for the Board.

B. Principal Procurement Officer of the County. The Purchasing Manager shall be the principal procurement officer of the County.

C. Operational Procedures. The Purchasing Manager may adopt operational procedures covering the internal functions of the Purchasing Division and delegate rights, powers, and authority vested in him to other Purchasing Division staff.

1.6 FULL AND OPEN COMPETITION

All procurement must be conducted in a manner to encourage full and open competition, and to prohibit unfair competitive advantage. Prohibited actions, defined in 2 C.F.R. §200.319, include:

1. Placing unreasonable requirements on firms in order for them to qualify to do business;
2. Requiring unnecessary experience and excessive bonding;
3. Noncompetitive pricing practices between firms or between affiliated companies;
4. Noncompetitive contracts to consultants that are on retainer contracts;
5. Organizational conflicts of interest;
6. Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement;
7. Any arbitrary action in the procurement process; and,
8. Any geographical preferences in the evaluation of bids or proposals (unless specifically mandated or encouraged by Federal statute). This prohibition does not apply to architectural and engineering (A/E) services, for which geographic location may be a selection criterion, provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

to the bidder with a Drug Free Workplace Program. In cases where a tie still exists, the Board shall award to the bidder identified as the most responsible bidder based upon any other relevant factors. If a tie still exists, the winning bidder shall be determined in favor of the bidder whose response was received first (as indicated on the Purchasing receipt time stamp and associated log).

C. Price Adjustment. Where appropriate, contracts may be awarded with a provision for upward or downward price adjustments, provided such adjustments were part of the bid documents.

D. Cancellation after Award. The Board may cancel a bid award at any time prior to execution of the contract by all parties, including the County.

4.4 ADDITIONAL REQUIREMENTS FOR CONSTRUCTION AND PUBLIC WORKS CONTRACTS

A. Bid Package Preparation. A complete packet of all bid documents including the original specifications and standardized terms and conditions shall be provided by the Originating Department to the County Attorney for approval. A copy of the bid documents indicating approval by the County Attorney shall be forwarded to the Purchasing Division for final review.

B. Public Notice. Bids will be advertised as set forth in Florida Statute 255.0525(2) and Indian River County Code paragraph 105.04.

C. Recommendation for Award.

1. The Purchasing Division will review the Originating Department's recommendation for Award and prepare an agenda item for submission to the Board. Recommendation of award must be submitted to the Purchasing Division no less than ~~10~~ seven days prior to the proposed commission meeting to facilitate both preparation of the agenda and public notice of the recommendation for a period of more than ~~seven~~ sevenfive days, ensuring no bidder's right to protest is subverted. Should the Originating Department prefer to prepare an Agenda Item due to complexity of the bid, the item shall be routed through the Purchasing Division prior to finalization.

2. If a proposed or sample contract is included in the agenda item, the Originating Department is responsible for routing the proposed contract through the office of the County Attorney. The written recommendation should only request permission for the Board Chairman to execute the contract if the proposed or sample contract is included with the agenda item. A contract must be executed by the other party prior to submission to the Board Chairman to sign.

3. If a proposed or sample contract is not included in the agenda item, it shall be the Originating Department's responsibility at a later date, to prepare an agenda item requesting execution by the Board Chairman, to route the agenda item for required approvals, and to present the item at a Board meeting. A contract must be executed by the other party prior to submission to the Board Chairman to sign. A copy of the agenda



**BOARD OF COUNTY COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA**

Purchasing Policies and Procedures

Manual Updated ~~August 16~~ December 20, 2022

5. COMPETITIVE SELECTION – RFP/RFQ

5.1 REQUEST FOR PROPOSAL (RFP)

If it is not practical or advantageous to procure any specific commodity or service by competitive sealed bidding, a request for proposals may be used.

A. RFP Process. An RFP is characterized by a description of the desired objective and a statement of evaluation criteria. It must include a clear description of the need for the goods or services being procured. RFPs may include a request for price, to be considered in accordance with the evaluation criteria. Except as modified by applicable law or this manual, RFPs shall be advertised, received, opened and processed, and shall be corrected, withdrawn and cancelled, in the same manner as bids discussed in section 4.

1. Evaluation Criteria. The RFP shall state the evaluation criteria and the relative importance of each evaluation criterion, including price, if applicable. Only criteria set forth in the request may be used to evaluate the proposals submitted.

2. Selection Committee (“Committee”). After the RFP has been issued, a Committee shall be appointed by the County Administrator. The Committee shall be comprised of not less than three ~~and not more than seven~~ members. A majority of members shall constitute a quorum.

3. Review of Proposals. The Committee shall review all proposals submitted in response to the RFP, and shall make a recommendation for award, based upon the evaluation criteria.

