

Purchasing Manual



Indian River County Board of County Commissioners

Purchasing Division
1800 27th Street
Vero Beach, FL 32960
(772) 226-1416

Purchasing@ircgov.com

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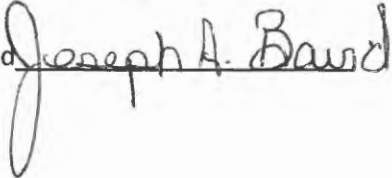
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Approved 



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

Purchasing Policies and Procedures

Manual Updated March 15, 2016

1. GENERAL INFORMATION

1.1 INTRODUCTION

The purpose of this manual is to set forth and implement policies and procedures governing the procurement of commodities and services. It is strongly recommended that all personnel charged with responsibility for procuring commodities and services become thoroughly familiar with the policies and procedures set forth herein.

1.2 PURCHASING OVERVIEW

Procurement is regulated by this manual, the Indian River County Code and, to the extent applicable, state and federal statutes.

The Board of County Commissioners (Board) has delegated limited authority to procure commodities and services to the Purchasing Manager and the County Administrator. Any procurement in excess of the authority of the County Administrator shall be approved by the Board.

The County Attorney shall serve as legal counsel and provide legal services with respect to procurement matters.

1.3 GENERAL PROVISIONS, PURPOSES AND APPLICATION

A. Authority. Pursuant to chapter 105 of the Indian River County Code of Ordinances, the policies and procedures set forth herein have been promulgated by the County Administrator, and approved by the Board.

B. Short Title. These policies and procedures shall be known and may be cited as the "Indian River County Purchasing Manual."

C. Application of This Manual.

1. General Application. This manual shall apply only to procurement transactions solicited or entered into after the effective date of the manual.

2. Application to Procurement. This manual shall apply to all procurement transactions by the County, irrespective of the source of funds. The use of state or federal grants or funds shall not exempt compliance with the requirements of this manual, unless

specifically provided within a grant or funding agreement approved by the Board, or by applicable state or federal law.

3. Dependent Special Districts. This manual shall apply to procurement transactions solicited or entered into by the County on behalf of dependent special districts.

4. Revisions. The Purchasing Manager shall review this manual on an annual basis to determine if revisions are needed. Revisions may be made at the direction of the County Administrator upon recommendation of the Purchasing Manager. Any substantial and material revisions shall be approved by the Board.

D. Waiver of Requirements of the Manual. The Board may waive the requirements of this manual when it is in the best interests of the County to do so. This waiver may be made before or after completion of the procurement transaction.

E. Waiver of Technicalities and Irregularities. The Board may waive any technicalities or irregularities relating to compliance with the requirements of this manual when it is in the best interests of the County to do so. This waiver may be made before or after completion of the procurement transaction.

F. Limited Authority of the Purchasing Manager. The Purchasing Manager shall be authorized to procure commodities and services up to \$25,000, without competitive selection, unless otherwise required by applicable state or federal law; provided, however, that nothing herein shall require the Purchasing Manager to exercise such authority.

G. Limited Authority of the County Administrator. The County Administrator shall be authorized to procure commodities and services up to \$50,000, without competitive selection, unless otherwise required by applicable state or federal law; provided, however, that nothing herein shall require the County Administrator to exercise such authority. The County Administrator is authorized to procure planning or study activity services obtained pursuant to the Consultants' Competitive Negotiation Act, F.S. 287.055 up to \$25,000.

H. Indemnification. All contracts for services or public works projects (other than construction contracts), and any other contracts deemed necessary by the County Administrator or the Board, shall provide that the contractor or vendor shall defend, indemnify and hold harmless the County and its commissioners, officers, employees and agents, from any and all losses, damages, expenses (including reasonable attorneys fees) and other liabilities of any type whatsoever, arising out of or relating to any negligence, intentional tort, breach of contract, or breach of applicable law by the contractor (or vendor), or its employees, agents, subcontractors, or other persons or entities performing work under the contract. CONSTRUCTION CONTRACTS SHALL INCLUDE THE INDEMNIFICATION PROVISION SET FORTH IN SECTION 4.4 BELOW.

