

ADMINISTRATIVE REGULATION

AR: 9.01-17

DATE

April 10, 2018

SUBJECT:

Purchasing Policy

ORIGINATING DEPARTMENT:

Management and Budget

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PURPOSE:

The County recognizes the foundation of any well-managed procurement program is one that:

1. Promotes competition among vendor/contractors/consultants, assuring the County obtains the best value for its expenditures.
2. Assures a fair and equitable distribution of trade between the County and vendors/contractors/consultants.
3. Fosters a positive relationship with vendors/contractors/consultants.
4. Assures compliance with County's Administrative Regulations and the State of Florida Statutes governing the procurement of commodities and services.

POLICY:

- (a) It is the policy of the Board of County Commissioners to establish a purchasing program that ensures commodities and services required are obtained in a consistent and timely manner, at the most favorable price, consistent with required standards.
- (b) The County Administrator may delegate his/her approval rights. The County Administrator/designee shall be responsible for supervising the awarding of all Purchase Orders and Contracts for all commodities and services under this Administrative Regulation.
- (c) A Director may delegate his/her approval rights.
- (d) In procuring commodities and services, the County shall comply fully with Chapter 287 of the Florida Statutes and the following Purchasing Administrative Regulations (latest revision):
 - AR 9.02 Requisitioning Procedures
 - AR 9.03 Nonconforming Purchase Orders
 - AR 9.04 Petty Cash Purchases
 - AR 9.05 Purchase Orders
 - AR 9.06 Emergency Purchases
 - AR 9.07 Contracting For Construction Services
 - AR 9.08 Request for Qualifications Procedures/Contracting for Professional Services/Consultant Competitive Negotiation Act
 - AR 9.09 Continuing Contracts for Professional Services
 - AR 9.10 Invitation to Bid Procedures
 - AR 9.11 Continuing Services Contract for Construction Services
 - AR 9.12 Direct Purchase of Equipment, Materials, or Supplies for Construction Projects
 - AR 9.13 Procurement Policies and Procedures for Local Agency Program Projects Funded by Federal Aid Grants

AR 9.14 Sole Source Purchases

AR 9.15 Request for Proposal Procedures

AR 9.16 Receiving Procedures

AR 9.17 Purchase Card Program

- (e) Grant funded procurements must follow the agreement with the awarding agency, grant manual (There are grant manuals for Federal and Federal Transit Authority grants), and all other County policies and procedures in place.
- (f) In accordance with Chapter 112.313(2) of the Florida Statutes, no county employee or elected official shall solicit or accept anything of value from a vendor, contractor or consultant, including a gift, loan, reward, promise of future benefit, favor, or service, based upon any understanding that the vote, official action, or judgment of the employee or elected official would be influenced thereby or that would give the appearance that such influence exists.
- (g) Purchases of commodities and services may not be split or divided into more than one purchase or more than one project for the purpose of evading the financial authority dollar limit requirements in this Administrative Regulation.

GENERAL PROCEDURES:

- (a) DMB means "Department of Management & Budget"
- (b) Except as noted elsewhere in this Administrative Regulation, the following authorization levels apply to the procurement of all commodities and services and shall be subject to strict adherence when following the procedures outlined in the County's Administrative Regulations noted above:
 - 1. Office/Division Directors/Acting Directors shall have authorization to approve all purchases valued less than \$5,000. Each Director may assign a designee(s) to approve invoices for purchases at this level to ensure timely payment.
 - 2. Department Directors/Acting Directors shall have authorization to approve all purchases valued less than \$10,000. Each Director may assign a designee(s) to approve invoices for purchases at this level to ensure timely payment.
 - 3. The County Administrator/designee must approve all purchases valued between \$10,000 and \$25,000 and has the authorization to approve all purchases under \$25,000.
 - 4. An employee serving as "Acting" or "Interim" position temporarily will have the same level of authorization as the position being temporarily filled.
 - 5. Authorization from the Board of County Commissioners must be obtained for all purchases valued in excess of \$25,000.
 - 6. **Exception to the above:** If the purchase is through a State Term Contract, Florida Sheriff's Term Contract, U.S. Communities Agreements, PRIDE, RESPECT or State Cooperative Purchasing Agreements, the Board of County Commissioners does not require authorization for purchases valued over \$25,000; however, authorization is required by the County Administrator/designee. Documentation of such shall be noted in the description or attached online to the purchase requisition for reference.
- (c) Sec.2-108 of Citrus County Code, allows certain expenditures which are authorized for the following purposes:

