

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
WORKSHOP SUMMARY**

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**Meeting Date:** February 27, 2024  
**Department:** Facilities Development & Operations  
**Purchasing**

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**I. EXECUTIVE BRIEF**

**Title:** Revisions to the Purchasing Code


**Summary:** The current Purchasing Code (Code) was enacted in 2015 by means of Ordinance No. 2015-004, which in turn repealed and replaced Ordinance No. 2005-062 (as amended by Ordinances Nos. 2008-009 and 2010-010). The current Code was revised in 2018 (Ordinance No. 2018-022) to incorporate the necessary references to the then recently adopted Equal Business Opportunity program (Ordinance No. 2018-021). Although it was adopted in 2015, many of the provisions of the current Code originate in its 2005 version and warrant revisions to reflect current industry practices and market conditions. Approximately five years ago, County staff started working on proposed revisions to the Code. The proposed revisions detailed in this item capture the input provided by County departments, lessons learned through the daily application of Code provisions, best practices to reflect procurement industry standards, and general reformatting/clarification edits. Through this item, staff seeks to obtain Board of County Commissioners' (Board) feedback and direction as to its interest in pursuing revisions to the Code and, if of interest, the extent of the same. **(FDO Admin/Purchasing) Countywide (MWJ/AH)**


**Background & Policy Issues:** The Code provides the framework under which the County procures goods and services. It also provides authority to the directors of the five construction departments (Water Utilities, Airports, Environmental Resources Management, Engineering & Public Works, and Facilities Development & Operations) to procure construction and construction-related services. Staff has identified proposed revisions to the Code for consideration by the Board.


**Attachments:**

1. Summary of Key Proposed Revisions to the Purchasing Code
2. Proposed Revisions to the Purchasing Ordinance (redline to current Code)
3. Presentation

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**Recommended By:**  2/9/24  
Department Director Date

 2/12/24  
Department Director Date

**Approved By:**  2/16/24  
County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

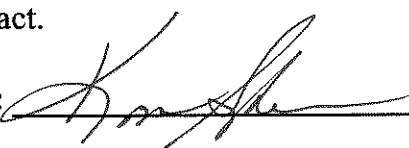
**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2024	2025	2026	2027	2028
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Is Item Included in Current Budget:			Yes _____	No _____	<u>X</u>
Is this item using Federal Funds?			Yes _____	No _____	<u>X</u>
Is this item using State Funds?			Yes _____	No _____	<u>X</u>

Budget Account No:      Fund                      Dept.                      Unit \_\_\_\_\_      Object \_\_\_\_\_

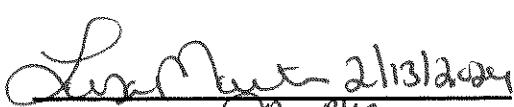
**B. Recommended Sources of Funds/Summary of Fiscal Impact:**


This item carries no fiscal impact.

**C. Departmental Fiscal Review:** 

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Development & Control Comments:**

  
 OFMB      *AT 2/13*  
*ESW 2-13-23*

  
 Contract Development and Control  
*Feb 2/14/24*

**B. Legal Sufficiency:**

 2-15-24  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

**This summary is not to be used as a basis for payment.**

**Summary of Key Revisions to the Purchasing Code**

Section/Topic	Comments
Name of Code; Name of Department	<p>The Purchasing Code may be referred to as either the "Purchasing" Code or the "Procurement" Code</p> <p>The Purchasing Department may be referred to as either the "Purchasing" Department or the "Procurement" Department.</p>
Sec. 2-51(c) General Purpose	<p>Added "transparent" to the general purpose under item (2).</p> <p>Added item (5) to indicate that the generally accepted principles of public procurement are to be adopted and implemented.</p>
Sec. 2-51 (d) Policy Decision	<p>Added language to clarify that departments must only request procurements that are fully budgeted and appropriated by the Board; procurements funded from operating budget are subject to annual appropriation by the Board.</p>
Sec. 2-51(f)	<p>Added language to clarify that the Procurement Code does not apply to procurements governed by the PREM Ordinance</p>
Sec. 2-51(f)(1) Application/Exemptions	<p>Added language to clarify that the competitive procurement requirements of the Procurement Code do not apply to the exemptions listed in this section.</p> <p>Added language to clarify that agreements with non-profits or government entities that are exempt from the Procurement Code are still subject to the PREM Ordinance if they involve real property.</p> <p>Clarified exemptions for subscriptions and for copyrighted material.</p> <p>Clarified exemption for County employee training and events, conferences, summits, conventions and made this exemption subject to the approval of the Procurement Director.</p>

**ATTACHMENT 1**

**Summary of Key Proposed Revisions to the Purchasing Code**

Section/Topic	Comments
	<p>Clarified exemption for recreational uses to include sports league management.</p> <p>Deleted exemption for procurement for Constitutional Officers as FDO is the one department that performs the same and when it does, FDO follows the Procurement Code.</p> <p>Clarified the CCNA exemption.</p> <p>Deleted exemption for procurements under the PREM Ordinance since 2-51(f) clarified that the Procurement Ordinance does not apply to transactions governed by the PREM Ordinance.</p> <p>Deleted exemption for concessions at airport facilities since 2-51(f) clarified that the Procurement Ordinance does not apply to transactions governed by the PREM Ordinance.</p> <p>Moved the Decentralized Purchase Order (DPO) to be under "Alternate Source Selection" rather than exemptions.</p> <p>Clarified the types of legal services.</p> <p>Clarified that "sponsorships" are exempt but still subject to County procedures.</p> <p>Added exemption: grant funded payments under the federal micro purchase.</p> <p>Added exemption: pilot programs for fuel/energy.</p> <p>Added exemption: pharmaceuticals and medical supplies to be administered by County Departments.</p> <p>Added exemption: for enhancements to proprietary software.</p>
Sec. 2-51(f)(2)	Added that Procurement Director must approve Department PPMs on exempt purchases.

Section/Topic	Comments
	Added that exempt purchases above the Mandatory Bid Amount must be approved by the Procurement Director or BCC (with exceptions for exempt purchases under the CCNA statute).
Sec. 2-51(g) Ethical Standards in Procurement	Added new section.
Sec. 2-52 Definitions	<p>Added defined term: Centralized Purchase Order.</p> <p>Added defined term: Cone of Silence.</p> <p>Added defined term: Consultant/Contractor/Supplier/Vendor.</p> <p>Clarified definition of "Construction" and added the authority of the Procurement Director to refer construction-related requests for procurement to a Construction Department.</p> <p>Added defined term: Contract Administration.</p> <p>Added defined term: Contract Notice Purchase Orders (KPO).</p> <p>Added defined term: Contract Renewal.</p> <p>Added defined term: Contract Review Committee.</p> <p>Revised Definition: "Decentralized Purchase Order" raised amount from \$5,000 to \$10,000.</p> <p>Added Defined Term: Direct Special Payable Purchase Order (SPO) / Exempt Purchase Order (EPO).</p> <p>Added Defined Term: Exempt Purchase.</p> <p>Clarified under "Invitation for Bid" that price is the determining factor.</p> <p>Added defined term: Invitation to Negotiate.</p>

Section/Topic	Comments
	<p>Revised Definition: Mandatory Bid or Proposal Amount increased from \$100,000 to \$150,000</p> <p>Added defined term: Notice of Award Recommendation.</p> <p>Added defined term: Pcard.</p> <p>Added defined term: Procurement.</p> <p>Clarified the definition of Purchase Order to list the types used by the County.</p> <p>Revised the definition of Request for Information.</p> <p>Clarified the definition of Request for Proposals.</p> <p>Clarified the definition of Request for Quote to indicate price is the determining factor.</p> <p>Clarified that serving as a Resource Manager is a joint responsibility with the Procurement Department and requires annual training.</p> <p>Clarified definition of Responsive Bid, Quote, Submittal or Response.</p> <p>Clarified "Services" to indicate that construction is a type of services.</p> <p>Added definition: Utility Services.</p> <p>Deleted unused terms: Glades Business; Inspector General Fee; Living Wage Ordinance; M/WBE; Professional Services; SBE; Vendor.</p>
<p>Sec. 2-53 Organization</p>	<p>Added that Procurement Department will conduct vendor onboarding, record management; and manage the pcard program.</p> <p>Clarified the duties of the Director of Procurement to include records management, vendor onboarding, pcard program, establishment of training and certification standards for staff involved with</p>

Section/Topic	Comments
	<p>procurement and assisting Departments with Contract Administration.</p> <p>Award of contracts by the Director of Procurement increased from less than \$200,000 to less than \$300,000.</p> <p>Award of contracts by the BCC changed from \$200,000 and over to \$300,000 and over.</p> <p>Added authority for the Director of Procurement to terminate non-construction contracts (exempt included) of any amount, for or without cause.</p> <p>Clarified the authority of the Construction Departments to follow statutory provisions regarding construction contracts and establish necessary procedures for procurement of same.</p> <p>Award of construction contracts by a Construction Department Director increased from less than \$200,000 to less than \$300,000.</p> <p>Award of construction contracts by the BCC changed from \$200,000 and over to \$300,000 and over.</p> <p>Added authority of Construction Department Directors to terminate construction and construction-related contracts of any amount; clarified language regarding authority of the Construction Department Directors</p>
<p>Sec. 2-54 Source Selection</p>	<p>Changed Mandatory Bid or Proposal Amount from \$100,000 to \$150,000.</p> <p>Clarified language regarding Board's ability to renew contracts procured through competitive bidding or alternate source selection.</p> <p>Added language requiring posting of solicitations on County's VSS website and to allow for additional public notice at the discretion of the Procurement Director.</p> <p>Clarified language regarding late or incorrectly delivered bids being deemed non-responsive.</p>



Section/Topic	Comments
	<p>Clarified the term "Bid Opening".</p> <p>Clarified language for Bid Cancellation</p> <p>Added language about correction of minor irregularities in bids.</p> <p>Revised section on bid awards so that awards less than \$300,000 are made by the Procurement Director and awards \$300,000 and over by the BCC (previously \$200,000).</p> <p>Added section to address Execution of Contracts.</p> <p>Under section on "Changes after Award" the following revision were made:  For contracts approved by the Director of Procurement, increased authority of Director of Procurement to authorize contract increases from 10% to 15% (with the County Administrator's approval to go over 10%).</p> <p>For contracts approved by the BCC, increased authority of Director of Procurement to authorize contract increases from 10% to 15% (with the County Administrator's approval to go over 10%) for contracts less than \$300,000; for contracts between \$300,000 and \$500,000 authorized the County's Contract Review Committee to approve increases up to 15%.</p> <p>For contracts approved by either the BCC or the Director of Procurement, increased the Director of Procurement's authority to extend contract time from 3 months to 6 months.</p> <p>Deleted language that required all conditions to remain unchanged, including SMWBE.</p> <p>Added language clarifying that if contract terminated within the initial award period, then County may award to the next low bidder.</p>

Section/Topic	Comments
	<p>Added language clarifying that authority of Construction Department Directors to make monetary and time changes to construction contracts will be in accordance with County policies and procedures.</p> <p>Added new section to address Termination of Contracts.</p> <p>Added Invitation to Negotiate to section on Formal Competitive Proposal Process.</p> <p>Added section on execution of contracts and section on termination of contracts.</p> <p>Under RFI revised to conform to new definition of RFI added that RFIs for exempt purchases must be approved by the Procurement Department.</p> <p>Under Alternate Source Selection, deleted the term "Small Purchases" since this is already covered under the section on "Informal Solicitations"; added DPO as an alternate source selection rather than an exemption; under "Sole Source added requirement of the posting of a Notice of Intent to Designate a Sole Source for 10 days; under "Emergency Purchase" revised BCC approval/ratification amount to \$300,000 or greater; simplified the requirements for "Piggyback Contracts".</p> <p>Added that Prequalifications can be used for orders over the Mandatory Bid or Proposal Amount as long as such are also advertised on VSS.</p> <p>Added "Prequalification of Contractors by Construction Departments for Construction Services".</p> <p>Added language to allow the Procurement Director to use IFB, RFP or ITN tools even if under the mandatory bid/proposal amount.</p> <p>Added that Procurement Director will develop policies and procedures for Pcard usage by Departments.</p>

Section/Topic	Comments
<p>Sec. 2-55 Protested Awards</p>	<p>Clarified that the protest must be received by Procurement Director within the specified time and that the date/time stamp of the Procurement Department controls.</p> <p>Added requirement for a protest bond to be filed with the initial protest (rather than only at the time of request for a special master) and provided for a sliding scale for the protest bond: \$1,500 for solicitations less than \$500,000 and \$3,000 for solicitations \$500,000 and over.</p> <p>Added language regarding when the bond will be returned and when it will be forfeited.</p> <p>Deleted no longer applicable language regarding M/WBE ordinances.</p> <p>Redrafted section related to authority of the Special Master.</p> <p>Clarified section on the BCC accepting or rejecting the Special Master recommendation.</p> <p>Clarified section on Procurement Director accepting or rejecting the Special Master recommendation.</p>
<p>Sec. 2-56 Suspension and Debarment</p>	<p>Added language authorizing Procurement Director to suspend or debar vendors under exempt contracts and under contracts governed by the PREM Ordinance.</p> <p>Redrafted process for vendor protest of suspension or debarment.</p>
<p>Sec. 2-59 Construction Services</p>	<p>New section</p>
<p>Sec. 2-60 CCNA Services</p>	<p>New section</p>
<p>Sec. 2-61 Automation Permitted</p>	<p>New section</p>
<p>Sec. 2-62</p>	<p>New section.</p>

Section/Topic	Comments
Unsolicited Proposals	
Miscellaneous	<p>Capitalized words throughout and performed grammatical cleanup as necessary.</p> <p>The new Purchasing Code will be effective 180 days after adoption.</p>

**ATTACHMENT 2**

**Proposed Revisions to the Purchasing Ordinance (redline to current Code)**

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ORDINANCE NO. 2024 - \_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TO BE ENTITLED "THE PALM BEACH COUNTY PROCUREMENT/PURCHASING CODE," REPEALING AND REPLACING SECTIONS 2-51 THROUGH 2-58 OF THE PALM BEACH COUNTY CODE, WHICH CODIFIED ORDINANCE NO. 2005-062, ORDINANCE NO. 2008-009, ORDINANCE NO. 2010-010, ORDINANCE NO. 2015-004 AND ORDINANCE NO. 2018-022, ESTABLISHING A CENTRALIZED PURCHASING SYSTEM; PROVIDING FOR GENERAL PROVISIONS; PROVIDING FOR APPLICATION/EXEMPTIONS; PROVIDING FOR ETHICAL STANDARDS IN PROCUREMENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR DESIGNATION, DUTIES AND AUTHORITY OF THE DIRECTOR OF PROCUREMENT AND THE PROCUREMENT DEPARTMENT; PROVIDING FOR DELEGATION OF AUTHORITY TO SUBORDINATE STAFF AND AUTHORITY OF DEPARTMENTS OF ENGINEERING AND PUBLIC WORKS, AIRPORTS, WATER UTILITIES, FACILITIES DEVELOPMENT AND OPERATIONS, AND ENVIRONMENTAL RESOURCES MANAGEMENT; PROVIDING FOR A MANDATORY BID AND PROPOSAL AMOUNT; ESTABLISHING REQUIREMENTS FOR COMPETITIVE SOURCE SELECTION; PROVIDING FOR ALTERNATE SOURCE SELECTION; PROVIDING AUTHORITY OF PROCUREMENT DIRECTOR AND THE CONTRACT REVIEW COMMITTEE FOR CHANGES AFTER CONTRACT AWARD; PROVIDING FOR WAIVER OF REQUIREMENTS FOR COMPETITIVE SELECTION FOR CONSULTING SERVICES; PROVIDING FOR PROCUREMENT CARD (PCARD) SERVICES; PROVIDING FOR PROTESTED AWARDS; PROVIDING FOR SUSPENSION AND DEBARMENT; PROVIDING FOR VENDOR PREFERENCES; PROHIBITING CONFLICTS OF INTEREST; PROVIDING FOR CONSTRUCTION SERVICES; PROVIDING FOR CCNA SERVICES; PROVIDING FOR AUTOMATION OF THE PROCUREMENT PROCESS; PROVIDING FOR UNSOLICITED PROPOSALS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CAPTIONS; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