I. Insurance Requirements. Contracts shall contain requirements for the protection of the County through sufficient insurance as specified by the Risk Management Division, which shall approve the insurance requirements contained in the bid documents. Upon award, the Risk

Management Division shall review certificates of insurance, approving those which comply with the requirements of the bid documents. Non-approved certificates of insurance shall be returned to the Purchasing Division with a statement of the reasons for non-approval and instructions on how the certificate may be corrected. Insurance requirements shall be met prior to final execution of the contract by the Chairman of the Board, or the County Administrator or the Purchasing Manager. The Originating Department, Purchasing Division and the Risk Management Division shall not allow any contract to continue without proper insurance in effect. Work to be authorized by purchase order must also meet the insurance requirements dictated by the Administrative Policy and Risk Management.

J. Bid Bond. A bid bond or alternative bid security must accompany each bid exceeding \$25,000, unless such requirement is waived by the County. A bid bond must be properly executed by the bidder and by a qualified surety. Alternative bid security must be in the form of a certified check or cashier's check issued by a bank authorized to do business in the State of Florida. The bid bond or security shall be in the amount of not less than five percent (5%) of the total amount of the bid, and shall be payable to the Indian River County Board of County Commissioners. Any failure or refusal by the bidder to honor the bid after opening shall be deemed to be a breach of the bidder's obligations. In such event, the bid bond or security shall be immediately payable to the County as liquidated damages, and not as a penalty.

Failure to supply the required bid bond or security at the time of the bid opening shall automatically disqualify the bidder as non-responsive to the bid requirements.

K. Sole Discretion. Any decision, waiver, exercise of judgment or interpretation required or permitted by this manual, or the application of this manual, by the County or any County official shall be deemed to be made in the sole and absolute discretion of the County or the official, and shall be final and binding upon all affected parties.

L. Contract Renewal or Extension. Renewal or extension of any contract shall be at the sole discretion of the County. No supplier of commodities or services shall have a legal right to renewal or extension of any contract.

M. Contracts or Purchase Orders Entered into in Violation of this Manual. Any contract, purchase order or other commitment entered into by a County employee or department in violation of this manual shall be null and void; provided, however, that the Board may waive the requirements of this manual, or any technicalities or irregularities relating to compliance with the requirements of this manual, when it is in the best interests of the County to do so.

N. Nondiscrimination, Equal Employment Opportunity and Americans with Disabilities Act. Indian River County will not knowingly do business with vendors or contractors who discriminate on the basis of race, color or national origin, sex, sexual orientation, gender identity, age and/or disability. Through the course of providing services to the County, Contractors shall affirmatively comply with all applicable provisions of Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and the Florida Civil Rights Act of 1992, as well as all other

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 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.

P. Projects Involving Federal Funding. When a procurement involves federal assistance or the expenditure of federal funds, the procurement and any resulting contract shall be conducted in accordance with any mandatory applicable federal laws and regulations, including 2 C.F.R. §200.318 through 326.

Q. Cone of Silence. Potential bidders/respondents shall not communicate in any way with the Board of Commissioners, County Administrator or any County staff other than Purchasing personnel from the time of bid advertisement through and including bid award. Such communication may result in disqualification.

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 \$25,000), 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.

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 \$25,000. 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 \$50,000, 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 \$50,000, 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. 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.

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 – The only known vendor reasonably capable of providing a specific commodity or service to the County.

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 County 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.



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2. REQUISITION GUIDELINES

2.1 AUTHORITY

No County employee has the authority to purchase or commit public funds toward the purchase of commodities or services without first complying with the appropriate requisition and procurement procedures. Purchase Orders will not be issued “after the fact” without sufficient justification and explanation, at the Purchasing Manager or County Administrator’s discretion.

2.2 PURCHASE REQUISITIONS

All requests for procurement shall start with a properly prepared purchase requisition created in the MUNIS electronic financial software system. Requisitions must be completely filled out with the proper information, required quotes, documentation, attachments, approvals, account number, and final approval by the Budget Office. Without this information, the requisition shall be rejected and returned to the Originating Department.

2.3 QUOTE REQUIREMENTS BELOW MANDATORY BID THRESHOLD

Purchase requisitions for items valued between \$1,000 and \$4,999 shall include three quotes indicating the vendor, a contact name, telephone number, and price. Purchase requisitions for items valued between \$5,000 and \$25,000 shall include copies of the written quotations received from each of a minimum of three vendors. If the Originating Department does not have the ability to attach written quotes to MUNIS, the quotes may be forwarded to the Purchasing Division to be scanned and attached. Upon request, the Purchasing Manager may obtain quotes for specific commodities.

The Purchasing Manager may waive the requirement for quotes below the mandatory bid threshold, if determined to be in the best interest of the County.