1. Awards, food and refreshments relating to the recognition of county employees, including but not limited to, anniversary service awards and awards for retiring employees.
2. Volunteer firefighter service awards, award ceremonies and functions, and other events relating to the recognition of volunteer firefighters, including but not limited to pins, plaques, clothing, food and other refreshments for such functions, pursuant to F.S. §§ 125.9501 through 125.950.
3. Frames, plaques, certificates, trophies, pins and other suitable tokens of recognition to acknowledge significant contributions by individuals for their service to county government and the community as members of unpaid advisory boards, councils and committees and for community service groups and individuals.
4. Food and refreshments consumed by members of the public in or on the grounds of county-owned or county-controlled facilities or property during an open house or similar event, including but not limited to meetings of regional or intergovernmental agencies or organizations when held at a county facility, where furnishing of such food and refreshment is a customary role of the host agency.
5. Building/holiday decorations when such decorations are placed in publicly accessible areas of county buildings or areas of other county property visible to the public.
6. Reimbursement of travel, moving and related expenses in connection with recruitment proceedings for executive positions at the department director level or higher, or for professional or technical positions approved by job classification in advance pursuant to the county's administrative regulations and F.S., § 112.061.
7. The expenditures authorized in this section are declared to be a county purpose in the common interest of the employees, volunteers and citizens of the county.

(d) All food purchases must have a Food Receipt Form approving the purchase.

(e) Accounting Software Approval Levels on Purchase Orders are as follows:

1. Financial Services Department
2. County Administrator/Designee
3. DMB/Purchasing Section
4. Originating Department Director /Acting Director
5. Originating Division Director/Acting Director

(f) Purchases valued less than \$5,000 do not require competitive quotes. Purchases valued between \$5,000 and \$25,000, require three written or verbal quotes from vendors/contractors/consultants for the commodity or service being procured. The three quotes shall be attached to the online purchase requisition for review by the Financial Services Department after being approved in accordance with the approval authorization levels noted above. If the value of the purchase is between \$10,000 and \$25,000, the three quotes and the completed and signed Approval to Purchase Form shall be sent to DMB for their review and approval prior to being approved by the County Administrator/designee. If three quotes cannot be obtained, a written explanation for such shall be attached to the online purchase requisition. If the lowest quote is not utilized a written explanation for such shall be attached to the online purchase requisition. If the item(s) is (are) a Budgeted Machinery or Equipment, then the Approval to Purchase Form is not required.

- (g) Except for purchases made through the Florida State Term Contract or through "piggybacking" of another Authority's contract, or as noted otherwise in this Administrative Regulation, if the value of a one-time purchase of a category of commodities or services, that are similar in nature, are greater than \$25,000, the purchase must be made through a formal solicitation process. Furthermore, if a category of commodities or services, that are similar in nature, is purchased on a reoccurring basis, during a 12-month period, and the aggregate value of such purchases is greater than \$25,000, future procurement of that category of commodities or services must be through a formal solicitation process. Documentation of such shall be noted in the description or attached online to the purchase requisition for reference.
- (h) All purchases of commodities and services valued less than \$25,000 shall be made with a Purchase Order or Purchasing Card. All purchases of commodities and services valued greater than \$25,000 shall be made through a formal written agreement, drafted and/or approved by DMB, as well as with a Purchase Order.
- (i) All purchases of commodities and services greater than \$10,000 shall require the vendor/contractor/consultant to execute an Indemnification Agreement and submit to the County a certificate of insurance evidencing that they have in force the policies and limits, as required by the County's Risk Management Office, see Administration's-Administrative Regulations for; "Guidelines for Bid/RFP Minimum Insurance Requirements" in accordance with the commodity or service being provided by the vendor/contractor/consultant.
- (j) If the purchase is for commodities or services that are a non-budgeted capital outlay or a fixed asset valued over \$1,000, the Department/Office/Director shall attach a memorandum to the online purchase requisition explaining why the purchase is necessary and why it was not included in the budget. The County Administrator/designee must approve all non-budgeted capital outlay or a fixed asset valued up to \$25,000 or all non-budgeted capital outlay that is being substituted for a budgeted capital outlay. Purchases of non-budgeted capital outlay or a fixed asset valued over \$25,000 must follow the procedures outlined in this Administrative Regulation and be approved by the Board of County Commissioners.
- (k) Piggybacking. To purchase commodities and services using a contract negotiated by another government agency (state or local) by piggybacking their solicitation or contract, the selection of the vendor/contractor/consultant made by the other agency must have been the result of a competitive solicitation process. In making a request to piggyback another authority's contract, the Department/Office/Division shall submit a request to piggyback along with a copy of the other authority's contract, solicitation document and bid tabulation to DMB for review and approval. The financial authorization limits noted in this Regulation above shall be followed. For purchases over \$25,000, DMB shall draft a "piggyback" agreement and Indemnification Agreement for execution by the selected vendor/contractor/consultant, obtain compliant insurance documentation, and place the item on the Board of County Commissioners agenda for approval. All other requisitioning and purchasing procedures shall be followed.
- (l) Any exceptions to procedures outlined in this Administrative Regulation, such as bid waiver, sole source, and emergency purchases that exceed \$10,000 but are less than \$25,000 shall be reviewed by DMB and approved by the County Administrator/designee. Should such purchases be valued at over \$25,000, DMB shall request approval from the Board of County Commissioners. Refer to Administrative Regulation AR: 9.06 (latest revision) and AR: 9.14 (latest revision) for procedures concerning emergency purchases and sole source purchases, respectively. All other