52           WHEREAS, on December 20, 2005, the Board of County Commissioners of Palm  
53 Beach County, Florida ("Board") enacted Ordinance No. 2005-062 which repealed all prior

54 Purchasing Ordinances and established a centralized purchasing system to govern the  
55 procurement of goods and services; and

56 **WHEREAS**, on April 15, 2008, the Board enacted Ordinance No. 2008-009,  
57 thereby amending the Palm Beach County Purchasing Code in order to facilitate and  
58 enhance the efficiency of the County's procurement process; and

59 **WHEREAS**, on April 20, 2010, the Board enacted Ordinance No. 2010-010,  
60 thereby amending the Palm Beach County Purchasing Code to include a process for  
61 purchases made for the Glades Utility Authority and for implementation of an Inspector  
62 General fee; and

63 **WHEREAS**, on January 13, 2015, the Board enacted Ordinance No. 2015-004,  
64 thereby amending the Palm Beach County Purchasing Code in order to facilitate and  
65 enhance the efficiency of the County's procurement process; and

66 **WHEREAS**, on October 16, 2018, the Board enacted Ordinance No. 2018-022,  
67 thereby amending the Palm Beach County Purchasing Code to include updated references  
68 to the newly enacted Equal Business Opportunity Ordinance; and

69 **WHEREAS**, the Board has deemed it necessary to repeal Ordinance No. 2005-062,  
70 as amended by Ordinance No. 2008-009, Ordinance No. 2010-010, Ordinance No. 2015-  
71 004 and Ordinance No. 2018-022, in order to further streamline and enhance the efficiency  
72 of the County's procurement process.

73 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
74 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that:**

75 **Article 1. REPEAL OF PRIOR ORDINANCES AND REPLACEMENT.**

76 Palm Beach County Ordinance No. 2005-062, as amended by Ordinance No. 2008-  
77 009, Ordinance No. 2010-010, Ordinance No. 2015-004, and Ordinance No. 2018-022  
78 (collectively Sections 2-51 through 2-58 of the Palm Beach County Code) is hereby  
79 repealed in its entirety and replaced with the following:

80  
81 **Sec. 2-51. - General ~~provisions~~Provisions.**

- 82 (a) *Authority*. The provisions of Sections 2-51 through 2-5862 are based upon the  
83 authority granted to the Board of County Commissioners ("Board"), and the County  
84 Administrator ("Administrator") in Article VIII, Section 1, of the Florida Constitution;  
85 F.S. Ch. 125, Pt. IV; and the Palm Beach County Charter.
- 86 (b) *Short ~~the~~ Title*. The provisions of Sections 2-51 through 2-5862 shall be known and  
87 cited as the "Palm Beach County Procurement and/or Purchasing Code"  
88 ("Procurement/Purchasing Code").
- 89 (c) *General ~~purpose~~ Purpose*. The purpose of ~~the~~ this Procurement/Purchasing Code is  
90 to place the County's purchasing function under a centralized system which will enable  
91 the County and the County's ~~Purchasing~~ Procurement Department to:
- 92 (1) Establish policies and procedures governing the ~~purchase~~ procurement of goods  
93 and services, including those goods and services that are revenue generating;
  - 94 (2) Provide open, fair and open ~~open~~ transparent competition among all persons desiring  
95 to do business with the County in a manner that reduces the appearance and  
96 opportunity for favoritism, and inspires public confidence that contracts are  
97 awarded in an equitable manner;
  - 98 (3) Provide, encourage, and promote fair and equitable treatment for all persons  
99 desiring to do business and who currently do business with the County; ~~and~~
  - 100 (4) Obtain goods and services of satisfactory quality and quantity at a reasonable  
101 cost; and
  - 102 (5) Adopt and implement the generally accepted values and guiding principles of  
103 public procurement, including, but not limited to, accountability, ethics,  
104 impartiality, professionalism, service, and transparency.
- 105 (d) *Policy Decision*. The authority granted hereunder shall not include fundamental  
106 policy decisions regarding the County's purchasing functions and procedures. These  
107 powers, including the determination of the total funds to be spent pursuant to ~~the~~ this  
108 Procurement/Purchasing Code by County Departments and the setting aside of those



109 funds, shall remain solely with the Board and are not and shall not be delegated. County  
110 Departments ~~may not~~shall only request procurements that are ~~not fully~~ budgeted ~~or that~~  
111 ~~are beyond the limitations imposed in and~~ appropriated by the Board. All procurements  
112 funded from the County's budgetary process, and shall make annual  
113 accountingsoperating budget shall be subject to the Boardannual appropriation of their  
114 expenditure of these fundsthe Board.

115 (e) *Requirements of Good Faith.* ~~The~~ This Procurement/Purchasing Code requires all  
116 parties involved in procuring goods or services, or in administering the contracts for  
117 procured goods or services, to act in good faith.

118 (f) *Application/exemptions*Exemptions. Except as otherwise specified herein or by law,  
119 the Procurement/Purchasing Code shall apply to every purchase by the Board to be  
120 paid from County funds, including those purchases made by the County with state  
121 moneys, federal moneys, and grant moneys from any source. This  
122 Procurement/Purchasing Code is not applicable to procurements, unsolicited proposals  
123 or agreements involving the purchase, sale, lease or use of real property, including  
124 concession, development and operating agreements, which shall comply with the  
125 requirements of the Palm Beach County Real Property Acquisition, Disposition and  
126 Leasing Ordinance ("PREM Ordinance") and/or other applicable law, County  
127 ordinance, federal rule or regulation.

128 ~~(1)~~ (1) The competitive procurement requirements of Section 2-54 of this  
129 Procurement/Purchasing Code shall not apply to:

130 a. Agreements between the Board and nonprofit organizations or other  
131 governments that provide for the transfer, sale or exchange of goods or  
132 services government entities; however, such agreements that involve real  
133 property acquisition, disposition, lease, development, operation, or the use of  
134 land or facilities are subject to the PREM Ordinance and/or other applicable  
135 County ordinance or policy.

- 136 b. Procurement of dues and memberships in trade or professional organizations;  
137 subscriptions to periodicals such as newspapers and magazines;  
138 advertisements; postage; utility services; copyrighted materials only available  
139 from one source; professional medical services; authorized hospitality  
140 expenses; fees and costs of job-related seminars and training, including  
141 materials provided with, or as an integral part of, that training; and, admission  
142 fees for amusement parks and entertainment activities included in County  
143 recreational programs for youth, teens, adults, seniors, and persons with  
144 disabilities.
- 145 c. Presenters, lecturers, and facilitators for County sponsored  
146 program~~employee training and events~~ or for County initiated or sponsored  
147 summits, conventions, conferences or programs of a specialized nature,  
148 subject to the approval of the Director of Procurement.
- 149 d. Recreational instructors, sports league management, and sports officials.
- 150 e. ~~Procurements for Constitutional officers, specifically the Clerk and~~  
151 ~~Comptroller, Sheriff, Supervisor of Elections, Property Appraiser, State~~  
152 ~~Attorney, Public Defender, and Tax Collector.~~
- 153 f. ~~Selection of services within the scope of the practice of architecture,~~  
154 ~~professional services~~engineering, landscape architecture or registered  
155 surveying and mapping that are governed by the provisions of the "Consultants  
156 Competitive Negotiation Act" ("CCNA"), F.S. § 287.055, and by applicable  
157 County policies and procedures. Selection of services of architects,  
158 ~~professional services~~engineers, landscape architects or registered surveyors  
159 and mappers that are exempt from the requirements, or that are ~~above~~below  
160 the statutory ~~threshold~~thresholds, of F.S. § 287.055, shall be made by the  
161 Construction Departments in accordance with the ~~the~~this  
162 Procurement/Purchasing Code.

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~~i. Decentralized Purchase Orders. Said purchases shall be procured in accordance with the applicable policy and procedure and shall not be exempt from the County's Equal Business Opportunity Ordinance ("EBO Ordinance"), the Equal Business Opportunity Program Policies and Procedures ("EBO PPM"), or from Resource Manager approval. These goods or services are not exempt in and of themselves but for the dollar value being less than Five Thousand Dollars (\$5,000.00). No purchase shall be artificially divided so as to constitute a decentralized purchase under this Section.~~

~~g. Real property interests or any acquisition, disposition or lease made pursuant to the Palm Beach County Real Property Acquisition, Disposition, and Leasing Ordinance, applicable law, or Federal rule/regulation.~~

~~h. Concessions as defined in 49 CFR Part 23.~~

~~i. f. Vending machines.~~

~~jg. Goods or services purchased with donations, gifts or bequests containing restrictions that would interfere with or prevent the application of the requirements of the this Procurement/Purchasing Code.~~

~~kh. Goods purchased with petty cash in accordance with established County procedures.~~

~~i. Decentralized Purchase Orders; however, said purchases shall not be exempt from the County's Small Business Enterprise Ordinance or any Minority/Women Business Enterprise Ordinance, if adopted, or from Resource Manager approval. These goods or services are not exempt in and of themselves but for the dollar value being less than five thousand dollars (\$5,000.00). No purchase shall be artificially divided so as to constitute a decentralized purchase under this Section.~~

- 189 mi. Labor negotiation services, legal services, including attorney, paralegal,  
190 expert witness, appraisal or mediator services, expert witnesses, court reporter  
191 services, and other expenses pertaining to claims, negotiations, or litigation.
- 192 nj. Insurance policies costing less than the Mandatory Bid or Proposal Amount.
- 193 ek. Artwork as defined by applicable County policy and procedure.
- 194 pl. Full or part-time contractual employees of the Board.
- 195 em. Event specific stage production or programming including, but not limited  
196 to, fireworks or individuals or groups providing musical or theatrical  
197 performances or lectures.
- 198 en. County sponsorships or the solicitation of sponsorships; however such  
199 agreements are subject to County policies and procedures.
- 200 so. Golf tee time advertising and sales services for County golf courses.
- 201 tp. Bond underwriters.
- 202 uq. Grant funded training, events, activities; and grant payments to recipients  
203 and sub-recipients;.
- 204 vr. Grant funded payments for goods and services under the federal micro-  
205 purchase threshold.
- 206 s. Codification of County Ordinances.
- 207 t. Pilot Programs for fuel or energy.
- 208 u. Pharmaceuticals and medical supplies to be administered by County  
209 personnel for County Department programs.
- 210 v. Implementation, programming, training, maintenance, enhancements and  
211 upgrade services available from the owner of proprietary software or its  
212 contracted vendor.
- 213 (2) *Procurement of Exempt Purchases.* Exempt purchases shall, where possible, be  
214 competitively procured by the County Department. The procurement of exempt

215 purchases shall be made by written contract between the vendor and the Board or  
216 authorized ~~designee~~Designee; by direct payment in accordance with applicable  
217 County policy and procedure; or, by an exempt purchase order ("EPO") when a  
218 purchase order must be sent to the vendor or by a direct special payable purchase  
219 order ("SPO") when a Department wants to encumber funds prior to a direct  
220 payment. County Departments shall maintain an internal policy and procedure for  
221 procurement of all exempt purchases—, which is approved by the Director of  
222 Procurement and aligns with this Procurement/Purchasing Code and any  
223 applicable County procurement policies and procedures or ordinances: except that  
224 exempt procurements under the CCNA statute are not subject to the review and  
225 approval of the Director of Procurement. All exempt purchases made above the  
226 Mandatory Bid Amount shall be presented to the Board of County Commissioners  
227 or Director of Procurement for final review and approval. except that exempt  
228 purchases under the CCNA statute will be governed by the County policies and  
229 procedures adopted for such procurements. If federal funds are being used,  
230 additional federal procurement requirements may apply.

231 (g) Ethical Standards in Procurement.

232 (1) *County Employees and Elected Officials of the Board.* In connection with any  
233 matter covered by this Procurement/Purchasing Code, County employees and  
234 elected officials of the Board must comply with the County's Code of Ethics, Article  
235 XIII, Section 2-446.

236 (2) *Vendors.* Any vendor who seeks to do business with the County must comply  
237 with the ethical standards stated within this Procurement/Purchasing Code. Any  
238 vendor that violates any of these ethical standards may be subject to suspension and  
239 debarment as provided within Sec. 2-56 of this Procurement/Purchasing Code.

240 a. No vendor shall discuss or consult with any other vendor intending to compete  
241 for the same or a similar County contract for the purpose of bid rigging, collusion,

242 or other activities that are illegal, unethical, or are intended to or will result in  
243 limiting competition.  
244 b. No vendor may submit any false or misleading information to the County in  
245 connection with or in response to any procurement.  
246 c. No vendor may perform any action in connection with any procurement by the  
247 County, if such action would violate any applicable federal, state or local laws,  
248 statutes, ordinances, rules or regulations.

249 **Sec. 2-52. - Definitions.**

250 *Administrator* means the County Administrator ~~or~~ Designee.

251 *Best and Final Offer* means the process used in competitive proposal evaluation  
252 whereby final proposals containing the vendor's most favorable terms for price and services  
253 or goods to be delivered are requested and considered prior to proposal award.

254 *Bid* means a formal price offer by a vendor to furnish specific goods or services in  
255 response to an Invitation for Bid or a multistep bidding procedure.

256 *Board* means the Board of County Commissioners.

257 *Business* means any corporation, partnership, individual, sole proprietorship, joint  
258 stock company, joint venture, or any other private legal entity.

259 *Capital Improvement Project* means any public improvement which the County  
260 undertakes, including the construction or reconstruction in whole or in part of any building,  
261 road, highway, street improvements, plant, structure, or facility necessary in carrying out  
262 the functions of the County government.

263 *Centralized Purchase Order ("CPO")* means a contracting method generated from a  
264 requisition for a one-time purchase of goods or services and generally established through  
265 procurement methods such as an IFB, RFP, RFQ or RFS.

266 *Change Order* means a written document executed to direct a contractor to make  
267 changes or additions to a purchase order or contract, including monetary, time and specified  
268 changes.

269 Cone of Silence has the meaning set forth in the Lobbyist Ordinance County Code  
270 Section 2-355.

271 Consultant/Contractor/Supplier/Vendor shall mean a provider of goods and/or  
272 services to the County department(s). These terms may be used interchangeably.