2.4 NEW VENDORS

When a new vendor is selected and not presently listed in MUNIS, the Originating Department shall provide and submit new vendor information in the form of a W-9 to the Purchasing Division for approval as a vendor. The vendor shall be referenced against the State of Florida’s lists of convicted and suspended vendors, as well as the U.S. Government’s System for Award Management database. If required, the possession of appropriate licensure, and liability and worker’s compensation insurance will also be verified. Additional sources may also be reviewed. If approved, the Purchasing Division will forward the W-9 to the Finance Office of the Clerk of the

Circuit Court, who shall enter the vendor information into its records and issue a vendor number which shall be emailed to the Originating Department.

2.5 PURCHASE REQUISITION/ORDER EXEMPTIONS

The following expenditures do not require a purchase requisition or a purchase order:

1. Salaries, by position, which were included in the department's annual budget
2. Travel expenses incurred in the course of official duties for a County employee be it in-county, out-of-county, in-state or out-of-state travel requests
3. Routine overhead such as: water, sewer, natural gas, electrical, telephone and garbage fees
4. Postage and postage meter rentals: does not include mailing or stuffing service
5. Subscriptions, subscription renewals and books (with the exception of book orders for libraries)
6. Hospital bills and nursing home bills
7. Medical claims, workers' compensation claims, and liability claims as paid from the County's self-insurance funds
8. After school programs, including salaries for teachers, referees, umpires and swim instructors, and food expenses
9. Railroad crossing signal maintenance
10. Legal services
11. Newspaper advertisement magazine/agency advertisements
12. Notary public applications
13. Welfare services indigent care (food vouchers, prescriptions)
14. Medical services
15. Surplus equipment and services from other local, state or federal agencies
16. Application for permits
17. Registration and licensing fees
18. College tuition and/or educational fee and training fees
19. Membership dues
20. Instructor fees (Up to \$3,000 per training event)
21. Title searches/title insurance
22. Expert witness fees and/or services; also includes travel in accordance with Florida statutes
23. Court orders
24. Landfill fees
25. Overnight express mail service
26. Payment of fuel credit cards
27. Rubber stamps
28. Employee business cards

29. Reimbursement to County employees for the purchase of items intended for County use

2.6 COUNTY PURCHASING CARD

The use of a County purchasing card is an encouraged and valid method of procurement in lieu of a purchase requisition, provided the purchase is in accordance with the Purchasing Card Policy as approved by the Board of County Commissioners.



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3. PURCHASES NOT REQUIRING COMPETITIVE SELECTION

3.1 BELOW THE MANDATORY BID THRESHOLD

Purchases below the mandatory bid threshold may be made without competitive selection; however, purchases below the mandatory bid threshold may be made with competitive selection, at the discretion of the Purchasing Manager, the County Administrator or the Board.

3.2 SOLE SOURCE AND SOLE BRAND PROCUREMENT

A sole source or sole brand purchase less than \$25,000 may be authorized by the Purchasing Manager after receipt of proper documentation from the Originating Department in the form of a completed sole source/sole brand memorandum and documentation verifying that a good faith review of available sources or brands has been completed. A record of the sole source or sole brand request shall be maintained by attachment of the completed documentation in the MUNIS requisition file.

A sole source or sole brand purchase up to \$50,000 may be approved by the County Administrator. Any request in excess of \$50,000, shall be forwarded to the Purchasing Division for submission to the Board for approval.

A sole source procurement involving contracts or purchase of materials for the construction, modification, alteration, or repair of any publicly owned facility shall be governed by Florida Statute 255.04, which generally provides that the County may not specify the use of materials or systems by a sole source, unless the Board, after consideration of all available alternatives materials and systems, determines that the specification of the sole source is justifiable based upon its cost or interchangeability, and the sole source specification has been recommended by the architect or engineer of record. Documentation of the Board's determination and supporting justification shall be maintained in the bid or requisition file.

For a commodity or service to be deemed a sole source or sole brand procurement, the department must submit appropriate documentation, which shall include both correspondence from the manufacturer or vendor (dated within the past 12 months) asserting its status as sole source or sole brand and a completed sole source/sole brand memorandum, documenting at least one of the following:

A. This is the only known vendor or manufacturer reasonably capable of providing a specific commodity or service to the County.

B. This is the only known brand reasonably capable of fulfilling the specific needs of the County

C. The required commodities or services are sold only through an authorized dealer that serves Indian River County and no other dealer or distributor may sell within this geographical area.