requisitioning and purchasing procedures shall be followed.

- (m) Contractual Agreements for "special circumstance" purchases that are not covered in this Administrative Regulation shall be approved by the Board of County Commissioners and are exempt from the requirements referenced in this Administrative Regulation. The County Administrator/designee shall determine what constitutes a "special circumstance" purchase and can approve such purchases when less than \$25,000.
- (n) Payments to vendors/contractors/consultants shall be made in compliance with Chapter 218, Part VII, Florida Statutes, Florida Prompt Payment Act:
1. Payments for satisfactorily furnished commodities or completed services other than construction services shall be made within 45 business days after the payment request is stamped as received, unless stipulated otherwise in the Contract between the County and the vendor.
 2. If an agent, such as an architect or engineer, must approve a payment request for construction services prior to approval by county staff, payment to the vendor/contractor/consultant shall be made within 25 business days after the payment request is stamped as received by the County unless stipulated otherwise in the Contract between the County and the vendor/contractor/consultant.
 3. If an agent need not approve a payment request for construction services submitted by the vendor/contractor/consultant, payment is due within 20 business days after the payment request is stamped as received, unless stipulated otherwise in the Contract between the County and the vendor/ contractor/ consultant.
 4. The established procedure for marking a payment request as received is an official stamp showing the day, month, and year. The payment request must be stamped by the agency where the payment request is first received, either the agent for the County or the Clerk's Office.
 5. A payment request or invoice submitted by a vendor/ contractor/ consultant must comply with all statutory requirements and contain the following:
 - The name of the vendor
 - The date of preparation of the invoice
 - The number of the invoice to facilitate identification (when possible)
 - The purchase order number issued by the county (if applicable)
 - An accurate description of the goods or services
 - The correct quantity, unit price, and total cost of goods or services delivered
 - The location and date of delivery of the goods or services to the county (if applicable)
 - The address to which payments should be mailed (if not already on file)
- (o) The Florida Statutes require written documentation and time frames for disputes in the payment process. If a payment request is being disputed, staff must notify the vendor/contractor/consultant in writing within 10 days of receipt of the payment request that the payment request is improper and indicate the corrective action required. Upon resolution of the improper payment request, payment of the resubmitted payment request shall be made within the time frames noted above. If a portion of the payment

request is disputed, that undisputed portion of the payment request must be paid within the time frames noted above.