273 ~~Construction means the process of building, altering, improving,~~  
274 ~~demolishing, includes, but is not limited to, the construction, improvement, alteration,~~  
275 ~~demolition, renovation or major repairing or renovating repair of any improvement to real~~  
276 ~~property, facility, structure or building, in whole or in part. Construction may also include~~  
277 ~~any maintenance, repair or other improvements of any kind to any real property, or other~~  
278 ~~activity specifically service that requires a building permit in order to legally perform the~~  
279 ~~work. The Construction Departments shall be responsible for the procurement of~~  
280 ~~construction or construction-related to, or part of, these processes, as determined services.~~

281 In the event a non-Construction Department requests a procurement of construction or  
282 construction-related services, regardless of how such services may be identified by the non-  
283 Construction Department, the Director of Purchasing/Procurement may refer the  
284 procurement of such services to the appropriate Construction Department to ensure the  
285 proper administration and enforcement of the contract.

286 Construction Departments collectively means the Departments of Engineering and  
287 Public Works, Water Utilities, Airports, Facilities Development and Operations, and  
288 Environmental Resources Management.

289 Contract means a binding written agreement, enforceable by law, between two (2) or  
290 more parties for the purchase or sale of goods or services. A purchase order is a contract.

291 ~~Contractor means any awardee having a contract with the Board.~~  
292 Contract Administration means the functions that are performed after all parties have signed a  
293 contract. Typical contract administration activities are goal-oriented and are aimed at  
294 ensuring compliance with the contract terms and conditions while giving attention to the  
295 achievement of the stated output and outcome of the contract. Contract Administration also  
296 involves payment for goods and services through the usage of invoice(s).

297 Contract Notice Purchase Orders ("KPO") means a form of purchase order used only  
298 for construction or construction related goods and services or CCNA services generally  
299 established through procurement methods such as an IFB, RFP, RFO or RFS under County  
300 policies and procedures promulgated by the Construction Departments consistent with this  
301 Procurement/Purchasing Code.

302 Contract Renewal means a clause in the contract that allows the contract term or period  
303 to renew for an additional time period as per contract conditions. The contract renewal shall  
304 be subject to satisfactory vendor performance, as specified by the contract terms and  
305 conditions.

306 Contract Review Committee means the committee established by Board Resolution  
307 R89-633, as may be amended, the duties and responsibilities of which are set forth in  
308 County policies and procedures, as may be amended.

309 County means the Palm Beach County Board of County Commissioners or any of its  
310 authorized representatives pursuant to ordinance, resolution, Board authorization, or  
311 administrative Codecode.

312 County Department means any Department under the direction of the Board.

313 Debarment means the exclusion for cause of a vendor or contractor from responding  
314 to any County solicitation or from doing business with the County directly or indirectly.

315 Decentralized Purchase Orders means any non-repetitive purchase of value less than  
316 five ten thousand dollars (\$510,000.00-) that is not otherwise within the scope of an  
317 existing contract.

318 Designee means a duly authorized representative of the Board, the County  
319 Administrator, Director of PurchasingProcurement, or a Director of a Construction  
320 Department, as applicable.

321 Direct Special Payable Purchase Orders ("SPO") / Exempt Purchase Orders ("EPO")  
322 means a form of purchase order used only for the one time purchase of goods and services  
323 exempt from this Procurement/Purchasing Code.



324 *Emergency Purchase* means a procurement made in response to a need when the delay  
325 incident to complying with all governing rules, regulations, or procedures would be  
326 detrimental to the interests, health, safety, or welfare of the County.

327 *Equal Business Opportunity Ordinance* means the EBO Ordinance, as adopted by the  
328 Board and implemented through the Office of Equal Business Opportunity.

329 *Equal Business Opportunity Program Policies and Procedures* means the EBO PPM,  
330 as implemented through the Office of Equal Business Opportunity.

331 *Exempt Purchase* means a procurement identified as an exempt purchase in Section 2-  
332 51(f)(1) of this Procurement/Purchasing Code.

333 *Glades* means the area from the Broward County line north along Canal L-36 to the  
334 Loxahatchee National Wildlife Refuge, thence north to Southern Boulevard along Canal  
335 L-40, thence west along Southern Boulevard to a north-south 1½ miles west of Canal L-8,  
336 which coincides with a private agricultural road heading north from Southern Boulevard at  
337 the point where State Road 880 intersects Southern Boulevard from the South, thence north  
338 along the line of this north-south road to the boundary of the J.W. Corbett Wildlife  
339 Management Area, thence east and north along the boundary of the J.W. Corbett Wildlife  
340 Management Area to the Martin County line.

341 ~~*Glades Business* means a bidder or proposer which has a permanent place of business~~  
342 ~~within the Glades and which holds a business tax receipt issued by the County that~~  
343 ~~authorizes the bidder or proposer to provide the goods, services, or construction to be~~  
344 ~~built and which is issued prior to the issuance of the Invitation for Bids/Request for~~  
345 ~~Proposals for which a preference is sought. If the Business is a joint venture/partnership,~~  
346 ~~it is sufficient for qualification as a Glades Business if at least one (1) of the joint~~  
347 ~~venturers/partners meets the requirements set forth in this Section.~~

348 *Goods* mean any tangible personal property other than services or real property.

349 ~~*Inspector General Fee* means the fee that is or may be imposed by the Board~~  
350 ~~pursuant to the Palm Beach County Inspector General Ordinance.~~

351 *Invitation for Bid ("IFB")* means a solicitation used in the formal competitive bid  
352 process to solicit sealed bids for the purchase of goods or services that are equal to or  
353 greater than the Mandatory Bid or Proposal Amount where price is the determining factor  
354 for award.

355 ~~*Living Wage Ordinance* means an ordinance adopted by the Board that requires~~  
356 ~~construction or transit contractors and subcontractors as defined in Chapter 2, Article IV,~~  
357 ~~Division 3, of the County Code, to pay a living wage and provide minimal health benefits~~  
358 ~~to employees directly providing construction related services or transit services to the~~  
359 ~~County pursuant to a contract.~~  
*Invitation to Negotiate ("ITN")* means a solicitation used in

360 the formal competitive proposal process to solicit sealed proposals for a good or service  
361 that is equal to or greater than the Mandatory Bid or Proposal Amount and where the  
362 evaluation is based on established criteria which may include, but is not limited to, price.  
363 After receipt of proposals, the County may short-list one or more responsive proposers to  
364 negotiate the best value.

365 *Local Preference Ordinance* means an ordinance adopted by the Board that applies a  
366 local preference to responses submitted by local vendors to solicitations for construction  
367 and non-construction goods and services as defined in Sections 2-80.41 through 2-80.48 of  
368 the Palm Beach County Code.

369 *Mandatory Bid or Proposal Amount* means the threshold dollar amount established by  
370 the Board whereby the formal competitive bid or proposal process must be used, except as  
371 otherwise provided herein. The Mandatory Bid or Proposal Amount shall be one hundred  
372 fifty thousand dollars (\$100,50,000.00) per annum.

373 *May* denotes the permissive.

374 ~~*Minority Women Business Enterprise ("M/WBE")* means a business defined by the~~  
375 ~~EBO Ordinance or the EBO PPM.~~  
*Notice of Award Recommendation* means a written notice  
376 publicly posted, in a designated location(s) or on a designated website, prior to announcing  
377 the award of a contract to notify interested parties of the intended award. The protest period  
378 shall commence upon posting of the Notice of Award Recommendation.

379 *Office of Equal Business Opportunity ("Office of EBO")* means the County Office  
380 responsible for implementing the EBO Ordinance and the EBO PPM.

381 *Posting* means an act whereby the County publicly notices, in a designated location(s),  
382 or on a designated website, the recommended awardee of an Invitation for Bid, Invitation  
383 to Negotiate, or a Request for Proposal.

384 ~~*Professional Services* mean those services as defined in Section 2-80.21 of the Palm  
385 Beach County Code.~~

386 *Pcard ("Procurement/Purchasing Card")* a payment method which may be used by  
387 certain authorized County staff to buy directly from suppliers within pre-approved  
388 authority levels and spending limits.

389 *Procurement or Purchasing (the terms will be used interchangeably throughout this*  
390 *Procurement/Purchasing Code)* means purchasing, renting, leasing, or otherwise obtaining  
391 any goods or services; includes all functions that pertain to the procurement, including  
392 description of requirements, selection, and solicitation of sources, preparation and award  
393 of contract, and all phases of contract administration. Also, procurement encompasses the  
394 combined functions of purchasing, inventory control, traffic and transportation, receiving,  
395 inspection, storekeeping, salvage, and disposal operations.

396 *Proposal* means a formal offer by a vendor to furnish goods or services in response to  
397 a Request for Proposal, or Invitation to Negotiate.

398 *Proprietary* means there is only one (1) item that meets the need of the County  
399 Department as determined by a reasonably thorough analysis of the marketplace; however,  
400 the item may be obtained through more than one (1) vendor.

401 *Purchase Order* means a contract used to authorize a purchase from a vendor that  
402 includes specific goods or services ordered, applicable terms as to payment, discounts, date  
403 of performance and transportation; and other factors pertinent to the transaction. A  
404 Purchase Order is referred to herein as a Contract. The County utilizes various forms of  
405 purchase orders, such as Decentralized Purchase Orders ("DPO"), Centralized Purchase

406 Orders ("CPO"), Exempt Purchase Orders ("EPO"), Direct Special Payable Purchase  
407 Orders ("SPO") and Contract Notice Purchase Orders ("KPO").

408 *Quotation* means a written informal offer by a vendor to furnish specific goods or  
409 services in response to a Request for Quotation.

410 *Request for Information ("RFI")* means a ~~solicitation that will satisfy a need or that~~  
411 ~~will determine available sources rather than provide a firm specification; thereby giving~~  
412 ~~the respondent latitude to develop a good or service that will fulfill the need, or thereby~~  
413 ~~provide available sources for the good or service.~~ non-binding and non-competitive process  
414 used to obtain comments, feedback, information or reactions from potential vendors prior  
415 to the County issuing a solicitation. Generally, exact or specific pricing or cost is not  
416 required. Vendor feedback may include best practices, industry standards, licensing  
417 requirements, technology matters, etc. The RFI is used to inform the County on what  
418 procurement method is needed, if any, and assist the County in determining requirements  
419 or specifications for any subsequent solicitation.

420 *Request for Proposal ("RFP")* means a solicitation used in the formal competitive  
421 proposal process to solicit sealed proposals for a good or service that is equal to or greater  
422 than the Mandatory Bid or Proposal Amount; ~~where the scope of work or specifications~~  
423 ~~may not be closely defined; and, and~~ where the evaluation is based on established criteria  
424 which may include, but is not limited to, price.

425 *Request for Quotation ("RFQ")* means a solicitation used in the informal competitive  
426 bid process to solicit quotations for a specific good or service that is less than the  
427 Mandatory Bid or Proposal Amount; where price is the determining factor.

428 *Request for Submittal ("RFS")* means a solicitation used in the informal competitive  
429 proposal process to solicit submittals for a good or service that is less than the Mandatory  
430 Bid or Proposal Amount; ~~where the scope of work or specifications may not be closely~~  
431 ~~defined; and, where the evaluation is based on criteria which may include, but is not limited~~  
432 to, price.

433 *Resource Manager* means the Director of a County Department, or Designee, who has  
434 ~~been given the joint responsibility of monitoring with the Procurement Department to~~  
435 ~~monitor and approving~~approve the County's procurements of specific commodity groups  
436 as specified in the ~~Purchasing~~Procurement Department's policies and procedures.

437 *Responsible Bidder, Quoter, Proposer, or Respondent* means a bidder, quoter,  
438 proposer, or respondent who is fully capable of meeting all the requirements contained in  
439 the solicitation.

440 *Responsive Bid, Quote, Proposal, Submittal, or Response* means a bid, proposal,  
441 submittal, quotation, or response that conforms in all material respects to the solicitation.  
442 ~~Responsive may also apply, where applicable, to compliance with specified S/M/WBE~~  
443 ~~requirements, or SBE or local preference requirements as set forth in the EBO Ordinance,~~  
444 ~~the EBO PPM and the County's Local Preference Code. A vendor can be responsive to a~~  
445 ~~solicitation but may be deemed non-responsive to SBE or local preference requirements.~~

446 *Services* mean the furnishing of labor, time, or effort by a ~~Contractor~~contractor wherein  
447 the provisions of goods or other specific end products (other than reports, studies, plans,  
448 advisories, contractual documents, or other documents relating to the required  
449 performance) is ~~incidental or secondary. This term shall not include construction,~~  
450 ~~employment agreements, or collective bargaining agreements.~~secondary. Construction is a  
451 form of services.

452 *Shall* denotes mandatory.

453 ~~*Small Business Enterprise* ("SBE") means a business as defined in Chapter 2, Article~~  
454 ~~III, Division 2, Part C of the Palm Beach County Code.~~

455 *Small/Minority/Women Business Enterprise ("S/M/WBE")* means a business as defined  
456 in the EBO Ordinance and the EBO PPM.

457 *Sole Source* means there is only one (1) good or service that meets the need of the  
458 County Department and that good or service is available through only one (1) source as  
459 determined by a reasonably thorough analysis of the marketplace.

460 *Specification* means the description within a solicitation or contract for the good or  
461 service to be provided by a Contractor.

462 *Suspension* means the suspending for cause of a Vendor or Contractor from responding  
463 to any County solicitation, or from doing any new business with the County, for up to a  
464 two-year period.

465 ~~*Vendor* means an actual or potential supplier of a good or service. A Vendor includes~~  
466 ~~an owner, director, manager or employee of the supplier and can be a quoter, bidder,~~  
467 ~~respondent, or proposer, or a successful quoter, bidder, respondent, or proposer; however,~~  
468 ~~upon execution of a Contract with the Board or Designee, the Vendor is referenced herein~~  
469 ~~as a "Contractor."~~

470 *Utility Services* mean services such as water, sewer, electrical, gas or other regulated  
471 utility, communications and data transmission services subject to governmental rate  
472 control.

473 **Sec. 2-53. - Organization.**

474 (a) ~~*Purchasing/Procurement Department.*~~ Except as provided otherwise in the ~~this~~  
475 ~~*Procurement/Purchasing Code*~~, the ~~Purchasing/Procurement~~ Department shall conduct  
476 vendor onboarding and vendor record management, purchase all goods and services  
477 on behalf of the Board, ~~and~~ shall procure and manage any inventory necessary to stock  
478 the County warehouse, ~~and administer and manage a procurement/purchasing card~~  
479 ("Pcard") program for County departments.

480 (b) ~~*Director of Purchasing/Procurement/Chief Procurement Officer.*~~ Under the direction  
481 of the Administrator, the Director of ~~Purchasing/Procurement~~, also known as the Chief  
482 Procurement Officer ("Director of Procurement"), shall serve as the principal officer  
483 for the purchase and sale of goods and services for the County.

484 (c) ~~*Duties of the Director of Purchasing/Procurement.*~~ The Director of  
485 ~~Purchasing/Procurement~~ shall:

486 (1) — Administer the central purchasing/procurement function for the County.