4. Non-Public Proceedings of the Committee. If the Committee (a) meets to discuss negotiation strategies, or (b) meets with a proposer for the purpose of hearing a presentation, conducting discussions and asking questions, or conducting negotiations, such meetings may, at the election of the County, be held in private; provided, however, that a complete recording shall be made of any non-public portion of the meetings, and no portion of the non-public meetings shall be held “off the record.” The recording of the non-public portion of the meetings shall be considered a public record, under chapter 119, Florida Statutes, which is exempt from production to the public until such time as the County provides notice of an intended decision, or until 30 days after opening of the proposals, whichever occurs earlier.

5. Negotiation of Proposals. The County may negotiate with any proposer to revise, value engineer, etc any proposal, provided the revisions do not amount to a

substantial and material change to the proposal, and provided that such revisions do not unfairly affect other proposers.

6. Award of Proposals. The committee's recommendation shall be presented to the Board for approval, which may include a request for authorization to negotiate, or recommendation of award, after public notice of the final ranking has been made at least seven days prior to the proposed Board meeting. If the agenda is not prepared by the Purchasing Division, a copy of the agenda item and all supporting documentation shall be provided to the Purchasing Division prior to submission to the Board. The award shall be made to the most responsive and responsible proposer whose proposal is determined to be the most advantageous to the County, based upon the evaluation criteria.

5.2 REQUEST FOR QUALIFICATIONS (RFQ)

Certain professional services are required by the Consultants' Competitive Negotiation Act to be procured by the use of a Request for Qualifications (RFQ). An RFQ may also be used to procure professional services not covered by the Consultants' Competitive Negotiation Act.

A. RFQ Process. An RFQ is characterized by an invitation to professionals to submit a summary of their qualifications to perform a general or specific job or service. It must include a clear description of the need for the goods or services being procured. If the RFQ is subject to the Consultants' Competitive Negotiation Act, the County shall select no less than three professionals for discussions and, if requested by the County, for presentations. After staff recommendation and approval by the Board, the County shall enter into negotiations for a contract with the most qualified professional(s). RFQs shall be governed by the Consultants' Competitive Negotiation Act, to the extent applicable. Except as modified by applicable law or this manual, RFQs shall be advertised, received, opened and processed, and shall be corrected, withdrawn and cancelled, in the same manner as bids discussed in Section 4. Ten-year litigation history shall be requested as part of the RFQ submittal.

B. Evaluation Criteria. The qualifications of each firm responding to an RFQ subject to the Consultants' Competitive Negotiations Act shall be determined in accordance with the criteria set forth in the Act, including, without limitation, the professional ability of personnel; whether the firm is a certified minority business enterprise; past performance; willingness to meet time and budget requirements; location; recent, current and projected workloads; and the volume of work previously awarded to each firm by the County, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms. The qualifications of each firm responding to an RFQ which is not subject to the Consultants' Competitive Negotiations Act shall be determined in accordance with the criteria set forth in the RFQ.

C. Selection Committee ("Committee"). A Committee shall be appointed by the County Administrator after the RFQ has been issued. The Committee shall be comprised of not less than three ~~and not more than seven~~ members. A majority of members shall constitute a quorum.



**BOARD OF COUNTY COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA**

Purchasing Policies and Procedures

Manual Updated ~~August 16~~December 20, 2022

6. SUMMARY OF PROCUREMENT

The following is a summary of the above procurement requirements.

A. Less than \$3,500. Quotes are not required; blanket purchase orders are permitted; emergency purchase orders are permitted; sole source procurement permitted; sole brand procurement permitted; annual term contracts permitted; cooperative purchasing (piggyback) permitted; Bid/RFP/RFQ permitted, but not required. The Purchasing Manager, County Administrator and the Board have authority to approve procurements less than \$3,500.

B. From \$3,500 to \$35,000. Three (3) quotes required to be attached to the requisition; blanket purchase orders are permitted; emergency purchase orders are permitted; sole source procurement permitted; sole brand procurement permitted; annual term contracts permitted; cooperative purchasing (piggyback) permitted; Bid/RFP/RFQ are permitted, but not required. The Purchasing Manager, County Administrator and the Board have authority to approve procurements from \$3,500 to \$35,000.

D. From \$35,000 to \$75,000. Emergency purchase orders permitted; sole source procurement permitted; sole brand procurement permitted; annual term contracts permitted; cooperative purchasing (piggyback) permitted; Bid/RFP/RFQ are required, unless waived by County Administrator or Board, or required by applicable law. The County Administrator and the Board have authority to approve procurements from \$35,000 to \$75,000, and the Purchasing Manager has authority to authorize purchases associated with an eligible Cooperative or Piggyback agreement. Bid security required for bids over \$35,000.