- (p) DMB shall maintain a file for each purchase of a commodity or service that is obtained because of a formal solicitation, bid waiver or sole source purchase valued over \$25,000 and awarded by the Board of County Commissioners. Staff shall be responsible for evaluating vendor/contractor/consultant performance and submitting comments to DMB concerning such, which will be included in the solicitation file. Whenever a vendor/contractor/consultant is found to be not in contract compliance, staff shall advise DMB of such in writing. DMB will issue a letter to the vendor/contractor/consultant requesting compliance and shall retain such in the solicitation file. If the vendor/contractor/consultant does not comply with the non-compliance letter or is non-compliant three consecutive times during the contact period, staff shall have just cause to cancel the contract and bar the vendor/contractor/consultant from participation in future solicitations for up to three years. The vendor/contractor/consultant may be reinstated by providing proof that the circumstances resulting in the cancellation of their contract or their debarment from future solicitations have been corrected or no longer exists.
- (q) For contracts valued greater than \$25,000, which the Board of County Commissioners approved, requests to cancel such contracts with a vendor/contractor/consultant or debar a vendor/contractor/consultant from the solicitation process must be submitted to DMB in writing with supporting documentation. DMB will review the circumstances behind the request, inclusive of discussions with the vendor/contractor/consultant, and report its findings to the County Administrator/designee, who will make the final determination as to whether the request is warranted and properly substantiated. If approved by the County Administrator/designee, DMB will submit the request to the Board of County Commissioners for final approval. Once approved by the Board, DMB shall issue a notice to the vendor/contractor/consultant of such contract cancellation or solicitation debarment. If the contract with the vendor/contractor/consultant is cancelled for non-compliance or other issues determined to be detrimental to the County, that vendor/contractor/consultant will automatically be barred from participating in future solicitations for a period of three (3) years. A debarred vendor/contractor/consultant may apply for reinstatement by providing proof that the circumstances resulting in their debarment no longer exists.
- (r) Staff may request that a vendor/contractor/consultant not be allowed to participate in the solicitation process, or request the cancellation of a current agreement for the following reasons:
1. Failure to respond to or take satisfactory corrective action concerning contract compliance, performance, or any other issues that are determined to be detrimental to the County, after receiving two written notices from DMB concerning such matters.
 2. Formal action by another government agency canceling an agreement with the vendor/contractor/consultant or removing the vendor/contractor/consultant from their vendor list.
 3. Formal action by the County canceling an agreement with a vendor/contractor/consultant.

4. Pending or current litigation between the County entity and the vendor/contractor/consultant.

- (s) Term Contracts. Contracts for commodities or services may be entered into for a period of one to five years. These contracts may be renewed for a period not to exceed three (3) years or the original term of the contract, whichever period is longer.
- (t) Term Contracts are awarded to vendors/contractors/consultants for the purpose of providing the County with a reliable, cost effective source from which to procure commodities and services in a timely manner. Although term contracts are initiated by specific Departments/Divisions/Offices, it is the County's intent that they be utilized by the entire Organization, whenever possible. Before any purchase of a commodity or service is initiated, the Department/Division/Office making the purchase shall review the list of term contracts posted on the County's Intranet to ascertain if there is a current vendor/contractor/consultant that can provide the commodity or service. If there is a vendor/contractor/consultant on the list that can provide the required commodity or service, the Department/Division/Office shall procure such from that vendor/contractor/consultant. Should the Department/Division/Office elect not to procure the commodity or service from that vendor/contractor/consultant, they shall complete an "Authorization to Not Purchase from a Bid-Vendor Form", indicating the reason for not complying with this requirement, and submit such the County Administrator/designee for approval.
- (u) Local Preference. Chapter 2, Article VII, Citrus County Code stipulates that preference shall be given to "local business" for certain purchases of commodities and services. "Local business" means a vendor/contractor/consultant who has paid its local business tax to the County at least six (6) months prior to the date of purchasing from that vendor/contractor/consultant; does business in Citrus County by providing goods, services, or construction; and maintains a physical business address located within the jurisdictional limits of Citrus County in an area zoned for the conduct of such business from which the vendor/contractor/consultant operates or performs business on a day-to- day basis. Post office boxes do not establish such physical address.
 - 1. In bidding for, or letting contracts for procurement of supplies, materials, equipment and services, as described in the purchasing policies of the county, the Board of County Commissioners may give a preference to local businesses in making purchases or awarding contracts in an amount not to exceed Five percent (5%) of the local businesses total bid price if the cost differential does not exceed \$10,000 for procurement activities.
 - 2. The total bid price shall include not only the base bid price but also all alterations to that base bid price resulting from alternates, which were both part of the bid and actually purchased or awarded by the Board of County Commissioners.
 - 3. In the case of requests for proposals, qualifications, letters of interest, or other solicitations and competitive negotiations and selections in which objective factors are used to evaluate the responses; local businesses shall be assigned five percent (5%) of the total points of the total evaluation points.
- (v) Exceptions to the Local Preference Policy:
 - a. The Procurement preferences set forth in this article shall not apply to any of

the following purchases or contracts.