- 487 (2) — ~~\_\_\_~~ Maintain a warehouse stock of commonly used items and a catalog system  
488 for use by County Departments and agencies.
- 489 (3) — ~~Maintain a current list of Vendors that supply goods~~ Conduct vendor  
490 onboarding and services purchased by vendor record management to ensure  
491 vendors are registered with the County.
- 492 (4) — ~~(4) Administer and manage a procurement/purchasing (“Pcard”) program for~~  
493 County Departments’ usage.
- 494 ~~(5) Manage records of procurement activity in compliance with Chapter 119, Florida~~  
495 Statutes, (Public Records Act).
- 496 ~~(6) Establish and implement policies and procedures with regard to the procurement~~  
497 of goods and services.
- 498 ~~(5) (7) Establish training and certification requirements for the Procurement~~  
499 Department, the Departments and Resource Managers related to procurement and  
500 contract administration and conduct necessary and applicable training for each.
- 501 ~~(8) Assist the Departments with contract administration to ensure contractor~~  
502 performance in accordance with the awarded contract terms and conditions and to  
503 ensure prompt payment to contractors for good and services.
- 504 ~~(9) Take all necessary action to further the objectives of all County ordinances,~~  
505 resolutions, policies and procedures that pertain to the procurement of goods and  
506 services by the County.
- 507 ~~(6)10) Perform other duties as directed by the Board or the Administrator.~~
- 508 (d) *Authority of the Director of ~~Purchasing-Procurement~~.* Subject to the direction of the  
509 Board or the Administrator, the Director of ~~Purchasing~~Procurement is delegated all  
510 powers, duties and authority relating to the procurement of goods and services for the  
511 Board, including the authority to execute contracts to expend, reimburse, or to receive  
512 in revenues an amount less than ~~two~~three hundred thousand dollars (~~\$200~~300,000.00)  
513 per annum, subject to the same limitations specified in Section (h) hereinbelow. The

514 Director of ~~Purchasing~~Procurement may also execute contracts for the purchase of  
515 goods or services that are exempt from ~~the this Procurement/Purchasing Code~~, subject  
516 to the same limitations as specified herein. ~~The~~In consultation with the County  
517 Attorney's Office, the Director of Procurement may also terminate non-construction  
518 contracts, including exempt contracts, of any amount in accordance with the terms and  
519 conditions of the applicable contract, which may be with or without cause, provided  
520 that the contract provides for termination without cause. The Director of Procurement  
521 shall submit to the Board as a receive and file item a list of contracts terminated, if any,  
522 pursuant to the authority granted in ~~the~~ herein on at least a quarterly basis. The  
523 authority granted in this Procurement/Purchasing Code is specifically limited by the  
524 provisions herein and any award must be made in strict compliance herewith. The  
525 Director of ~~Purchasing~~Procurement shall have no independent discretion in the award  
526 process except as specifically granted herein. In the absence of the Director of  
527 ~~Purchasing~~Procurement, the Assistant Director of ~~Purchasing~~, or the Administrator  
528 or ~~Director's~~ Designee, may assume the powers, duties, and authority vested in ~~the this~~  
529 Procurement/Purchasing Code.

530 (e) *Delegation of Authority.* Delegation of authority by the Director of  
531 ~~Purchasing~~Procurement may be made to the Assistant Director of  
532 ~~Purchasing~~Procurement and to subordinate staff as designated in writing by the  
533 Director of ~~Purchasing~~. ~~Purchasing~~Procurement. ~~Procurement~~ Department employees  
534 designated in writing by the Director of ~~Purchasing~~Procurement may execute any  
535 contract to expend, reimburse, or to receive in revenues an amount less than ~~two~~three  
536 hundred thousand dollars (~~\$200~~300,000.00) per annum, subject to the same limitations  
537 specified in Section (h) hereinbelow. All further references in ~~the this~~  
538 Procurement/Purchasing Code to the Director of ~~Purchasing~~Procurement shall include  
539 the Assistant Director of ~~Purchasing~~ or ~~Director's~~ Designee.

540 (f) *Authority of the Construction Departments.* In addition to specific authority provided  
541 herein, the Directors of each of the Construction Departments may individually:



542 ~~Approve~~Establish and implement policies and procedures regarding the procurement  
543 of construction services and integrate any statutory requirements for public works  
544 projects into such policies; take all necessary action to further the objectives of all  
545 County ordinances, resolutions, policies and procedures regarding the procurement of  
546 construction services by the County; establish training and certification requirements  
547 for staff involved with procurement and contract administration and conduct necessary  
548 and applicable training; approve source selection via a formal or informal competitive  
549 solicitation process; provide for the solicitation, cancellation or postponement of a  
550 procurement; conduct a Request for Information; approve procurement award or award  
551 recommendation as applicable; execute ~~amendment~~amendments/changes after award,  
552 including for time extensions; and approve alternate source selection for all  
553 construction and construction related contracts, including but not limited to,  
554 construction, construction management or design-build contracts and all planning,  
555 architectural, professional engineering, ~~landscaping~~landscape architectural or  
556 registered ~~land~~ surveying services and mapping services. The Directors of the  
557 Construction Departments are delegated the authority to execute any such contract to  
558 expend, reimburse, or to receive in revenues an amount less than three hundred  
559 thousand dollars (\$300,000) per annum, subject to the same limitations specified in  
560 Section (h) hereinbelow. Award of any ~~Construction Contracts~~such contract to expend,  
561 reimburse, or to receive in revenues an amount equal to or greater than ~~two~~three  
562 hundred thousand dollars (~~\$200~~300,000.00) per annum, shall be approved by the  
563 Board. ~~This authority~~In consultation with the County Attorney's Office, the Directors  
564 of each of the Construction Departments may also terminate construction and  
565 construction related contracts of any amount in accordance with the terms and  
566 conditions of the applicable contract, which may be with or without cause, provided  
567 that the contract provides for termination without cause. The applicable Construction  
568 Department Director shall be subject to the provisions of the Purchasing Code and  
569 submit to the Board as a receive and file item a list of contracts terminated, if any,  
570 pursuant to the authority granted herein on at least a quarterly basis. For the

571 ~~procurement of construction or construction-related services, the Construction~~  
572 ~~Department Directors shall be limited to have~~ the same powers, duties, and authorities  
573 granted to, ~~and the same limitations imposed upon,~~ the Director of  
574 ~~Purchasing~~ Procurement as set forth herein.

575 (g) The authority to purchase goods or services on behalf of the Board shall not be  
576 delegated unless provided for herein or otherwise delegated by the Board.

577 (h) *Board Approval.* \_\_\_\_\_

578 (1) The Board hereby approves every contract executed by the Director of  
579 ~~Purchasing~~ Procurement and every award made in accordance with ~~the this~~  
580 Procurement/Purchasing Code in an amount less than ~~two~~ three hundred thousand  
581 dollars (~~\$200~~ \$300,000.00) per annum, and for a duration not to exceed five (5)  
582 years. ~~The Board hereby approves every contract executed by a Director of a~~  
583 Construction Department and every award made in accordance with this  
584 Procurement/Purchasing Code in an amount less than three hundred thousand  
585 dollars (\$300,000) per annum. No purchase shall be artificially divided so as to not  
586 require Board approval. The Clerk and Comptroller as ex-officio Clerk and  
587 Accountant of the Board and as auditor, recorder, and custodian of all County  
588 funds, is authorized to accept and process all such contracts made on behalf of the  
589 Board pursuant to ~~the this~~ Procurement/Purchasing Code as the act and deed of the  
590 Board.

591 (2) All awards in which the County is contracting to expend, to reimburse, or to  
592 receive ~~in~~ revenues in an amount equal to or greater than ~~two~~ three hundred  
593 thousand dollars (~~\$200~~ \$300,000.00) per annum shall be effective upon Board  
594 approval.

595 (3) All purchases of goods and services recommended to the Board for approval  
596 shall be reviewed by the Director of ~~Purchasing~~ Procurement or by a  
597 ~~director~~ Director of a Construction Department, as applicable, prior to Board  
598 approval.

599 **Sec. 2-54. - Source selection**Selection.

600 (a) The procurement of all goods or services, including those transactions through which  
601 the ~~Board~~County shall receive revenue, in an amount equal to or greater than the  
602 Mandatory Bid or Proposal Amount of ~~One Hundred Thousand Dollars (\$100,000)~~one  
603 hundred fifty thousand dollars (\$150,000.00), shall be awarded by a formal  
604 competitive bid or proposal process or as set forth herein, unless otherwise provided  
605 by state or federal law. As applicable, the provisions of the County's EBO Ordinance,  
606 the EBO PPM and the Local Preference ~~Code~~Ordinance shall apply to all source  
607 selections, including alternate source selections, and awards that are subject to the  
608 provisions of the ~~Purchasing Code~~this Procurement/Purchasing Code, unless  
609 application of the EBO Ordinance, the EBO PPM or the Local Preference Ordinance  
610 would be inconsistent with any state or federal law or regulation, including the terms  
611 of any state or federal funding agreement.

612 (b) Nothing in the foregoing shall prohibit the Board from renewing contracts entered  
613 into as a result of a competitive selection process, ~~an alternate source selection process,~~  
614 ~~or from purchasing goods or services for inclusion in a Capital Improvement Project,~~  
615 ~~whose price has been incorporated as part of a bid or proposal selected in a competitive~~  
616 ~~or alternate source selection process provided for herein, or an alternate source~~  
617 selection process. Further, nothing in the foregoing shall prohibit the Board from  
618 extending contracts, entered into as a result of a competitive or alternate source  
619 selection process, beyond the specified term or renewal period when the Board  
620 determines that such an extension of the term or renewal period is beneficial to the  
621 interest, health, safety or welfare of the County. However, any such extension of the  
622 term or renewal period by the Board shall not exceed twelve (12) months, unless the  
623 Director of ~~Purchasing~~Procurement or a Director of a Construction Department, ~~deem~~  
624 deems said extension to be an emergency as set forth hereinbelow or the Board, ~~upon~~  
625 ~~good cause, deems~~ finds that ~~the~~such extension provides a cost savings ~~to~~ in the best  
626 interest of the County ~~that would not result if an extension were not granted.~~

627 (c) *Formal Competitive Bid Process.*

628 (1) *Invitation for Bid.* An Invitation for Bid shall be issued which shall include the  
629 scope of work and specifications for the purchase of the goods or services sought.  
630 Terms and conditions may include, but not be limited to, the requirement of  
631 insurance or surety.

632 (2) *Public Notice.* Public notice of ~~the opportunities for Invitation for Bid~~Bids shall  
633 ~~be published in a newspaper of general circulation for a reasonable period prior to~~  
634 ~~bid opening or in accordance with~~electronically posted online using the County's  
635 vendor self-service website and as may be otherwise required by applicable state  
636 or federal or state law. Additional public notice or advertisement may be used to  
637 increase competition at the discretion of the Director of Procurement.

638 (3) *Bid Submission.* Bids should state the name and address of the bidder on the  
639 outside of the envelope, package or container, and must be received no later than  
640 the time and date and at the location or submitted electronically as specified in the  
641 Invitation for Bid. No bids shall be accepted after such Bids received later than the  
642 time and date or at any location other than specified, and any bids received later or  
643 at any location other than specified shall be returned unopened to the  
644 bidder deemed non-responsive.

645 (4) *Bid Opening.* All bids timely received shall be opened internally by the Director  
646 of ~~Purchasing~~Procurement or Designee, except as otherwise required by law. A  
647 list of bidders that have submitted bids in response to an Invitation for Bid shall be  
648 ~~recorded~~ and maintained within the solicitation file.

649 (5) *Bid Cancellation or Postponement.* The Director of ~~Purchasing~~Procurement  
650 may, prior to Bid Opening, elect to cancel a bid or postpone the date or time of Bid  
651 Submission or opening. After Bid Opening, the Director of  
652 ~~Purchasing~~Procurement may cancel a bid if no or only one (1) responsive,  
653 responsible bid is received, or if the lowest responsive, responsible bid is in excess  
654 of the funding limits established by the County for that bid. In addition, the event

655 ~~of discovery. Administrator or Designee may cancel the bid after bid opening in~~  
656 ~~the event: (a) of a discovery of a procedural flaw or patent irregularity or~~  
657 ~~procedural flaw which is so severe as to render the process invalid, or in the event~~  
658 ~~that: (b) the County determines that the need for the procurement no longer exists~~  
659 ~~and will not exist in the immediate future,; or in the event (c) the cancellation or~~  
660 ~~postponement is in the best interest of the County, the Administrator or Designee~~  
661 ~~may cancel the bid.~~

662 (6) *Corrections, Additions to and Withdrawal of Bids.*

663 a. The following shall govern the correction of information submitted in a bid  
664 when that information is a determinant of the responsiveness of the bid:

665 1. Errors in the extension, addition or multiplication of unit prices stated in  
666 a bid or in multiplication, division, addition, or subtraction in a bid shall  
667 be corrected by the Director of Purchasing or designee Procurement prior  
668 to award recommendation. However, actual unit prices included in the bid  
669 shall not be changed under this or any other circumstance.

670 2. ~~No bidder shall be permitted to correct a bid mistake after bid opening.~~  
671 A bidder shall be permitted to correct a minor irregularity after bid  
672 opening, up to five (5) business days, with the exception of pricing errors.  
673 For purposes of correction, an irregularity is minor where: (1) its waiver  
674 would not deprive the County of its assurance that the contract will be  
675 entered into, performed and guaranteed according to its specified  
676 requirements, and (2) the irregularity is of such a nature that its waiver  
677 would not adversely affect competitive bidding by placing a bidder in a  
678 position of advantage over other bidders or by otherwise undermining the  
679 necessary common standard of competition.

680 3. Nothing herein is intended to prohibit the acceptance of a voluntary  
681 reduction in price from the lowest responsive, responsible bidder after bid  
682 opening, provided such reduction is not conditioned on, or does not result

683 in, the modification or deletion of any specifications or conditions  
684 contained in the Invitation for Bid or alter the determination of which  
685 bidder is to be awarded the bid or portion thereof.

686 b. A bidder who has made a clearly evident mistake of fact may be permitted to  
687 withdraw its bid only when it is determined by the Director of  
688 PurchasingProcurement that there is reasonable proof that such a mistake was  
689 made. However, if a bidder unilaterally withdraws its bid without permission  
690 after bid opening, the Director of PurchasingProcurement may suspend the  
691 bidder for up to two (2) years from the date of the unilateral withdrawal.  
692 Further, if the apparent lowest responsive, responsible bidder has made a  
693 mistake of any kind in a lump sum construction-related bid, the bid bond may  
694 not be returned.

695 (7) *Bid Evaluation.*

696 a. The County reserves the right to accept or reject any and all bids and to make  
697 award to the lowest responsive and responsible bidder (or in the case of a  
698 revenue contract to make award to the highest responsive and responsible  
699 bidder) whose bid meets the requirements and criteria set forth in the Invitation  
700 for Bid and whose award will, in the opinion of the County, be in the best  
701 interest of and most advantageous to the County.

702 b. A bid shall be considered responsive only if it conforms to the material  
703 requirements of the Invitation for Bid.