F. Over \$75,000. The Board must approve all procurements not associated with an existing local agreement or eligible Cooperative or Piggyback agreement; Bid/RFP/RFQ required, unless waived by the Board, if allowed by applicable law. Bid security is required.

G. Construction Projects Over \$100,000. Public construction bond required for construction contracts.



**BOARD OF COUNTY COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA**

Purchasing Policies and Procedures

Manual Updated ~~August 16~~ December 20, 2022

7. PROTEST PROCEDURE

7.1 RESOLUTION OF PROTESTS

Any actual or prospective bidder or proposer who is aggrieved in connection with a competitive selection process may protest to the Purchasing Manager. The protest shall be submitted to the Purchasing Manager in writing within ~~seven~~ five (75) calendar days after the bidder or proposer knows or should have known of the facts giving rise to the protest.

A. Decision. The Purchasing Manager shall promptly investigate the basis of the protest and, after consultation with the Originating Department, the Office of the County Attorney and any other person or entity deemed necessary by the Purchasing Manager, shall issue a decision in writing. A copy of the decision shall be furnished immediately to the protestor and any other party determined by the Purchasing Manager to be directly affected by the decision. The decision shall:

1. State the decision and the basis for the decision, and
2. Set forth the protestor's right to administrative review.

B. Administrative Review. If the protestor disagrees with the decision of the Purchasing Manager, the protestor may appeal the decision. Appeal will be presented to the Board, or to the County Administrator, if within his \$75,000 approval authority or other circumstance that would not necessitate consideration of solicitation by the Board. Written notice of such appeal shall be submitted by the protestor to the Purchasing Manager within ~~seven~~ three (73) ~~business calendar~~ days of receipt of the Purchasing Manager's decision. The Board shall consider the appeal with reasonable promptness, and may address the appeal at the same time that it considers the Bid/RFP/RFQ award.

C. Stay of Procurements During Protests. In the event of a timely protest, the County shall not award the contract until the administrative appeal is resolved as set forth in paragraphs A and B above, unless the County Administrator or the Board determines that the award must be made without delay in order to protect the substantial interests of the County.



**BOARD OF COUNTY COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA**

Purchasing Policies and Procedures

Manual Updated ~~August 16~~ December 20, 2022

10. INFORMATION TECHNOLOGY PROCUREMENT PROCESS

The following procedures are necessary ~~in order~~ to maximize consistency, cost efficiencies and life cycle management of the ~~IT-related devices equipment~~ (telephones, computers, servers, copiers, printers, scanners, ~~software, etc.~~), ~~and apply regardless of funding source.; accessories, and software procured by purchase or lease for the County, the following steps will be utilized for all IT orders:~~

Departments shall not place orders for any item of hardware, related accessory, or software. Requests for all such purchases shall be made to the IT department through a help desk ticket. This restriction excludes new or replacement carrying cases and protective devices, such as screen protectors.

If a purchase is required, the IT department will obtain necessary quotes or prices for the item, determining the best value to the County, and either enter a requisition on behalf of the department, or use an existing department blanket PO, if appropriate. When the Purchase Order has been issued or identified, the IT Department will place the order, with the items shipped to the attention of IT. On arrival, the items will be installed, and the invoice entered by IT, and the help desk ticket closed.

Any item being installed on, or connected or plugged into the County's computer or telephone network must be requested on a help desk ticket, to ensure compatibility and compliance with security protocols.

~~A. — Any Department that has an IT procurement requirement makes a request to the IT department for a quote to fulfill that requirement. The request should be made via the IT help desk application.~~

~~B. — The IT department will respond with a quote to meet the defined requirements; discussion between the departments takes place as required until the quote is agreed upon by the requesting department.~~

~~C. — Once the quote is agreed upon, then the requesting department issues an email request to initiate the procurement, and in that same email, provides the GL account that will be used to pay for the items being procured.~~

~~D. — The IT department will then enter the requisition and add the email that authorizes the requisition and provides the GL account as an attachment.~~

~~E. — The IT department will contact Purchasing if assistance is required to enter the GL account on the requisition.~~

~~F. — The requesting department will approve the requisition; after which the items will be ordered via the standard procurement process.~~

~~G. — When the items are received, they will be delivered to the IT department to be configured and deployed.~~

~~H. — The IT department will be the sole source required to sign for delivery and submit the invoice to finance for payment, regardless of which department is paying for the items ordered on their behalf.~~

~~I. — Finance will accept the IT signature on the invoice as evidence that the items were received and will issue the payment from the GL account specified in the PO, based on the initial email request and approval attached to the requisition.~~

~~J. — Upon delivery to the end user, the receiving department is required to update the IT helpdesk ticket acknowledging receipt of the equipment that was ordered; this update will not have any bearing on the issuance of payment (see step H above).~~