1. Goods or services provided under a cooperative purchasing agreement or interlocal agreement.
 2. Contracts for professional services procurement of which is subject to the Consultants Competitive Negotiation Act of subject to any competitive consultant selection policy or procedure adopted or utilized by the Board of County Commissioners.
 3. Purchases or contracts, which are funded, in whole or in part, by a governmental entity whose laws, regulations, or policies governing such funding prohibit application of the preference.
 4. Purchases made or contracts let under emergency or noncompetitive situations, or for litigation related legal services, etc.
- b. Application of local preferences to particular purchase, contract, or category of contracts for which the Board of County Commissioners is the awarding authority may be waived upon written justification and recommendation by the County Administrator/designee and approval of the Board of County Commissioners.
- c. The preferences established in this article does not prohibit the right of the Board of County Commissioners to compare quality or fitness for use of supplies, materials, equipment and services proposed for purchase and compare qualifications, character, responsibility and fitness of all persons, firms, or corporations submitting bids or proposals.
- d. The bid preference established in this article does not prohibit the Board of County Commissioners from giving any other preference permitted by law in addition to the preference authorized in this article.

GENERAL PROCEDURES FOR FORMAL SEALED SOLICITATIONS:

- (a) To initiate the formal sealed solicitation process for purchases with a value greater than \$25,000, the Department/Office/Division shall submit a "*Procurement Authorization Form*" to DMB. The requestor, their Division Director, their Department Director, and the DMB Director must execute this form.
- (b) DMB shall be responsible for advertising all formal sealed solicitations and maintaining documents and files related to such solicitations, including proof of advertisement, addendums, pre-bid/pre-proposal conference records, vendor/contractor/consultants bids/proposals, vendor/contractor/consultant evaluation documents, Agreements, memorandums, certificates of insurance, bonds, notices of commencement, and other related documents.
- (c) The public advertisement shall include a general description of the commodity or, service, and indicate how interested parties may apply for consideration. The public advertisement shall also include a statement that the bids/proposals are competitive sealed bids/proposals, indicate the date and time the bids/proposals are due, and indicate the date and time of the public opening. If a solicitation is inadvertently not advertised, the public opening date and time shall be revised in order to allow sufficient time for public notice.
- (d) The solicitation for any construction project that is estimated to cost more than \$200,000 shall be publicly advertised at least once, twenty-one (21) days prior to

the established bid/proposal due date, and at least five (5) days prior to any scheduled pre-bid/proposal conference. The solicitation for any construction project that is estimated to cost more than \$500,000 shall be publicly advertised at least once, thirty (30) days prior to the established bid due date, and at least five (5) days prior to any scheduled pre-bid/proposal conference. In cases of emergency, this procedure may be altered, with the approval of the County Administrator/designee in any manner that is reasonable under the emergency circumstances.

- (e) If the location, date, or time of the bid/proposal opening date changes, written notice of the change must be given, as soon as practicable after the change is made, to all vendors/contractors/consultants who are registered to have received the bid/proposal, plans and specifications, and any addenda to such.
- (f) The solicitation, and advertisement of such, for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work projects that are estimated to be in excess of \$100,000, shall stipulate that the contractor must submit a certified check, cashiers' check, or bid bond, in the amount of five percent (5%) of the bid price with their bid. In addition, the solicitation, and advertisement of such, shall stipulate that Payment and Performance Bonds for one hundred percent (100%) of the bid amount shall be required upon award.
- (g) Bid, Payment and Performance bonds shall be in the form prescribed in Section 255.05, Florida Statutes. The surety company underwriting the Bond shall be licensed to do business in the State of Florida and shall be rated by A.M. Best at A- or better. It will further be required that general liability insurance carriers have a minimum Best Rating of A-, unless approved otherwise by County Risk Management.
- (h) For an Invitation to Bid, the solicitation shall include a detailed description of the commodity or service; indicate that the bids are competitive sealed bids; indicate the date and time the bids are due; indicate the date and time of the public opening; indicate if the procurement contemplates the renewal of a contract; and state all contractual terms and conditions applicable to the procurement, including the criteria to be used in determining acceptability of the bid. Criteria not set forth in the Invitation to Bid may not be used in determining acceptability of the bid. Evaluation of bids shall include consideration of the total cost as submitted by the vendor/contractor/consultant. An award of a Bid shall be made to the lowest, most responsive and responsible vendor/contractor/consultant, who meets the requirements and criteria set forth in the Invitation to Bid. See Purchasing - Administrative Regulations for; "Invitation to Bid Procedures" for more information.
- (i) For a Request for Proposal, the solicitation shall include a detailed description of the commodity or service; indicate that the proposals are competitive sealed proposals; indicate the date and time the proposals are due; indicate the date and time of the public opening; indicate if the procurement contemplates the