To verify the vendor/manufacture's statement, the Purchasing Division may post a notice on Demandstar or similar service, declaring the County's intent to award a sole source purchase and enabling other vendors to challenge that designation. This notification ensures due diligence has been taken in determining sole source/sole brand status.

3.3 COOPERATIVE PURCHASING THROUGH OTHER GOVERNMENTAL CONTRACTS ("PIGGYBACKING")

A. Authority to Enter into Piggyback Contracts. As an alternative to any competitive selection process required by this manual, commodities and services may also be procured through: (1) the use of cooperative purchasing methods utilizing purchase agreements entered into by other governmental or public entities (local, state, federal, public educational, cooperatives, etc) following a valid competitive selection process, or (2) directly from vendors holding a current U.S. General Services Administration contract. The County shall have the authority to enter into a piggyback contract if both the vendor and the public procurement unit agree and the procurement transaction was entered into following a valid competitive selection process. Piggyback purchases shall be allowed without limit for any commodity or service that is included in the current year budget. For items not included in the current year budget, such piggyback purchases shall be approved by the Purchasing Manager (up to \$25,000), the County Administrator (up to \$50,000), or the Board (up to and in excess of \$50,000).

B. Authority to Sponsor, etc Cooperative Purchasing Agreements. The Purchasing Division may sponsor, conduct, administer or participate in cooperative purchasing agreements for the procurement of any commodities or services with one or more other public procurement units. Such cooperative purchasing may include but is not limited to joint or multiple party contracts which are made available to other public procurement units.

C. Contract Controversies. Any controversies concerning the award or processing of a contract which has been entered into on a cooperative basis shall be resolved under the terms of the original public contract, except as modified by the piggyback contract.

3.4 EMERGENCY PROCUREMENTS

When an emergency exists, the Originating Department shall contact the Purchasing Division and provide adequate justification for making an emergency procurement. Any emergency procurement exceeding the \$25,000 award authority of the Purchasing Manager shall require the approval of the County Administrator or the Board, along with a written account of the emergency circumstances from the Director of the Originating Department.

If an emergency is confirmed, the Purchasing Division shall enter a requisition in MUNIS and assign an emergency purchase order number. The Originating Department shall provide a written request including the justification for the emergency, proposed vendor, estimated dollar amount of the procurement and funding account to facilitate the entry of the requisition and assignment of the emergency purchase order number.

The Originating Department shall make the purchase of the necessary commodities or services and may be required to update the emergency requisition to reflect the actual description and cost of the commodities or services.

The Purchasing Division shall issue a “confirming” purchase order to cover the purchase after receipt of the approved requisition.

After Normal Working Hours. The Department Director shall exercise his or her judgment as to the justification for making an emergency procurement. If justified, the Department shall make the written emergency purchase request to the Purchasing Division, which shall prepare a requisition and assign a purchase order number. The Originating Department shall prepare an emergency memorandum and deliver it to the Purchasing Division on the next working day.

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, provided the County Administrator certifies that an emergency exists, and routes a copy of the purchase order or contract to the Board for its review with a memorandum describing the emergency.

Any request to the Purchasing Manager for an emergency purchase order number prior to complying with the requisition procedures outlined above shall be denied, unless the Purchasing Manager decides that a bona fide emergency does in fact exist.

3.5 PROCUREMENT PURSUANT TO EXISTING ANNUAL TERM CONTRACTS

The Purchasing Manager shall issue annual term contracts for commodities and services (up to \$25,000) or after approval by the County Administrator (up to \$50,000) or the Board (up to or in excess of \$50,000).

The Purchasing Manager may renew an annual contract for multiple years, one year at a time, subject to satisfactory performance, zero cost increase (or as stated in the original contract), vendor acceptance and the determination that such renewal of the annual contract is in the best interests of the County, and authority for such renewal(s) is set forth in the contract.

3.6 BLANKET PURCHASE ORDERS

A. Authority. A blanket purchase order may be issued for up to \$25,000 for the purchase of miscellaneous commodities where the quantity cannot be anticipated or where it is not practical to store all items until they are needed. Single item purchases pursuant to a blanket purchase order may not exceed \$1,000. Blanket purchase orders issued as a result of a bid or piggyback contract (entered into in accordance with section 3.3), or otherwise approved by the

County Administrator (up to \$50,000) or the Board (up to or in excess of \$50,000), are exempt from the \$25,000 limit and the \$1,000 single item purchase limit. Blanket purchase orders shall be effective for up to one year, and only for the fiscal year for which it has been issued.