704 c. Information in a bid that concerns the responsibility of the bidder shall not  
705 necessarily be considered conclusive at the time of bid opening, except when  
706 the Invitation for Bid unequivocally states that the bid shall not be considered  
707 responsive unless the particular information is provided in the bid at the time  
708 of submittal.

709 1. The bidder shall supply information requested by the County concerning  
710 the responsibility of such bidder. If such bidder fails to supply the

711 requested information, the County shall base the determination of  
712 responsibility upon available information and may find the bidder non-  
713 responsible and reject the bid.

714 2. The Director of ~~Purchasing~~Procurement may determine the information  
715 submitted concerning the responsibility of the bidder is so inadequate as  
716 to warrant a recommendation of rejection of the bid based upon a lack of  
717 demonstrated responsibility on the part of the bidder.

718 3. Pursuant to the particular solicitation, the Director of  
719 ~~Purchasing~~Procurement, after bid opening, may request additional  
720 information of the bidder concerning ~~his~~the bidder's responsibility to  
721 perform. The Director of ~~Purchasing~~Procurement shall consider this and  
722 all other information gained prior to award recommendation.

723 d. Notwithstanding Sections 2-54(c)(7)b. and c., a lack of conformity as to an  
724 issue(s) of responsiveness or responsibility that is non-substantive in nature  
725 may be considered a technicality or irregularity that may be waived by the  
726 Director of ~~Purchasing~~Procurement.

727 (8) *Bid Award.* Awards in which the County is contracting to expend, reimburse, or  
728 receive in revenue an amount less than ~~two~~three hundred thousand dollars  
729 (~~\$200~~\$300,000.00) per annum shall be made to the lowest responsive, responsible  
730 bidder (or in the case of a revenue contract to the highest responsive, responsible  
731 bidder) and shall be effective upon issuance of a Contract by the Director of  
732 ~~Purchasing~~Procurement. Awards in which the County is contracting to expend,  
733 reimburse, or receive revenues in an amount equal to or greater than ~~two~~three  
734 hundred thousand dollars (~~\$200~~\$300,000.00) per annum shall be made to the lowest  
735 responsive, responsible bidder (or in the case of a revenue contract to the highest  
736 responsive, responsible bidder) and shall be effective upon Board approval. The  
737 Board may reject any bid prior to issuance of an award. Recommended awards  
738 equal to or greater than the Mandatory Bid or Proposal Amount shall be posted at

739 a designated location(s) or on a designated website for a period of five (5) business  
740 days. In the event only one (1) responsive, responsible bid is received, an award  
741 may be made to the sole bidder or rebid or canceled as provided herein.

742 (9) ~~\_\_\_\_\_~~ Execution of Contracts. Execution of contracts shall be addressed in  
743 accordance with Sections 2-53(d)-(h) and 2-54(f)(4).

744 (10) Changes After Award. The

745 a. For contracts executed and approved by the Director of  
746 Purchasing/Procurement, the Director of Procurement may authorize  
747 decreases or increases to the authorized revenue or expenditure amount(s) of  
748 a satisfactorily performing contract, including exempt and/or alternate source  
749 contracts, for increased demand or usage up to ten percent (10%) and with  
750 the Administrator's approval up to fifteen percent (15%); except that  
751 increases of more than ten (10) percent (15%) to authorized  
752 expenditure amounts which have reached or exceeded Two Hundred  
753 Thousand Dollars (\$200,000) three hundred thousand dollars (\$300,000.00) per  
754 annum must be approved by the Board. After Board approval of an increased  
755 authorized expenditure amount, the Director of Purchasing/Procurement may  
756 authorize additional increases of up to ten (10) percent (10%) and  
757 with the Administrator's approval up to fifteen percent (15%) of the  
758 increased authorized expenditure amount. Authority to increase any

759 b. For contracts executed and approved by the Board, the Director of  
760 Procurement may authorize decreases or increases to the authorized revenue  
761 or expenditure amount(s) of a satisfactorily performing contract, including  
762 exempt and/or alternate source contracts, for increased demand or usage up  
763 to ten percent (10%) and with the Administrator's approval up to fifteen  
764 percent (15%); except that increases of more than fifteen percent (15%) to  
765 authorized expenditure amounts which have reached or exceeded three  
766 hundred thousand dollars (\$300,000) but are less than five hundred thousand



767 dollars (\$500,000) per annum must be approved by the Contract Review  
768 Committee. After Contract Review Committee approval of an increased  
769 authorized expenditure amount, the Director of Procurement may authorize  
770 additional increases of up to ten percent (10%) and with the Administrator's  
771 approval up to fifteen percent (15%) of the increased authorized expenditure  
772 amount. Any individual increase to a Board approved contract that is  
773 predicated ~~one~~ equal to or exceeds \$500,000 must be approved by the  
774 condition that all provisions of Board.

775 ~~a-c.~~ For contracts either approved by the original award, including Board  
776 or by the SBE or Director of Procurement, the S/M/WBE requirements, shall  
777 remain intact and unchanged. The Director of Purchasing Procurement may  
778 approve extensions of delivery dates or performance time on all ~~contracts~~  
779 satisfactorily performing contracts, including exempt and/or alternate source  
780 contracts, to a maximum of ~~three (3)~~ six (6) months provided that any changes  
781 to the existing authorized expenditure amount comply with the provisions of  
782 the ~~this~~ Procurement/Purchasing Code. After Board approval of an extension  
783 of delivery dates or performance time, the Director of  
784 Purchasing Procurement may authorize additional delivery dates or  
785 performance time extensions up to ~~three (3)~~ six (6) months. Further, changes  
786 to the Contract, including exempt and/ or alternate source contracts, may be  
787 made by the Director of Purchasing Procurement if considered minor or non-  
788 material in nature.

789 d. Should an awardee fail to perform or termination of the contract is necessary,  
790 the County has the option, to be exercised in the County's sole discretion, of  
791 awarding the contract to the next low bidder willing to enter into a contract  
792 with the County; provided that, the contract is within the initial award period  
793 as specified in the contract.

794 e. The authority of Directors of the Construction Departments to make  
795 monetary and time changes to construction and construction related contracts  
796 shall be in accordance with the applicable County policies and procedures  
797 that are consistent with the authority levels set out in this Section 2-54(c)(10).

798 (11) Termination of Contracts. Termination of contracts shall be addressed in  
799 accordance with Sections 2-53(d) and (f).

800 (d) Formal Competitive Proposal Process. The following competitive proposal process  
801 is applicable to Requests for Proposals and Invitations to Negotiate.

802 (1) If it is neither practical nor in the best interest of the County to procure a  
803 good or service by a formal competitive bidding process, the Director of  
804 Purchasing/Procurement may determine that the use of a competitive proposal process  
805 may be used, utilizing either a Request for Proposal or an Invitation to Negotiate:

806 (1) a. Requests for Proposals. A Request for Proposal shall be issued  
807 which shall include a scope of work and specifications for the purchase of goods  
808 or services sought, and shall also include evaluation criteria to be used in  
809 evaluating proposals. Terms and conditions included in a Request for Proposal  
810 may include, but not be limited to, the requirement of insurance or surety.

811 b. Invitation to Negotiate. An Invitation to Negotiate shall be issued which  
812 shall include a scope of work and specifications for the purchase of goods or  
813 services sought, the evaluation criteria to be used in evaluation proposals, any  
814 required terms and conditions, and, a statement to the effect that the County may  
815 short-list one or more responsive proposers to negotiate the best value.

816 (2) Requests for Proposals and Invitation to Negotiate shall be noticed, and cancelled  
817 or postponed, in accordance with Section 2-54(c)(2) and (5) hereinabove.

818 (3) Proposal submission/Submission. Proposals should state the name and address of  
819 the proposer on the outside of the envelope, package or container, and must be  
820 received no later than the time and date and at the location specified in the Request

821 ~~for Proposal. No proposal shall be accepted after such time and date or at any~~  
822 ~~location other than specified. Any proposals received later or at any location other~~  
823 ~~than specified shall be returned unopened to the proposer, if requested, at the~~  
824 ~~proposer's sole expense. The proposer shall be notified by the Purchasing~~  
825 ~~Department that the proposal was late and the proposer shall be given ten (10)~~  
826 ~~business days from the date of notification to request the return of the unopened~~  
827 ~~proposal. If no such request is received from the proposer within the designated~~  
828 ~~time frame, the Purchasing Department shall discard the unopened and untimely~~  
829 ~~proposal or through electronic means (e.g., electronic submission) as specified in~~  
830 ~~the Request for Proposal or Invitation to Negotiate. Proposals received later than~~  
831 ~~the time and date or at a location other than specified shall be deemed non-~~  
832 ~~responsive.~~

833 (4) ~~Proposal opening~~Opening. All proposals timely received shall be opened  
834 internally by the Director of PurchasingProcurement or Designee. A list of  
835 proposers that have submitted proposals in response to a Request for Proposal or  
836 Invitation to Negotiate shall be recorded.

837 (5) Corrections, additions to, and withdrawal of proposals shall be addressed in  
838 accordance with Section 2-54(c)(6) hereinabove.

839 (6) ~~Proposal evaluation~~Evaluation.

840 a. The County reserves the right to accept or reject any and all proposals. The  
841 County further reserves the right to award to the responsive, responsible proposer  
842 whose proposal conforms to the material requirements of the solicitation and is  
843 determined to be the most advantageous to the County taking into consideration  
844 the evaluation criteria set forth in the Request for Proposal ~~or Invitation to~~  
845 Negotiate.

846 ab. Evaluation of the responsiveness of proposals shall be performed by the  
847 PurchasingProcurement Department. Evaluation of the responsibility of a  
848 proposer shall be made by a selection committee and shall be based upon the

849 evaluation criteria as set forth in the Request for Proposal or Invitation to  
850 Negotiate and upon any other relevant information obtained through the  
851 ~~evaluation~~evaluation process.

852 bc. Issues of responsiveness and responsibility shall be addressed in accordance  
853 with Sections 2-54(c)(7)b., c. and d. hereinabove.

854 ed. Upon concurrence by the Director of Purchasing/Procurement, the selection  
855 committee may determine that it is not in the best interest of the County to  
856 award solely on the basis of initial proposals and may request oral  
857 presentations and/or utilize a "Best and Final Offer" process to further evaluate  
858 the proposals. ~~for both Request for Proposals or Invitation to Negotiate.~~

859 e. Shortlist for Invitation to Negotiate only. When utilizing an Invitation to  
860 Negotiate process, the selection committee may recommend to short-list one  
861 or more proposers to negotiate the best value for the County.

862 (7) ~~Proposal award~~Award. Upon recommendation by the selection committee,  
863 award shall be made to the responsive, responsible proposer whose proposal is in  
864 the best interest of the County, and shall be effective upon issuance of a contract  
865 by the Director of Purchasing/Procurement. Awards in which the County is  
866 contracting to expend, reimburse, or receive revenues in an amount equal to or  
867 greater than ~~two~~three hundred thousand dollars (~~\$200~~300,000-00) per annum shall  
868 be effective upon Board approval. The Board may reject any proposal prior to  
869 issuance of an award. Recommended awards equal to or greater than the  
870 Mandatory Bid or Proposal Amount shall be posted at a designated location(s) or  
871 on a designated website for a period of five (5) business days. In the event only  
872 one (1) responsive, responsible proposal is received, an award may be made to the  
873 sole proposer or re-solicited or canceled as provided herein. Where consultants,  
874 contractors, or special masters are selected through a formal competitive proposal  
875 process and more than one (1) award and contract are issued, individual orders for  
876 projects may be assigned or awarded upon justification of availability, cost to

877 perform the project, conflict of interest, and/or specific and necessary expertise of  
878 the required consultant, Contractor, or ~~Special Master~~special master.

879 (8) Execution of Contracts. Execution of contracts shall be addressed in accordance  
880 with Sections 2-53(d)-(h) and 2-54(f)(4).

881 (9) Amendments/changes~~Changes after award~~Award. Amendments or changes after  
882 award of the proposal shall be made in the same manner and in accordance with  
883 Section 2-54(c)(910) hereinabove. Amendments to the contract may be made by  
884 the Director of ~~Purchasing~~Procurement if considered minor or non-material in  
885 nature.

886 (10) Termination of Contracts. Termination of contracts shall be addressed in  
887 accordance with Sections 2-53(d) and (f).

888 (e) Request for information~~Information.~~

889 (1) A Request for Information is a non-competitive and non-binding process which  
890 may be used to satisfy a need~~obtain comments, feedback, information or to~~  
891 determine available sources~~reactions from potential vendors for needed goods or~~  
892 services. The Request for Information shall specify a need or provide a description  
893 of the goods or services, and shall ~~provide vendors the latitude to develop goods~~  
894 ~~or services that will fulfill the County's need~~ allow vendors the latitude to provide  
895 feedback on best practices, industry standards, licensing requirements, technology  
896 matters, etc. that may assist the County in determining what procurement method  
897 is needed, if any, or assist the County in determining requirements or specifications  
898 for a subsequent solicitation.

899 (2) Public notice of the ~~Request~~opportunities for Requests for Information may~~shall~~  
900 be published~~noticed~~ in a newspaper of general circulation or may be mailed  
901 ~~directly to potential vendors.~~accordance with Section 2-54(c)(2) hereinabove.

902 (3) Based upon the statements of interest received from vendors responding to the  
903 Request for Information, the County Department, upon approval from the Director

904 of PurchasingProcurement, may request a trial use of two (2) or more of the  
905 products for a limited period of time. Upon receipt of the statements of interest or  
906 at the end of the trial period for approved goods, the PurchasingProcurement  
907 Department may initiate a competitive process for the goods or services. A Request  
908 for Information shall not result in a purchase without a competitive or alternate  
909 source selection process conducted by the PurchasingProcurement Department. If  
910 goods or services are exempt, the Request for Information may be conducted by a  
911 Construction Department or by a County Department, as applicable with the review  
912 and approval of the Procurement Department; except that a Request for  
913 Information for an exempt purchase under the CCNA statute is not subject to the  
914 review and approval of the Procurement Department.

915 (4) The PurchasingProcurement Department shall have unlimited use of the  
916 information included within the statements of interest submitted in response to a  
917 Request for Information. The County is required to comply with F.S. Ch. 119,  
918 Public Records Act, and therefore accepts no responsibility for the protection of  
919 the information submitted unless the vendor requests that privileged or  
920 confidential information be protected in the manner prescribed by law. The County  
921 shall have no further obligation to any vendor who furnishes information.

922 (f) Alternate source selection. Source Selection.

923 (1) ~~Small purchases. Any purchase for an amount over the~~ Decentralized  
924 Purchase Order Amount and (DPO). Any purchase for an amount less than the  
925 Mandatory Bid or Proposal Amount ten thousand dollars (\$10,000) shall be made  
926 in accordance with the County policies and procedures promulgated by the  
927 PurchasingProcurement Department utilizing a Request for Quote or a Request for  
928 Submittal or other such procurement method authorized herein or in said policies  
929 and procedures. However, the Director, Such purchases must be non-repetitive and  
930 not otherwise within the scope of Purchasing has the sole discretion an existing  
931 contract. This purchase shall not be artificially divided or split so as to utilize the

932 ~~Invitation for Bid process or the Request for Proposal process if the procurement~~  
933 ~~is complex, or for other sound reason, even though the specific good or service is~~  
934 ~~budgeted less than the Mandatory Bid or Proposal Amount. qualify under this~~  
935 ~~definition~~

936 ~~(2) — Sole source purchases.~~ Source Purchases. The Director of  
937 ~~Purchasing~~ Procurement may make or authorize the purchase of goods or services  
938 without competitive solicitation when the Director of the County Department, or  
939 ~~designee~~ Designee, has documented in writing and has provided information  
940 supporting the fact, that the good or service requested is the only item that meets  
941 their need and that the good or service is available through only one (1) source.  
942 The Director of Procurement or Designee shall review and approve the request for  
943 sole source designation.