renewal of a contract; and state all contractual terms and conditions applicable to the procurement, including the criteria, which shall include, but need not be limited to, price, to be used in determining acceptability of the proposal. The relative importance of the evaluation criteria shall be indicated. The relative importance of price shall not be greater than 50% of the overall evaluation criteria weight. The proposals shall be evaluated against all evaluation criteria set forth in the solicitation and the vendors/contractors/consultants ranked highest to lowest. Oral presentations may be conducted with the three highest ranked vendors/contractors/consultants. If oral presentations are conducted, the score for the oral presentation shall be added to the previous scores. An award of a proposal shall be to the most responsible and responsive vendor/contractor/consultant who has the highest total evaluation criteria score. See Administrative Regulation AR: 9.15 (latest revision) Request for Proposal Procedures for more information.

- (j) For a Request for Qualifications, the solicitation shall include a general description of the commodity or service; the date and time the proposals are due; indicate the date and time of the public opening; indicate if the procurement contemplates the renewal of a contract; and state all contractual terms and conditions applicable to the procurement, including the criteria to be used in determining acceptability of the proposals. Pricing shall not be a criterion. The relative importance of the evaluation criteria shall be indicated. The proposals shall be evaluated against all evaluation criteria set forth in the solicitation and the vendors/contractors/consultants ranked highest to lowest. Oral presentations may be conducted with the three highest ranked vendors/contractors/consultants. If oral presentations are conducted, all scores for those invited for oral presentations shall be discarded and the score given to the vendors/contractors/consultants for the oral presentation shall determine the selection of the most qualified vendor/contractor/consultant. The highest ranked vendor/contractor/consultant shall be selected to commence negotiations concerning pricing. For the procurement of "professional services" (i.e., architectural, engineering, landscape architecture, and surveying and mapping services), other requirements for the Request for Qualifications apply. See Purchasing- Administrative Regulations for; "Request for Qualifications Procedures / Contracting for Professional Services / Consultant's Competitive Negotiation Act" for more information.
- (k) Formal sealed solicitations shall be opened by DMB at a public meeting. Two DMB staff members shall attend and record the opening and prepare tabulations, both reviewing for accuracy.
1. For an Invitation to Bid, the information conveyed at the public opening shall be the name of the vendors/contractors/consultants who submitted bids along with their respective pricing.
 2. For a Request for Proposal, since evaluation of such involves criteria besides pricing to make an award, pricing shall not be divulged during the public opening. The only information conveyed at the public opening shall be the names of the vendors/contractors/consultants who submitted proposals.
 3. For a Request for Qualifications, the only information conveyed at the public opening shall be the names of the vendors/ contractors/ consultants who submitted proposals.
- (l) Solicitation Protest Procedures. Any bid/proposal award recommendation may

be challenged on the grounds of material irregularities in the procurement procedure or in the evaluation of the bid/proposal. Any person who submits a bid/proposal, but is not recommended for award of the contract, may protest such decision in strict compliance with this section. Failure to follow the Solicitation Protest Procedures within the time frames prescribed herein shall constitute a waiver of such protest and any resulting claims.