B. Requisition. Requests for blanket purchase orders shall be initiated by entry of an electronic requisition into MUNIS indicating the vendor, item description, and amount being requested. Blanket purchase orders shall then be prepared on the standard purchase order form which shall include the following information:

1. Dates the blanket purchase order is to be in effect (i.e., start and end dates).
2. General description of commodities to be purchased.
3. Multiple line items are required where more than one account number is to be used. Each account number requires a separate line.

C. Procedure if Initial Purchase Order is Exceeded. After the blanket purchase order is issued to the vendor, the Originating Department is authorized to place orders directly with the vendor using the purchase order number. If the amount of the initial blanket purchase order will be exceeded, the department shall request authority to increase the amount from the Budget Department. If the Budget Department approves the request, the Purchasing Division shall process the change order, up to a maximum total of \$25,000 (for purchase orders not associated with a bid, contract, or piggyback, which may exceed the \$25,000 threshold). The County Administrator may authorize an increase up to a maximum \$50,000 total (on purchase orders not associated with a bid, contract, or piggyback).



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4. COMPETITIVE SELECTION – BIDS

4.1 AT OR ABOVE THE MANDATORY BID THRESHOLD

The Mandatory Bid Threshold is \$25,000. Except as set forth in applicable law or this manual, commodities or services having an estimated value in excess of the mandatory bid threshold shall be procured through competitive sealed bidding; provided that the County Administrator shall be authorized to enter into a procurement transaction up to \$50,000, without competitive selection, unless otherwise required by applicable law; and provided further that the Board shall be authorized to approve a procurement transaction in excess of \$50,000, without competitive selection, unless otherwise required by applicable law. A procurement transaction shall not be artificially divided so as to circumvent the mandatory bidding process.

4.2 BIDDING PROCEDURES

A. Requisition. The Originating Department shall enter an electronic requisition in MUNIS for approval by the Office of Management and Budget for availability of funds. The requisition shall include a description of the commodity or service. Upon receipt of the approved requisition, the Purchasing Division shall contact the Originating Department and provide a bid number. This number shall be included on all specifications and bid documents.

B. Bid Documents. The Originating Department shall provide the Purchasing Division with a copy of specifications and bid documents. The Purchasing Manager shall review the specifications and bid documents to ensure that the specifications do not unduly restrict open and free competition, and do promote standardization of commodities.

C. Public Notice. Public notice of the invitation for bids shall be given a reasonable time prior to the date set forth in the bid documents for the opening of bids. Such notice may include publication in a newspaper of general circulation and posting on the internet.

D. Addenda. Addenda to the bid documents shall be provided to all bid document holders of record by the Originating Department, the consultant or DemandStar (or similar provider), as applicable. A copy shall be provided to the Purchasing Division for its records.

E. Bid Opening.

1. Time of Receipt. Bids must be received by the Purchasing Division no later than the time and date stated in the invitation for bids. Bids offered or received after this time shall not be considered.

F. Public Bid Opening. All timely received bids shall be publicly opened by the Purchasing Manager in the presence of one or more witnesses at the time and place stated in the invitation for bids. The Purchasing Division shall retain the original bids on file and remaining copies shall be sent to the Originating Department.

G. Bid Acceptance. Bids shall be accepted without alteration or correction, except as authorized in this manual. All bids must be signed either in ink or electronically.

H. Bid Review. The Originating Department is responsible for reviewing the bid responses and making a recommendation for award of the bid. Should the low bidder not be recommended, a reason must be stated in the written recommendation for award.

I. Verification and References. Prior to award, the Purchasing Division shall reference the low bidder against the State of Florida's lists of convicted and suspended vendors, as well as the U.S. Government's System for Award Management database. Provided references provided shall be verified at the discretion of the Originating Department. Additional sources may also be reviewed to aid in determining if the bidder is responsible.

J. Correction, Cancellation or Withdrawal of Bids.

1. Correction of Bids.

a. Correction of Mathematical Errors Prior to Award. Errors in addition or multiplication of unit prices or in other mathematical calculations may be corrected by the Director of the Originating Department or Purchasing Manager prior to award. Bids shall be deemed to be amended to the corrected amount. In all cases of errors in mathematical computation, the unit prices shall not be changed.

b. Correction of Mathematical Errors after Award. Errors in addition or multiplication of unit prices or in other mathematical calculations identified after award may be corrected only with the approval of the Board, and any correction shall not exceed the amount of the next low bid.

2. Cancellation of Bids. Any time prior to the bid opening date and time, the Purchasing Manager may cancel or postpone the bid opening, or cancel the invitation for bids in its entirety.