944 ~~(3) — Proprietary purchases.~~ The Director of Purchasing Upon receiving a request  
945 for a Sole Source procurement, the Director of Procurement shall post a Notice of  
946 Intent to Designate Sole Source on the County's vendor self-service website, for  
947 goods and services that have not been the subject to a Request for Information  
948 within the preceding six (6) months. The notice shall identify the goods and  
949 services sought to be procured. Vendors shall have up to ten (10) business days  
950 after the posting of the Notice to submit written explanation or other  
951 documentation contesting that proposed designation as a Sole Source. The Director  
952 of Procurement or designee shall consider such submittals and notify all submitting  
953 vendors of the decision whether the procurement will be designated as a Sole  
954 Source, which decision shall not be subject to objection, protest, or appeal under  
955 this Procurement/Purchasing Code. Sole Source procurements may be effective up  
956 to five (5) years, but annually the sole source procurement shall be certified by the  
957 Procurement Department to verify that same sole source conditions exist.

958 ~~(3) — Proprietary Purchases.~~ The Director of Procurement may make or authorize the  
959 purchase of goods or services via a competitive solicitation when the Director of

960 the County Department, or Designee, has documented in writing that the good or  
961 service is the only item that meets their need and that the good or service is  
962 available through more than one (1) source.

963 (4) ~~Emergency purchases~~Purchases. The Director of ~~Purchasing~~Procurement, upon  
964 receipt of written verification of the emergency circumstance by the Director of  
965 the County Department or Designee, may authorize emergency purchases.  
966 Emergency purchases must meet the definition provided for in ~~section~~Section 2-  
967 52 above. Emergency purchases in which the County is to expend or to reimburse  
968 an amount of ~~two~~three hundred thousand dollars (\$~~200~~300,000.00) or more per  
969 annum shall be approved by the Board. However, in emergency circumstances  
970 where approval by the Board cannot be obtained in a timely manner, the Director  
971 of ~~Purchasing~~Procurement may authorize a purchase(es) of ~~two~~three hundred  
972 thousand dollars (\$~~200~~300,000.00) or more provided that said purchase(es) and  
973 expenditure(s) of funds shall be presented to the Board for ratification as soon as  
974 possible following signature or approval by the Director of  
975 PurchasingProcurement.

976 (5) *Purchases Off Contracts of Other Entities ("piggyback purchases")*.  
977 Notwithstanding any requirements of ~~the~~this Procurement/Purchasing Code, the  
978 purchase of goods or services under contract with a federal, state or municipal  
979 government or any other governmental agency, political subdivision, or  
980 government-related association, may be piggybacked or purchased off contracts of  
981 other entities providing that:

982 a. ~~The County Department, in its sole discretion, has determined that the~~  
983 ~~piggyback purchase is deemed advantageous to the County;~~

984 b. ~~a.~~ a. The contractor extends the terms and conditions specified in the  
985 originating contract to the County and the County accepts the terms and  
986 conditions specified;



- 987 e.—~~b.~~ The goods or services available under the originating contract meet the  
988 County's needs and specifications;
- 989 ~~d.~~ The quantity and specifications of the goods or services being purchased from  
990 ~~the originating contract do not substantially change the terms and conditions~~  
991 ~~specified in the originating contract, and unsubstantial increases or decreases~~  
992 ~~in quantity requested or rendered shall not invalidate any contract;~~
- 993 e.—The County does not currently have a contract that can be utilized for the good  
994 or service being requested by the County Department;
- 995 ~~f.~~ The County Department determines and documents with processing expense  
996 estimates, pricing data and schedule implications that the utilization of the  
997 piggyback purchase would likely result in a financial advantage to the County;
- 998 ~~g.~~ ~~Thec.~~ The Procurement and County Department determines and documents  
999 that the impact to local vendors is minimally negative or is a benefit to the  
1000 County that positively outweighs any negative impact to local vendors;
- 1001 ~~hd.~~ There are no certified S/M/WBE vendors, with capacity, that can provide  
1002 the service as required, and to the extent required by the County Department;
- 1003 ~~ie.~~ The originating entity utilized a competitive process similar to the County's,  
1004 as determined by the Director of ~~Purchasing~~Procurement. However, this  
1005 provision (~~ie~~) is not applicable to contracts procured or solicited by the State  
1006 of Florida, ~~or the Florida Sheriff's Association or the U.S. General Services~~  
1007 Administration (GSA Schedules).
- 1008 (6) ~~Cooperative purchases~~Purchases. The County may participate in, sponsor,  
1009 conduct, or administer a cooperative purchase with other government entities for  
1010 the procurement of goods or services.
- 1011 (7) ~~Direct purchases~~Purchases. Notwithstanding the provisions of ~~the—this~~  
1012 Procurement/Purchasing Code, in the event that no bids, proposals, quotes,  
1013 responses or submittals are received, or that no responsive, responsible bids,

1014 proposals, quotes, responses or submittals are received, and the Director of  
1015 ~~Purchasing~~Procurement documents that no significant alteration in the  
1016 specifications, qualifications, or terms and conditions can be made to encourage  
1017 competition, the Administrator or Designee may authorize the Director of  
1018 ~~Purchasing~~Procurement to make a direct purchase of the goods or services from  
1019 any vendor identified as being qualified and capable of meeting the original  
1020 specifications. A direct purchase may be made for items for resale; that, subsequent  
1021 to a market analysis, meet the definition of a sole source.

1022 (8) — Prequalification.

1023 a. Prequalification of ~~vendors~~Vendors. Prospective vendors may be  
1024 prequalified for specified types of goods or services when deemed advantageous  
1025 to the County ~~and when, regardless of whether~~ the amount of each order for a good  
1026 or service is ~~less than~~above or below the County's Mandatory Bid or Proposal  
1027 Amount. The method for submitting prequalification information and the  
1028 information required in order to be prequalified shall be set forth in the applicable  
1029 solicitation for prequalified vendors. All vendors deemed responsive and  
1030 responsible shall be considered prequalified for the specific good or service. Once  
1031 a vendor is prequalified, they are permitted to submit price offers and/or  
1032 qualifications for each individual order for a good or service, or take turns via  
1033 rotation, depending upon the language within the applicable solicitation. Projects  
1034 over the Mandatory Bid Amount or Proposal Amount shall be advertised on the  
1035 County's vendor self-service website in accordance with Section 2-54(c)(2)  
1036 hereinabove.

1037 b. Prequalification of Contractors by Construction Departments for  
1038 Construction Services. A Construction Department may prequalify prospective  
1039 construction contractors for specified types of trades or services. Work  
1040 authorizations issued by Construction Departments to such prequalified  
1041 construction contractors are not required to be less than the County's Mandatory

1042 Bid or Proposal Amount. The Construction Department shall set forth in the  
1043 applicable solicitation for prequalified contractors the method for submitting  
1044 prequalification information and the information required in order to become  
1045 prequalified. All contractors deemed responsive and responsible shall be  
1046 considered prequalified for the specific trade or service. Once a contractor is  
1047 prequalified, the contractor is permitted to submit price offers for each work  
1048 authorization for construction depending on the language in the applicable  
1049 solicitation. Contractors will be allowed to qualify at any time and be added to the  
1050 prequalified list. Projects over the Mandatory Bid or Proposal Amount will be  
1051 advertised on the County's vendor self-service website in accordance with Section  
1052 2-54(c)(2) hereinabove. Newspaper advertisement may be required depending on  
1053 the estimated construction cost in accordance with Section 255.0525, Florida  
1054 Statutes, or as otherwise required by law.

1055 (9) Items for resale~~Resale~~. All applicable County Departments, working jointly with  
1056 the Procurement Department, shall implement policies and procedures regarding  
1057 the procurement of items for resale. The County Department, with Procurement's  
1058 review and approval, shall conduct a thorough market research analysis of the  
1059 available items for resale in order to determine the specific types of goods to be  
1060 procured. A market analysis shall not result in the purchase of goods without a  
1061 competitive or alternate source selection process conducted by the  
1062 Purchasing~~Procurement~~ Department.

1063 (10) Sales tax ~~tax recovery program~~ Tax Recovery Program for  
1064 construction~~Construction-related purchases~~ Purchases. Purchase orders for the  
1065 purchase of goods, materials, or equipment in any dollar amount, additive or  
1066 deductive, included in a Capital Improvement Project, and the corresponding  
1067 ~~change order~~ Change Order required to implement those purchases, may be  
1068 approved by the Director of Purchasing~~Procurement~~ or by the Director of the

1069 appropriate Construction Department in accordance with the County's sales tax  
1070 recovery program.

1071 (g) ~~Informal competitive solicitation process.~~Competitive Solicitation Process.  
1072 Solicitations for goods or services valued at less than the Mandatory Bid or Proposal  
1073 Amount shall be made in accordance with policies and procedures established by the  
1074 ~~Purchasing~~Procurement Department for Requests for Quotes and Requests for  
1075 Submittals. However, the Director of Procurement has the sole discretion to utilize the  
1076 IFB process or the RFP process or ITN process if the procurement is complex or for  
1077 other sound reason, even though the specific good or service is budgeted less than the  
1078 Mandatory Bid or Proposal Amount.

1079 (h) ~~Waiver of requirements~~Requirements for competitive selectionCompetitive Selection  
1080 ~~for professional and consultant services.~~Consulting Services. The Board may waive  
1081 the requirements for competitive selection and approve ~~professional or consulting~~  
1082 services upon recommendation of the Administrator.

1083 (i) Pcard Services. Pcard ("Procurement/Purchasing Card") is a payment method used  
1084 by authorized County staff to buy directly from suppliers within pre-approved  
1085 authority levels and spending limits. The Procurement Department shall administer  
1086 and manage the County's pcard program, including the development and  
1087 implementation of County policy and procedures for pcard usage, and training for  
1088 the County's pcard participants.

1089 **Sec. 2-55. - Protested awards**Awards.

1090 (a) ~~Right to protest~~Protest. After posting of the recommended awardee, any bidder or  
1091 proposer who is aggrieved in connection with the recommended award may protest in  
1092 writing to the Director of ~~Purchasing~~Procurement. The right to protest is limited to  
1093 those procurements of goods or services solicited through an Invitation for Bid or a  
1094 Request for Proposal, ~~or Invitation to Negotiate.~~ Recommended awards less than the  
1095 Mandatory Bid or Proposal Amount cannot be protested. Notwithstanding the above,  
1096 the ~~Director of Purchasing~~County may, in ~~his or her~~the sole discretion of the Director

1097 of Procurement, include the right to protest in any solicitation process if in the best  
1098 interests of the County.

1099 (b) *Notice of ~~protest~~Protest*. The protest ~~shall~~must be ~~submitted~~received by the Director  
1100 of Procurement within five (5) business days after posting of the award  
1101 recommendation. The protest shall be in writing and shall identify the protestor and  
1102 the solicitation, ~~and~~ shall include a factual summary of the basis of the protest, ~~and~~  
1103 shall include a protest bond of one thousand five hundred dollars (\$1,500) for  
1104 solicitations less than five hundred thousand dollars (\$500,000) or a protest bond of  
1105 three thousand dollars (\$3,000) for solicitations equal to or greater than five hundred  
1106 thousand dollars (\$500,000), which shall be remitted in the form of a money order, a  
1107 certified check, a cashier's check, or a bank check payable to Palm Beach County. Such  
1108 protest is considered filed when it is received and date/time stamped by the Department  
1109 of Purchasing-Procurement. The date/time stamp of the Procurement Department shall  
1110 control when determining whether the protest was received by the Director of  
1111 Procurement within the time frame specified for the notice of protest. Neither the  
1112 Director of ~~Purchasing~~Procurement nor a special master shall consider any issue not  
1113 submitted in writing within the time frame specified for the notice of protest.

1114 (c) *Authority to ~~resolve~~Resolve*. Protests filed in accordance with Section 2-55(b)  
1115 hereinabove shall be resolved under the provisions of this Section.

1116 (1) The Director of ~~Purchasing~~Procurement shall have the authority to:

1117 a. Uphold the Protest. The protest may be upheld based upon a violation of the  
1118 provisions of this Procurement/Purchasing Code or of any other County  
1119 Ordinance, resolution, policy, or procedure, or upon discovery of an  
1120 irregularity or procedural flaw that is so severe as to render the process invalid.  
1121 If the upholding of the protest will result in a change of the recommended  
1122 awardee, a new recommended award shall be posted in accordance with  
1123 Section 2-54(c)(8) and 2-54(d)(7) hereinabove. If the upholding of the protest  
1124 will result in a cancellation of the protested solicitation, a recommendation to

1125 uphold the protest and cancel the solicitation will be made to the  
1126 Administrator, who may then direct the cancellation of the solicitation. If the  
1127 protest is upheld, the Procurement Department shall return the protestor's  
1128 bond to the protestor.

1129 b. Deny the Protest. If the protest is denied, the protestor has the right to request  
1130 that the protest be referred to a special master in accordance with Section 2-  
1131 55(c)(4) hereinbelow. If the protestor requests a special master, the  
1132 Procurement Department shall retain the protestor's bond pending the  
1133 outcome of the special master hearing. If the protestor does not request a  
1134 special master, then the protestor's bond shall be forfeited.

1135 c. Refer the protest directly to a special master with no determination made by  
1136 the Director of Purchasing, ~~in accordance with Section 2-55(e)(4)~~  
1137 ~~hereinbelow.~~ Procurement. In this instance, the Procurement Department shall  
1138 retain the protestor's bond pending the outcome of the special master hearing.

1139 (2) When a protest is filed by a certified S/M/WBE or where the protest involves an  
1140 S/M/WBE issue, the Director of ~~the Office of EBO will act in conjunction with,~~  
1141 ~~and with authority equal~~ Procurement shall review the protest to determine whether  
1142 the protest involves an S/M/WBE or an S/M/WBE issue; if so determined, the  
1143 Director of Purchasing in arriving at the determination ~~Procurement shall work in~~  
1144 conjunction with the Director of the Office of EBO to be made in this step  
1145 ~~of resolve the process~~ protest. After reviewing the facts surrounding the issues  
1146 raised in the written protest, the Director of ~~Purchasing, Procurement~~ and the  
1147 Director of the Office of EBO may make the determination to:

1148 a. Uphold the protest in accordance with Section 2-55(c)(1)~~a.~~ hereinabove.  
1149 b. Deny the protest in accordance with Section 2-55(c)(1)~~b.~~ hereinabove.