1. Notice of Intent to File a Protest. Any person who wishes to file a protest hereunder must file a Notice of Intent to File a Protest ("Notice"), in writing, with DMB within 72 hours of the public opening for Invitations to Bids or within 72 hours of posting of a recommendation of award for Requests for Proposals/Qualifications. Such Notice is considered filed when it is received by DMB. A copy of the Notice must also be provided to the apparent best bidder/proposer. The Notice shall include the name and address of the protester, county bid/RFP/RFQ number and title, the grounds upon which it is based, and must clearly indicate it is a Notice of Intent to File a Protest.
2. Formal Protest. Within five (5) business days after the filing of the written Notice of Intent to File a Protest, a formal protest must be filed with DMB. The formal protest is considered filed when it is received by DMB. A copy of the formal protest must also be provided to the apparent best bidder/proposer. The formal protest shall including the following:
 - a. County bid/RFP/RFQ number and title.
 - b. Name and address of the protester.
 - c. Concise statement of the facts alleged and of the rules, regulations, ordinances, statutory or constitutional provision, or other legal authorities entitling the protester to the relief requested.
 - d. Specifically request the relief to which the protester deems themselves entitled.
 - e. Any other relevant information that the protester deems to be material to the protest.
3. Protest Bond. Each formal protest must be accompanied by a protest bond in the form of a certified check, cashier's check, or money order made payable to the Citrus County, Florida, in an amount not less than five percent (5%) of the protester's bid/proposal submitted to the County. If the protester prevails, the bond shall be returned to the protester. However, if after completion of the Solicitation Protest Procedures the county denies the protest, the bond shall be forfeited to the county.
4. Stay of Procurement. Once a formal protest is timely filed, DMB shall stay the award of the contract unless the County Administrator determines that delaying the award of the contract will adversely impact substantial interests of the county.
5. Review of Protest by DMB. Within ten (10) business days of the filing of the formal protest, the DMB Director shall issue a written determination, including the rationale for reaching such a determination. The written determination shall also inform the protester of his/her right to appeal the DMB Director's decision to the County Administrator.
6. Appeal of DMB Determination. The protester may appeal the DMB

Director's determination, in writing, to the County Administrator no later than five (5) business days after receipt of the DMB Director's determination.

7. Final Determination of County Administrator. Within seven (7) business days of the filing of the appeal, the County Administrator, upon consulting with the County Attorney, shall issue a final determination. The decision of the County Administrator will be final and may not be appealed to the Board of County Commissioners.

- (m) For an Invitation to Bid, should there result in a tie score between two or more vendors/contractors/consultants, the following actions shall be initiated:
 - 1. Award to the vendor/ contractor/ consultant whose business is physically located in Citrus County, or
 - 2. Award to the vendor/ contractor/ consultant who offers the shortest delivery time, or
 - 3. Divide the award equally between the tied vendors/ contractors/ consultants, or
 - 4. Draw lots or flip a coin, or
 - 5. Reject all bids or proposals and re-solicit the commodity or service
- (n) For Request for Proposals or Request for Qualifications, should there result in a tie score between two vendors/ contractors/ consultants, the vendor/contractor/consultant that scored the highest for the evaluation criteria that had the highest weight of importance (excluding price, if applicable), shall be ranked higher.
- (o) For any formal solicitation, if less than two bids or proposals are received; Staff may negotiate best terms and conditions with that vendor/contractor/consultant, or reject the bid or proposal and re-solicit the commodity or service, if applicable.
- (p) Local Preference. Chapter 2, Article VII, Citrus County Code stipulates that preference shall be given to "local business" for certain purchases of commodities and services. "Local business" means a vendor/contractor/consultant who has paid its local business tax to the County at least six (6) months prior to bid or proposal opening date; does business in Citrus County by providing goods, services, or construction; and maintains a physical business address located within the jurisdictional limits of Citrus County in an area zoned for the conduct of such business from which the vendor/contractor/consultant operates or performs business on a day-to-day basis. Post office boxes do not establish such physical address. All formal sealed solicitations shall follow and comply with Chapter 2, Article VII, and Citrus County Code concerning Invitations to Bid, Requests for Proposals and Requests for Qualifications. The Ordinance does not apply to Requests for Qualifications where such solicitation is for professional services falling under the Consultant's Competitive Negotiation Act (CCNA). Furthermore, this Ordinance does not apply for any solicitation involving a purchase that is funded by a Federal-Aid Grant or State funding.
- (q) For commodities or services where a written Agreement exists between the County and the vendor/contractor/consultant, if the volume of the commodity

(excluding unit price Agreements), the scope of the service, or the schedule of the service changes, and the change results in an increase or decrease in the contract price for the commodity or service, staff shall submit a request to DMB to amend the Agreement to reflect this change in price. DMB shall draft the Amendment to the Agreement and have it executed by the vendor/contractor/consultant. DMB will then prepare an Agenda Item for the Board of County Commissioners to approve and authorize execution of the Amendment to the Agreement. After execution of the Amendment to the Agreement by the parties, DMB shall have the document recorded in the public records of Citrus County and shall issue certified copies of the document to the vendor/contractor/consultant and staff. Within fifteen (15) calendar days after execution of the Amendment to the Agreement, staff shall issue a change order to the existing Purchase Order to increase or decrease the amount of the Purchase Order in accordance with the Amendment to the Agreement.