3. Amendment or Withdrawal of Bids.

a. Bid Amendments Prior to Opening. Any bidder may voluntarily withdraw or amend the bid at any time prior to the bid opening in person, or by written notice received by the Purchasing Manager prior to the bid opening. Amendments shall be forwarded to the Purchasing Division prior to bid opening, sealed and identified with the bid number.

b. Bid Amendments after Opening. After bid opening, bidders may not amend their bid. Bids shall remain in effect and binding upon the bidder for a period of sixty days, or such other time period specified in the bid documents.

4.3 AWARD

A. Award Authority. A bid shall be awarded by written notice to the lowest responsible and responsive bidder. Awards not exceeding \$25,000 may be awarded by the Purchasing Manager; awards not exceeding \$50,000 may be awarded by the County Administrator; and, awards exceeding \$50,000 shall be awarded by the Board. The Board is authorized to waive technicalities and irregularities and to reject any and all bids, or any portion of a bid. After an award is made, the Purchasing Manager shall issue a purchase order or a "Notice of Award" as applicable. If, within 60 days after bids are opened, or within such other time period specified in the bid documents, the bid of the lowest responsible and responsive bidder is withdrawn or not honored, the County may award the bid to the next lowest responsible and responsive bidder. After 60 days or such other time period specified in the bid documents, the Board may award to the next lowest responsible and responsive bidder only if the next lowest responsible and responsive bidder agrees, in writing, to extension of the bid price for the additional period of time. These processes may be repeated until an award is made to a responsible and responsive bidder.

B. Tie Bids. If two or more bidders are tied after review by the Originating Department, in accordance with section 287.087 of the Florida Statutes, preference shall be given 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 by coin flip. The bidder whose response was received first (as indicated on the Purchasing receipt time stamp and associated log) shall be assigned "tails".

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.

1. For In-House Projects. For projects managed in-house, the Originating Department shall provide all necessary specifications to the Purchasing Division for inclusion in a bid package. A sample contract shall be included in the bid documents if provided by the Originating Department. 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.

2. For Consultant Managed Projects. For projects managed by a consultant, it is the Originating Department's responsibility to ensure that the Purchasing Division's standard language is included in the bid documents prepared by the consultant, and that the bid documents have the approval of the County Attorney's Office. The consultant shall provide the Purchasing Division with a copy of the specifications and bid documents. A copy of the bid documents indicating approval by the County Attorney shall be forwarded to the Purchasing Division for final review.

Public Notice. Bids for a construction or public works project that is projected to cost more than the threshold amounts set forth in Florida Statute 255.0525(2), currently \$200,000, shall be advertised in accordance with such statute, which generally requires that (a) solicitations for projects in excess of \$200,000 be advertised at least once in a newspaper of general circulation in Indian River County at least 21 days prior to the bid opening date, and at least 5 days prior to any scheduled pre-bid conference, and (b) solicitations for projects in excess of \$500,000 be advertised at least once in a newspaper of general circulation in Indian River County at least 30 days prior to the bid opening date, and at least 5 days prior to any scheduled pre-bid conference.

B. Recommendation for Award.

1. For In-House Projects. It is the Purchasing Division's responsibility to review the Originating Department's recommendation and prepare an agenda item for submission to the Board. 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 submission to the Board.

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.

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 item materials and the executed contract shall be provided to the Purchasing Division for its records.

2. For Consultant-Managed Projects. The Originating Department shall be responsible for preparation of an agenda item, proper routing for approvals, and presentation to the Board. A complete copy of the agenda item shall be provided to the Purchasing Division for its records. The Purchasing Division may prepare the agenda item at the Originating Department's request, after receipt of a recommendation memo from the Originating Department.

The Originating Department is responsible for preparation of a proposed or sample contract and obtaining approval by the office of the County Attorney if it is to be included in the agenda item. The written recommendation in the agenda item shall include a request for authorization for the Board Chairman to execute the contract.

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 item materials and the executed contract shall be provided to the Purchasing Division for its records.

C. Notice of Award. Upon Board approval, the Purchasing Division shall send out a notice of award to the successful bidder and request submittal of any required certificate(s) of insurance and bond(s). If a proposed or sample contract was included in the agenda item approved by the Board, the Purchasing Division shall also include two (2) copies of the contract to be executed by the vendor which shall be returned with the appropriate certificate(s) of insurance and bond(s).