1150 ~~However, notwithstanding the above, the Director of Purchasing and the~~  
1151 ~~Director of the Office of EBO may deny the protest with good cause until a~~  
1152 ~~date certain when specified requirements are to be met. If the specified~~

1153 ~~requirements are not met by the date certain, the protest will be upheld in~~  
1154 ~~accordance with Section 2-55(~~

1155 ~~c)(1)b. hereinabove.~~

1156 e. ~~Refer the protest to a special master in accordance with Section 2-55(c)(4)~~  
1157 ~~hereinbelow, in those instances when a determination is not unanimous~~  
1158 ~~between the Director of Purchasing/Procurement and the Director of the Office~~  
1159 ~~of EBO. In this specific instance, the protestor will be exempt from posting a~~  
1160 ~~protest bond.~~

1161 ~~A protest process/Procurement Department shall be set forth in the EBO Ordinance~~  
1162 ~~or the EBO PPM. retain the protestor's bond pending the outcome of the~~  
1163 ~~special master hearing.~~

1164 ~~In the event that the County adopts an M/WBE Ordinance, any protest process~~  
1165 ~~shall be set forth by adopted Board policy.~~

1166 (3) ~~The Director of Purchasing/If the Director of Procurement upholds or denies the~~  
1167 ~~protest, then the Director of Procurement shall issue a written statement of the~~  
1168 ~~determination within a reasonable period of time. The written statement shall~~  
1169 ~~provide the general rationale for said determination and shall be provided to the~~  
1170 ~~protestor and to any other party to the protest. If the Director of Procurement refers~~  
1171 ~~the protest to a special master without making a determination, then the Director~~  
1172 ~~of Procurement will notify the protestor and any other party to the protest of the~~  
1173 ~~date and time of the special master hearing.~~

1174 (4) ~~Upon receipt of a denial of the protest, the protestor may request a hearing before~~  
1175 ~~a special master. The request for a hearing shall be in writing to the Director of~~  
1176 ~~Purchasing/Procurement and shall/must be made/received by the Director of~~  
1177 ~~Procurement within five (5) business days of issuance of the Director of~~  
1178 ~~Purchasing's/Procurement's determination. The date/time stamp of the Procurement~~  
1179 ~~Department shall control when determining whether the request was received by~~  
1180 ~~the Director of Procurement within the time frame specified for a request for~~

1181 hearing shall be accompanied by a protest bond of fifteen hundred dollars  
1182 (\$1,500.00) which shall be remitted in the form of a money order, a certified check,  
1183 a cashier's check, or a bank check payable to Palm Beach County.

1184 (5) At no time shall a protestor, party, or any other person, contact a special master  
1185 regarding any issue pertaining to or involving the protest. Contact between the  
1186 County and the special master shall be limited to scheduling and other  
1187 administrative issues, including the provision and copying of public records  
1188 pertinent to the protest.

1189 (d) ~~Establishment of rules~~Rules. The ~~Purchasing~~Procurement Department shall establish  
1190 rules and regulations by separate policy and procedure detailing the selection of special  
1191 masters, the protest process, and the conduct governing protest hearings.

1192 (e) ~~Authority of special masters~~Special Masters. Special masters shall have the  
1193 jurisdiction and authority to hear and ~~decide~~make recommendations on protests.

1194 (1) The special master shall make a recommendation as to whether the protest should  
1195 be upheld or denied.

1196 (2) The special master may recommend that the protest be upheld based on a  
1197 violation of the provisions of this Procurement/Purchasing Code or of any other  
1198 County Ordinance, resolution, policy, or procedure, or upon discovery of an  
1199 irregularity or procedural flaw that is so severe as to render the process invalid. If  
1200 the special master upholds~~recommends to uphold~~ the protest, the special master  
1201 shall either make a recommendation to the Director of Procurement to either: a)  
1202 change the recommended award and post a new recommended award or b) cancel  
1203 the protested solicitation, or to cancel the award recommendation and post a new  
1204 award recommendation after re-evaluation based on the special master's  
1205 determination of the facts in the case. In these instances, the  
1206 ~~Purchasing~~Procurement Department shall return the protestor's bond to the  
1207 protestor.



1208 (3) If the special master ~~denies~~recommends denial of the protest, the special master  
1209 shall recommend that the Director of ~~Purchasing~~Procurement proceed with the  
1210 posted award recommendation. In these instances, the protestor's bond shall be  
1211 forfeited.

1212 (4) In making contract awards for procurements in an amount equal to or greater  
1213 than ~~two~~three hundred thousand dollars (~~\$200~~300,000.00) per annum, the Board,  
1214 ~~upon recommendation of the Director of Purchasing,~~ may accept or reject the  
1215 recommendation of the special master.

1216 (5) In making contract awards for procurements of less than ~~two~~three hundred  
1217 thousand dollars (~~\$200~~300,000.00) per annum, the Director of  
1218 ~~Purchasing~~Procurement may accept the special master's recommendation or, if the  
1219 Director of ~~Purchasing~~Procurement determines the special master's  
1220 recommendation is not in the County's best interest, the original award  
1221 recommendation ~~may~~shall be referred to the Board for approval. At that time, the  
1222 Board may accept or reject the recommendation of the special master.

1223 (6) Nothing contained herein shall limit or divest the Board of its authority pursuant  
1224 to F.S. Ch. 125, Pt. IV, as referenced in Section 2-51 of ~~the~~this  
1225 Procurement/Purchasing Code.

1226 (f) ~~Stay of procurement during protests~~Procurement During Protests. Notwithstanding  
1227 anything contained herein to the contrary, in the event of a timely protest, the Director  
1228 of ~~Purchasing~~Procurement shall stay the award of the contract unless the Director of  
1229 ~~Purchasing~~Procurement, with the advice of the County Attorney and after consultation  
1230 with the County Department, makes a determination that the award of the contract  
1231 without delay is necessary to protect substantial interests of the County.

1232 **Sec. 2-56. - Suspension and ~~debarment~~Debarment.**

1233 (a) *Authority.* The Director of ~~Purchasing~~Procurement may suspend or debar for cause  
1234 the right of a vendor, contractor or subcontractor to be included in the renewal of an  
1235 existing contract or any solicitation process, including a vendor, contractor or

1236 subcontractor on an exempt contract, alternate source contract, or contract governed  
1237 by the PREM Ordinance; and any bid, proposal, submittal, or quote received from that  
1238 vendor, contractor or subcontractor shall be rejected. ~~The Board shall have the power~~  
1239 ~~to waive or lift such suspension or debarment.~~

1240 (b) ~~Suspension and debarment~~Debarment. A vendor, contractor or subcontractor may  
1241 be suspended for a period not to exceed two (2) years as determined by the Director of  
1242 ~~Purchasing~~Procurement, or may be permanently debarred. However, any suspension  
1243 imposed pursuant to the provisions of subsections (b)(3) and (4) below shall be in  
1244 effect during the pendency of the applicable proceeding, regardless of duration. A  
1245 suspended or debarred vendor or contractor shall not bid or propose as a subcontractor  
1246 during their suspension or debarment; and, a suspended or debarred subcontractor shall  
1247 not bid or propose as a vendor or contractor during their suspension or debarment. A  
1248 suspension or debarment may be based upon the following:

1249 (1) Failure to fully comply with the conditions, specifications or terms of a contract  
1250 with the County, including but not limited to the unilateral ~~withdraw~~withdrawal of  
1251 a bid, quote, submittal, or proposal that has been received from the recommended  
1252 awardee.

1253 (2) Any misrepresentation in connection with a solicitation or any misrepresentation  
1254 of fact upon which the County has based a decision, including but not limited to a  
1255 misrepresentation by a vendor, contractor or subcontractor on a small business  
1256 application, or a local preference affidavit.

1257 (3) Charged or convicted with the commission of a criminal offense as an incident  
1258 to obtaining or attempting to obtain a public or private contract or subcontract, or  
1259 in the performance of such contract or subcontract. If charges are dismissed or the  
1260 vendor, contractor or subcontractor is found not guilty, the suspension or  
1261 debarment shall be lifted automatically upon written notification and proof of final  
1262 court disposition. However, nothing herein shall preclude the Director of  
1263 ~~Purchasing~~Procurement from imposing an additional suspension or debarment

1264 following said dismissal or finding of not guilty where the Director of  
1265 Purchasing/Procurement determines that the additional suspension or debarment is  
1266 otherwise supported by the ~~this Procurement/Purchasing Code~~. In such case, the  
1267 suspended or debarred vendor, contractor, or subcontractor may avail themselves  
1268 of the protest procedure set forth in subsection (de) below.

1269 (4) Charged or convicted for embezzlement, theft, forgery, bribery, falsification or  
1270 destruction of records, receiving stolen property, or any other offense indicating a  
1271 lack of business integrity or business honesty which currently, seriously, and  
1272 directly affects responsibility as a County government contractor. If charges are  
1273 dismissed or the vendor, contractor or subcontractor is found not guilty, the  
1274 suspension or debarment shall be lifted automatically upon written notification and  
1275 proof of final court disposition. However, nothing herein shall preclude the  
1276 Director of Purchasing/Procurement from imposing an additional suspension or  
1277 debarment following said dismissal or finding of not guilty where the Director of  
1278 Purchasing/Procurement determines that the additional suspension or debarment is  
1279 otherwise supported by the ~~this Procurement/Purchasing Code~~. In such case, the  
1280 suspended or debarred vendor, contractor, or subcontractor may avail themselves  
1281 of the protest procedure set forth in subsection (de) below.

1282 (5) Any other cause the Director of Purchasing/Procurement determines to be so  
1283 serious and compelling as to materially and adversely affect the responsibility of  
1284 a vendor, contractor or subcontractor, including but not limited to suspension by  
1285 another governmental entity for substantial cause.

1286 (6) Violation of the ethical standards set forth in local, state or federal law.

1287 (7) Violation of a County Ordinance.

1288 (c) *Decision.* Upon a determination to suspend or debar a vendor, contractor or  
1289 subcontractor, the Director of Purchasing/Procurement shall notify the vendor,  
1290 contractor or subcontractor in writing of the suspension or debarment along with the  
1291 reasons for the action taken.

1292 (d) *Finality of Decision.* The suspension or debarment shall be final and conclusive  
1293 unless the suspended or debarred vendor, contractor or subcontractor initiates protest  
1294 proceedings. ~~Protests shall be initiated under the procedures provided in Section 2-55~~  
1295 ~~hereinabove except that:~~

1296 ~~(1) The preliminary review by the Director of Purchasing as set forth in Section 2-~~  
1297 ~~55(e)(3) hereinabove will be waived.~~

1298 ~~(2) The suspension or debarment shall be in effect pending result of the protest.~~

1299 ~~(3) The allowable time for protesting the suspension or debarment shall be ten (10)~~  
1300 ~~calendar days after the date of notification of said suspension or debarment.~~

1301 ~~(4) The Board, upon (c) Protest of Suspension or Debarment. Upon receipt of the~~  
1302 ~~notification of suspension or debarment, the vendor, contractor or subcontractor may~~  
1303 ~~submit a protest to the Director of Procurement.~~

1304 ~~(1) Notice of Protest. The protest must be in writing to the Director of Procurement,~~  
1305 ~~must be received by the Director of Procurement within ten (10) business days of the~~  
1306 ~~issuance of the Director of Procurement's determination, must include a factual~~  
1307 ~~summary of the basis of the protest and must include a protest bond of three thousand~~  
1308 ~~dollars (\$3,000), which shall be remitted in the form of a money order, a certified~~  
1309 ~~check, a cashier's check, or a bank check payable to Palm Beach County. Such protest~~  
1310 ~~is considered filed when it is received and date/time stamped by the Department of~~  
1311 ~~Procurement. The date/time stamp of the Procurement Department shall control when~~  
1312 ~~determining whether the protest was received by the Director of Procurement within~~  
1313 ~~the time frame specified for the notice of protest. Neither the Director of Procurement~~  
1314 ~~nor a special master shall consider any issue not submitted in writing within the time~~  
1315 ~~frame specified for the notice of protest. The suspension or debarment shall be in effect~~  
1316 ~~pending the result of the protest.~~

1317 ~~(2) Authority to Resolve. Protests filed in accordance with Section 2-56(e) hereinabove~~  
1318 ~~shall be resolved under the provisions of this Section.~~

- 1319 a. The Director of Procurement shall have the authority to:
- 1320 i) Uphold the Protest. The Director of Procurement may uphold the protest and
- 1321 lift the suspension or debarment. The protest may be upheld based upon a
- 1322 determination by the Director of Procurement that grounds for suspension or
- 1323 debarment under Section 2-56(b) are not present. If the protest is upheld, the
- 1324 Procurement Department shall return the protestor's bond to the protestor and
- 1325 send protestor written notification that the suspension or debarment has been
- 1326 lifted.
- 1327 ii) Deny the Protest. If the protest is denied, the Protestor has the right to request
- 1328 a special master in accordance with Section 2-56(e)(2)d hereinbelow. The
- 1329 Procurement Department shall retain the protestor's bond pending the
- 1330 outcome of the special master hearing. If protestor does not request a special
- 1331 master hearing within the time frame specified, the protestor's bond is
- 1332 forfeited.
- 1333 iii) Refer the protest directly to a special master, with no determination made by
- 1334 the Director of Procurement on the protest. In this instance, the Procurement
- 1335 Department shall retain the protestor's bond pending the outcome of the
- 1336 special master hearing.
- 1337 b. When a protest is filed by a certified S/M/WBE or where the protest involves an
- 1338 S/M/WBE issue, the Director of Procurement shall review the protest to determine
- 1339 whether the protest involves an S/M/WBE or an S/M/WBE issue; if so determined,
- 1340 the Director of Procurement shall work in conjunction with the Director of the
- 1341 Office of EBO to resolve the protest. After reviewing the facts surrounding the
- 1342 issues raised in the written protest, the Director of Procurement and the Director
- 1343 of the Office of EBO may make the determination to:
- 1344 i) Uphold the protest in accordance with Section 2-56(e)(2)(a)(i) hereinabove.
- 1345 ii) Deny the protest in accordance with Section 2-56(e)(2)(a)(ii) hereinabove.

1346 iii) Refer the protest directly to a special master with no determination made on  
1347 the protest by the Director of Procurement and the Director of the Office of  
1348 EBO.

1349 c. If the Director of Procurement upholds or denies the protest, then the Director of  
1350 Procurement shall issue a written statement of the determination within a  
1351 reasonable period of time to the protestor. The written statement shall provide the  
1352 general rationale for said determination. If the Director of Procurement refers the  
1353 protest to a special master without making a determination, then the Director of  
1354 Procurement will notify the protestor of the date and time of the special master  
1355 hearing

1356 d. Upon receipt of a denial of the protest, the protestor may request a hearing before  
1357 a special master. The request for a hearing shall be in writing to the Director of  
1358 Procurement and must be received by the Director of Procurement within five (5)  
1359 business days of issuance of the Director of Procurement's determination. The  
1360 date/time stamp of the Procurement Department shall control when determining  
1361 whether the request was received by the Director of Procurement within the time  
1362 frame specified for a request for hearing.

1363 e. At no time shall a protestor, party, or any other person, contact a special master  
1364 regarding any issue pertaining to or involving the protest. Contact between the  
1365 County and the special master shall be limited to scheduling and other  
1366 administrative issues, including the provision and copying of public records  
1367 pertinent to the protest.