- (r) For services where a written Agreement exists between the County and the vendor/contractor/consultant, if the completion time of the project needs to be extended by more than fifteen percent (15%) of the original completion time, and the extension of time does not affect the contract price, staff shall submit a request to DMB to amend the Agreement to reflect this change in time. DMB shall draft the Amendment to the Agreement and have it executed by the vendor/contractor/consultant. DMB will then prepare an Agenda Item for the Board of County Commissioners to approve and authorize execution of the Amendment to the Agreement. After execution of the Amendment to the Agreement by the parties, DMB shall have the document recorded in the public records of Citrus County and shall issue certified copies of the document to the vendor/contractor/consultant and staff.
- (s) For services where a written Agreement exists between the County and the vendor/contractor/consultant and the Agreement is renewable over a period of two or more years ("Term Contract"), at the end of each renewal period, staff shall submit a request to DMB to renew the Agreement. DMB shall contact the vendor/contractor/consultant and obtain a written confirmation of their desire to renew. If there is a change in pricing, DMB shall obtain approval from staff of such change, or assist staff in negotiating better pricing. If staff cannot reach an agreement with the vendor/contractor/consultant as to pricing, the Agreement will not be renewed and the commodity or service shall be re-solicited. If the Agreement is renewed, DMB shall draft a Renewal Agreement for execution by the vendor/contractor/consultant and shall prepare an Agenda Item for the Board of County Commissioners to approve and authorize execution of the Renewal Agreement. After execution of the Renewal Agreement by the parties, DMB shall have the document recorded in the public records of Citrus County and shall issue a certified copy of such to the vendor/contractor/consultant and staff.
- (t) No vendor/contractor/consultant, or any other individual, shall be denied access to a mandatory or non-mandatory pre-bid or pre-proposal conference, or any other public conference involving a formal solicitation, regardless of when that vendor/contractor/consultant, or any other individual, arrives at the conference.
- (u) If a pre-bid or pre-proposal conference is mandatory, only those vendors/contractors/consultants who attend are permitted to submit a bid or

proposal.

- (v) If a solicitation is rejected, canceled or protested, staff shall conduct a formal review of the circumstances behind the rejection or cancellation and DMB to ascertain what can be done to circumvent such from occurring with future solicitations.
- (w) Direct Purchase. The County is exempt from sales and use taxes for purchases of commodities that are made directly from vendors/ dealers/ distributors. For construction projects, the County may elect to purchase materials, equipment and supplies directly from the construction contractor's vendors/dealers/distributors. For more information, refer to Administrative Regulation AR: 9.12 (latest revision), Direct Purchase of Materials, Equipment and Supplies for Construction Projects.
- (x) Continuing Contracts. The County has continuing contracts for various professional services (engineering, architecture, landscape architecture, and mapping/surveying/ and general construction services.) For more information concerning this, refer to Administrative Regulations AR: 9.09 (latest revision); Continuing Contracts for Professional Services, and AR: 9.11 (latest revision); Continuing Services Contract for Construction Services.

FOOTNOTES & REFERENCES TO RELATED AR's: Supersedes AR 9.01 dated October 24, 1989, AR 9.01-1 dated April 6, 1999, AR 9.01-2 dated November 2, 1999, AR 9.01-3 dated August 8, 2000, AR 9.01-4 dated August 14, 2001, AR 9.01-5 dated September 11, 2001; AR 9.01-6 dated January 22, 2002; AR 9.01-7 dated March 11, 2003; AR 9.01-8 dated October 25, 2005, AR 9.01-9 dated , August 12, 2008, AR9.01-10 dated February 9, 2010, AR 9.01-11 dated March 27, 2012, AR 9.01-12 dated October 9, 2012, AR9.01-13 dated December 17, 2013, AR 9.01-14 dated September 9, 2014, AR 9.01-15 dated March 10, 2015, AR 9.01-16 dated April 26, 2016.