D. Certificates of Insurance/Bond(s). Upon receipt of certificate(s) of insurance, bond(s), and contracts executed by the contractor, the Purchasing Division shall submit the certificate(s) of insurance to the County Risk Manager for approval and the bond(s) to the County Attorney for approval. After approval of the bond(s), the Purchasing Division or the contractor shall record the bond(s) in the public records, if appropriate, and send copies of the bond(s), certificate(s) of insurance and the original executed contracts to the Originating Department. The Originating Department shall be responsible for proper routing and submission of the contracts for the Board Chairman's signature.

E. Notice of Award. Public Construction Bond.

1. Public Construction Bond Required on any Construction Contracts Equal to or in Excess of \$100,000. A public construction bond shall be required on any construction or public works contract for a project costing \$100,000, or more. Such bond shall be provided by a surety company authorized to do business in the State of Florida. An alternative form of security may be provided in the form of cash, a money order, a certified check, a cashier's check, an irrevocable letter of credit, or other form of security permitted

by Florida Statute 255.05(7), in a form acceptable to the County Attorney and the County Budget Director.

2. Bond Must be Delivered Prior to Issuing Contract Document. If required, a public construction bond or other form of security shall be delivered to the County prior to execution of the contract. All public construction bonds shall be recorded with the Clerk of the Court by the Purchasing Division or the contractor prior to commencement of the project.

F. Executed Contract. The Originating Department shall be responsible for returning a fully executed original contract to the vendor and shall prepare and send a notice to proceed to the contractor when appropriate. A copy of the agreement shall also be provided to the Purchasing Division for the Bid folder.

G. Forfeiting of Bonds.

Default by Contractor. All contracts for construction services shall contain a clause providing for termination upon default of the contractor and providing that in such cases the surety company shall bear responsibility for the completion of the contract, or if no surety company has provided a performance bond, the County may claim the alternative security and use such funds for the completion of the contract.

H. Termination for Convenience. All construction contracts shall contain clauses providing for the termination of the contract for convenience of the County, and shall prescribe methods by which the contractor may calculate the cost of work already performed and termination settlement costs.

I. Indemnification. All construction contracts shall provide that the contractor (or other appropriate party) shall indemnify and hold harmless the County, and its officers and employees, from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of the contractor (or other appropriate party) and persons employed or utilized by the contractor (or other appropriate party) in the performance of the construction contract.

4.5 WORK ORDERS/AUTHORIZATIONS

A. Work Orders/Authorizations for continuing services agreements previously approved by the Board may be executed by the County Administrator, if within his defined authorization limits and if not prohibited within the agreement.

4.6 CHANGE ORDERS

A. Applicability. Modifications may be made to an executed contract, which do not substantially alter the character of the work contracted, and which do not vary substantially from the original specifications as to constitute a new undertaking. Such changes must be reasonably

viewed as being in fulfillment of the original scope of the contract and must be clearly directed to the achievement of a more satisfactory result or to the elimination of work not necessary.

B. Purchasing Manager Authority. The Purchasing Manager is authorized to approve change orders to contracts executed under the Purchasing Manager's authority, provided the criteria in paragraph A above are met, and the total value of the contract does not exceed \$25,000.

C. County Administrator Authority. The County Administrator is authorized to approve and authorize change orders which fit the criteria in paragraph A, above, where the net modification in the contract amount does not exceed \$5,000, unless contract was initially awarded solely under the Purchasing Manager or County Administrator's authority (\$50,000 threshold) and the total value of the contract still does not exceed \$50,000.

D. All other change orders must be formally approved by the Board.

E. Change orders shall not be artificially distributed or divided to avoid the requirement to present the approval to the Board.

4.7 DIRECT PURCHASE

A. In compliance with F.S. 212.08(6) and FAC Rule 12A-1.094, the County may utilize owner direct purchase of materials for Public Works projects to reduce project cost through the elimination of sales tax.



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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. 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. Evaluation Committee. An evaluation committee shall be appointed by the County Administrator. The Evaluation 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 Evaluation 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 Evaluation Committee. If the Evaluation 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 Originating Department shall be responsible for preparing an agenda item submitting the committee's recommendation to the Board for approval. 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. 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.

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. Evaluation Committee. An evaluation committee shall be appointed by the County Administrator. The Evaluation Committee shall be comprised of not less than three and not more than seven members. A majority of members shall constitute a quorum.

D. Review of Qualifications. The Evaluation Committee shall review the submittals of all firms responding to the RFQ. If the RFQ is subject to the Consultants' Competitive Negotiations Act, the Evaluation Committee shall select at least three firms (short list) for further discussions.

E. Non-Public Proceedings of the Evaluation Committee. If the Evaluation Committee

(a) meets to discuss negotiation strategies, or (b) meets with any firm responding to the RFQ for the purpose of hearing a presentation, discussions and asking questions, or 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.

F. Ranking of Firms. The Evaluation Committee, after any discussions with and/or presentations by each short listed firm, shall vote on the final ranking. The ranking of firms shall indicate the Evaluation Committee's determination of the firms that are most highly qualified to perform the required services.

G. Ranking Reported to the Board. The Evaluation Committee's ranking of the firms shall be submitted to the Board through the County Administrator by the Originating Department. Upon final ranking and selection by the Board, the Originating Department shall proceed with negotiations; provided, however, that if the estimated value of the services is \$25,000 or less, the Purchasing Manager, in consultation with the Originating Department, may determine final ranking and selection, and if the estimated value of the services is \$50,000 or less, the County Administrator, in consultation with the Originating Department, may determine final ranking and selection,

H. Negotiations. The Originating Department shall negotiate with the firms in the order and manner set forth in the Consultants Competitive Negotiation Act, which generally requires that the Originating Department first negotiate with the most qualified firm. If negotiations are not successful, the Originating Department shall formally terminate negotiations with the most qualified firm, and shall commence negotiations with the second most qualified firm. If negotiations are not successful, the Originating Department shall formally terminate negotiations with the second most qualified firm, and shall commence negotiations with the third most qualified firm. If the County is unable to negotiate a satisfactory contract with any of the selected firms, the County may select additional firms responding to the RFQ in the order of their competence and qualification and continue negotiations in the same manner until an agreement is reached.

I. Award of Contract. At the conclusion of successful negotiations, a contract, approved by the County Attorney, shall be submitted to the Purchasing Manager (up to \$25,000), the County Administrator (up to \$50,000) or the Board (up to and in excess of \$50,000) for approval. A copy of the executed contract shall be transmitted to the Purchasing Division for the permanent file.

5.3 RANKING OF FIRMS IN RFP AND RFQ PROCESS

The ranking of firms in an RFP or RFQ process shall be done in the following manner, unless otherwise specified within the RFP or RFQ: (a) the RFP or RFQ solicitation documents shall list the

evaluation criteria and assign a maximum number of points available for each criterion. The total maximum number of points available for all criteria shall be 100, (b) each member of the evaluation committee shall evaluate each firm by assigning a number of points for each criterion and then totaling the number of points for all criteria, (c) each committee member shall then rank the firms on the basis of the total number of points received for all criteria, with the firm receiving the most points being ranked # 1, and (d) the rankings received by each firm from all committee members shall then be totaled and divided by the number of committee members, to produce an average ranking. The firm receiving the lowest average ranking (ie., closest to # 1) shall be ranked the # 1 firm, and the process repeated until all firms have been ranked according to their average ranking. In the event of a tie, the ranking of the tied firms shall be determined by a comparison of the total number of points received by each firm for all criteria from all committee members.

After interviews in an RFQ process (or in an RFP process, if interviews are held), and based upon information learned during the interviews, each committee member may change his or her ranking of firms.

The evaluation process shall continue until the evaluation committee declares the rankings final.



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6. SUMMARY OF PROCUREMENT

The following is a summary of the above procurement requirements.

A. Less than \$1,000. 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 \$1000.

B. From \$1,000 to \$4,999.99. Three (3) quotes are required in 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 permitted, but not required. The Purchasing Manager, County Administrator and the Board have authority to approve procurements from \$1000 to \$4,999.99.

C. From \$5,000 to \$25,000. 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 \$5000 to \$25,000.

D. From \$25,000 to \$50,000. 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 \$25,000 to \$50,000.

F. Over \$50,000. The Board must approve all procurements; Bid/RFP/RFQ required, unless waived by the Board, if allowed by applicable law.

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



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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 (7) 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 to the Board. Written notice of such appeal shall be submitted by the protestor to the Purchasing Manager within seven (7) 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.



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8. EXCESS/SURPLUS ASSET DISPOSITION

The Purchasing Division shall maintain an electronic list, accessible to all County employees, of excess assets and other items in working condition that may be usable to another department. This list shall be periodically submitted to the Board for approval to declare the assets surplus and to remove the assets from inventory.

Once declared surplus by the Board, the Purchasing Division shall transfer or sell the assets through any method consistent with the laws of Florida or applicable County policies.