1368 f. Under rules established under Section 2-55(d), the special master shall have  
1369 authority to make a recommendation of the Director of Purchasing to:

1370 i) Uphold the Protest. The special master may recommend that the protest be  
1371 upheld and make a recommendation to the Director of Procurement to lift the  
1372 suspension or debarment based upon a determination by the special master that  
1373 grounds for suspension or debarment under Section 2-56(b) are not present. In

1374 this instance, the Procurement Department shall return the protestor's bond to  
1375 the protester.

1376 ii) Deny the Protest. If the special master recommends denial of the protest, the  
1377 special master shall recommend to the Director of Procurement that the  
1378 suspension and debarment remain and not be lifted. In this instance, the  
1379 protestor's bond shall be forfeited.

1380 g. The Director of Procurement may accept ~~or~~ the special master's recommendation  
1381 or, if the Director of Procurement determines the special master's recommendation  
1382 is not in the County's best interest, reject the recommendation ~~of the Special~~  
1383 Master. The decision of the Director of Procurement shall be final.

1384 **Sec. 2-57. - Vendor ~~preferences~~ Preferences.**

1385 The ~~Purchasing~~ Procurement Department and the Construction Departments shall  
1386 strictly comply with the EBO Ordinance, the EBO PPM, the Local Preference  
1387 Code Ordinance, and all pertinent County policies and procedures, to ensure that the vendor  
1388 preferences are awarded in accordance with adopted Board policy, ~~to the extent permitted~~  
1389 by state and federal law and regulations, including the terms of any state or federal funding  
1390 agreements.

1391 **Sec. 2-58. - Conflict of interest Interest.**

1392 *Special Masters.* Special masters shall be subject to a policy and procedure  
1393 implemented by the ~~Purchasing~~ Procurement Department relating to outside counsel  
1394 conflicts of interest. In addition, the ethics rules promulgated by the Florida Bar pertaining  
1395 to conflicts of interest shall apply. If a special master is unable to provide a fair hearing for  
1396 any reason, the special master shall not accept the case and shall immediately notify the  
1397 Director of ~~Purchasing~~ Procurement of the conflict. The Director of  
1398 ~~Purchasing~~ Procurement shall reassign the case to a special master who does not have a  
1399 conflict with the case.

1400 **Sec. 2-59. - Construction Services.**

1401 Construction Departments shall competitively solicit construction services pursuant  
1402 to F.S. Sec. 255.20 and other applicable laws including compliance with the bonding  
1403 requirements of F.S. Sec. 255.05 and the advertisement requirements of F.S. Sec. 255.0525.  
1404 Construction Departments are subject to all of the provisions of the  
1405 Procurement/Purchasing Code when soliciting construction services. In addition to the  
1406 procurement methods authorized elsewhere in this Procurement/Purchasing Code, this  
1407 section expressly allows contracts for construction management or construction manager  
1408 at risk services; design-build contracts; continuing, annual and pre-qualification contracts  
1409 solicited in accordance with County policies and procedures. Protests of construction  
1410 awards shall be subject to and processed under the procedures set out in Sec. 2-55 hereof.  
1411 Suspension or debarment of construction contractors shall be subject to and processed  
1412 under the procedures set out in Sec. 2-56 hereof.

1413 **Sec. 2-60. – CCNA Services.**

1414 Construction Departments shall solicit contracts for architectural, professional  
1415 engineering, landscape architectural or registered surveying and mapping services in  
1416 accordance with F.S. Sec. 287.055 and applicable County policies and procedures.

1417 **Sec. 2-61. – Automation Permitted.**

1418 Subject to all applicable laws, the procurement of construction and non-construction  
1419 goods and services may be conducted by electronic means or in electronic form upon the  
1420 development of policies and procedures by the Director of Procurement. The Director of  
1421 Procurement may develop procedures regarding identification, security, the use of digital  
1422 and electronic signatures and conversion of electronic forms and information into a  
1423 medium which permits inspection and copying.

1424 The Director of Procurement may: 1) require vendors, contractors and  
1425 subcontractors to register by an electronic registration process, 2) electronically distribute  
1426 RFQs, RFSs, IFBs, RFPs, ITNs or any other solicitation documents and 3) authorize the  
1427 receipt of quotes, submittals, bids, proposals or any solicitation responses electronically.

1428 **Sec. 2-62. – Unsolicited Proposals.**



1429 (a) Submission. Private entities may submit unsolicited proposals for goods and services  
1430 to the Director of Procurement. Unsolicited proposals involving County owned real  
1431 property should be submitted to the Director, Facilities Development and Operations.

1432 (b) Contents. Any unsolicited proposal must include:

1433 (1) An application fee of twenty-five thousand dollars (\$25,000) in the form of cash,  
1434 cashier's check or other non-cancelable instrument; and

1435 (2) Sufficient detail and information as set out in Section 255.065, Florida Statutes,  
1436 for the County to evaluate the proposal in an objective and timely manner.

1437 (c) Board Notification. Upon receipt of an unsolicited proposal, the Director of  
1438 Procurement or the Director, Facilities Development and Operations, as applicable, will  
1439 notify the Board in writing of receipt of the unsolicited proposal. Any Board member may  
1440 request that the unsolicited proposal be placed on a future Board meeting agenda for a  
1441 determination of whether to reject the unsolicited proposal or whether to advise staff to  
1442 proceed with evaluation of the unsolicited proposal. If no request is received, County staff  
1443 may reject and not review the unsolicited proposal, or County staff may place the  
1444 unsolicited proposal on the next available meeting agenda for direction from the Board. If  
1445 placed on the next available Board meeting agenda, then the Board at such meeting may  
1446 by majority vote:

1447 (1) Reject the unsolicited proposal; or

1448 (2) Advise staff to proceed with evaluation of the unsolicited proposal.

1449 (d) Evaluation. If so advised by the Board, County staff will evaluate the unsolicited  
1450 proposal and publish notice in accordance with the requirements of section 255.065,  
1451 Florida Statutes, and in accordance with any applicable County ordinances, policies and  
1452 procedures. If the initial application fee does not cover the County's costs to evaluate the  
1453 unsolicited proposal, the County shall request additional fees from the proposer. The  
1454 proposer must remit the requested additional amount within thirty (30) days of receipt of  
1455 the request or the County will stop review of the unsolicited proposal and recommend its  
1456 rejection by the Board.

1457 (c) Prohibited Lobbying. The Code of Silence prohibitions of Section 2-355 of the Lobbyist  
1458 Ordinance apply to unsolicited proposals, and such prohibitions are in effect from the date  
1459 on which the unsolicited proposal is received by the County and shall terminate at the time  
1460 the Board, or its Designees as authorized in this Procurement/Purchasing Code, awards or  
1461 approves a contract, rejects all proposals, or otherwise takes action which ends the  
1462 solicitation process.

1463 (f) Rejection. If the unsolicited proposal is rejected by the County, County staff will notify  
1464 the proposer of the County's decision and return the proposer's application fee. The County  
1465 is not required to give a reason for its decision. The County reserves the right to determine,  
1466 in its sole discretion, whether to reject or evaluate an unsolicited proposal. The rejection of  
1467 an unsolicited proposal shall create no rights in the proposer and such decision shall not be  
1468 subject to protest or appeal.

1469 (g) Nothing contained herein shall limit or divest the Board of its authority pursuant to  
1470 F.S. Ch. 125, Pt. IV, as referenced in Section 2-51 of this Procurement/Purchasing Code.  
1471 **Secs. 2-5963—2-70. - Reserved.**

1472 **Article 2. REPEAL OF LAWS AND ORDINANCES IN CONFLICT:**

1473 All local laws and ordinances in conflict with any provision of this Ordinance  
1474 are hereby repealed to the extent of any such conflict.

1475 **Article 3. SEVERABILITY:**

1476 If any provision, article, paragraph, sentence, clause, phrase, or work of this  
1477 Ordinance is for any reason held by a court to be unconstitutional, inoperative, or  
1478 void, such holding shall not affect the remainder of this Ordinance.

1479 **Article 4. CAPTIONS:**

1480 The captions, sections headings, and section designations used in this  
1481 Ordinance are for convenience only and shall have no effect on the interpretation of  
1482 the provisions of this Ordinance.

1483 **Article 5. SAVINGS CLAUSE:**

1484 Notwithstanding anything to the contrary, all provisions of the Palm Beach  
1485 County Ordinance No. 2005-062, as amended by Ordinance No. 2008-009,  
1486 Ordinance No. 2010-010, Ordinance No. 2015-004 and Ordinance No. 2018-022,

1487 which are codified in Sections 2-51 through 2-58 of the Palm Beach County Code,  
1488 are specifically preserved and remain in full force and effect for the limited purpose  
1489 of enforcing any alleged violations of said Code which occurred prior to its repeal or  
1490 amendment.

1491 **Article 6. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

1492 The provisions of this Ordinance shall become and be made a part of the Code  
1493 of Laws and Ordinances of Palm Beach County, Florida. The articles and sections of  
1494 this Ordinance may be renumbered or relettered to accomplish such, and the word  
1495 "Ordinance" may be changed to "Section", "Article", or other appropriate word.

1496 **Article 7. EFFECTIVE DATE:**

1497 The provisions of this Ordinance shall become effective one hundred  
1498 and eighty (180) days after filing with the Department of State.

1499 APPROVED and ADOPTED by the Board of County Commissioners of Palm  
1500 Beach County, Florida, on this the \_\_\_\_ day of \_\_\_\_\_, 2024.

1501

1502 JOSEPH ABRUZZO PALM BEACH COUNTY, FLORIDA, BY ITS  
1503 CLERK & COMPTROLLER BOARD OF COUNTY COMMISSIONERS

1504

1505 By: \_\_\_\_\_ By: \_\_\_\_\_  
1506 Deputy Clerk , Mayor

1507

1508 APPROVED AS TO  
1509 LEGAL SUFFICIENCY

1510

1511 By: \_\_\_\_\_  
1512 Assistant County Attorney

1513

1514 EFFECTIVE DATE: Filed with the Department of State on the \_\_\_\_ day of  
1515 \_\_\_\_\_, 2024.  
1516

## **ATTACHMENT 3**

### **Presentation**

# Revisions to the County's Purchasing Code

Lead Departments: Purchasing / Facilities Development & Operations (FDO)

BCC Workshop Meeting  
February 27, 2024

# Background

2

- The current Purchasing Code (Code) was enacted in 2015 by means of Ord. 2015-004, which in turn repealed and replaced Ord. 2005-062 (as amended by Ord. 2008-009 and 2010-010).
- The current Code was revised in 2018 (Ord. 2018-022) to incorporate the necessary references to the then recently adopted Equal Business Opportunity ordinance.
- Approximately 5 years ago, Staff started working on revisions to the Code; the proposed ordinance to revise the Purchasing Code reflects historical lessons learned and input gathered from all County departments.

# Substantive Changes: General

3

- Added language to:
  - allow for the Code to be referred to as either the “Purchasing Code” or the “Procurement Code”;
  - to clarify that departments must only request procurements that are fully budgeted and appropriated by the Board of County Commissioners (BCC);
  - clarify that the Code does not apply to procurement governed by the Property and Real Estate (PREM) Ordinance; and
  - to indicate that the generally accepted principles of public procurement are to be adopted and implemented.

# Substantive Changes: Exemptions

4

- Clarified:
  - that agreements with non-profits or government entities that are exempt from the Code are still subject to the PREM Ordinance;
  - exemptions for subscriptions and copyrighted material;
  - exemptions for training, events, conferences, summits, conventions, conference or programs of specific nature are subject to the approval of the Purchasing Director;
  - that “recreational uses” includes “sports league management”;
  - types of legal services;



# Substantive Changes: Exemptions (cont.)

5

- Clarified:
  - that sponsorships are exempt but subject to County procedures;
  - the Consultants Competitive Negotiation Act (CCNA) exemption;
  - that the Purchasing Director must approve department PPMs on exempt purchases; and
  - that exempt purchases above the Mandatory Bid Amount must be approved by the Purchasing Director or BCC, as applicable.

# Substantive Changes: Exemptions (cont.)

6

- Moved:
  - Decentralized Purchase Order (DPO) to be under “Alternate Source Selection”.
  
- Added exemption for:
  - grant funded payments under the federal micro purchase;
  - pilot programs for fuel/energy;
  - pharmaceuticals and medical supplies to be administered by County departments; and
  - enhancements to proprietary software.

# Substantive Changes: Exemptions (cont.)

7

- Deleted exemptions for:
  - procurement for constitutional officers;
  - procurement under the PREM Ordinance; and
  - concessions at airport facilities.

# Substantive Changes: Definitions

8

- Clarified:
  - Purchase Order (to list the types used by the County);
  - Request for Information (to clarify its purpose as a non-binding, non-competitive process);
  - Request for Proposals (for conciseness);
  - Request for Quote (to indicate that price is the determining factor);
  - Resource Manager (to state it is a joint responsibility and training requirements);
  - Construction (and the authority of the Procurement Director to refer construction-related requests for procurement to a Construction Department);

# Substantive Changes: Definitions (cont.)

9

- Clarified:
  - Invitation for Bid (to indicate that price is the determining factor);
  - Responsive Bid, Quote, Submittal or Response (for conciseness); and
  - Services (to indicate that construction is a type of services).
  
- Added defined terms:
  - Centralized Purchase Order
  - Cone of Silence
  - Consultant/Contractor/Supplier/Vendor
  - Contract Notice Purchase Orders

# Substantive Changes: Definitions (cont.)

10

- Added defined terms:
  - Contract Renewal
  - Contract Review Committee
  - Direct Special Payable Purchase Order (SPO)
  - Exempt Purchase Order (EPO)
  - Exempt Purchase
  - Invitation to Negotiate
  - Notice of Award Recommendation
  - Pcard
  - Procurement
  - Utility Services

# Substantive Changes: Definitions (cont.)

11

- Revised definitions:
  - Decentralized Purchase Order (DPO) to raise amount from \$5,000 to \$10,000.
  - Mandatory Bid or Proposal Amount to raise amount from \$100,000 to \$150,000.

# Substantive Changes: Definitions (cont.)

12

- Deleted unused terms:
  - Glades Business
  - Inspector General Fee
  - Living Wage Ordinance
  - M/WBE
  - Professional services
  - Vendor



# Substantive Changes: Organization

13

- Clarified:
  - the duties of the Purchasing Director to include records management, vendor onboarding, pcard program, establishing training and certification standards, and assisting departments with Contract Administration; and
  - the authority of the Construction Departments to follow statutory provisions regarding construction contracts and establish necessary procedures for procurement of same.

## Substantive Changes: Organization (cont.)

14

- Added:
  - Procurement Department will conduct vendor onboarding, record management, and manage the pcard program; and
  - authority for the Director of Procurement (and Construction Departments Directors) to terminate contracts (exempt included) of any amount, for or without cause.

## Substantive Changes: Organization (cont.)

15

- Increased:
  - Award of contracts by the Procurement Director (and Construction Department Directors) from less than \$200,000 to less than \$300,000.
  - As a result, the BCC will approve contracts \$300,000 and over (currently it is \$200,000 and over).
  - For context: the \$200,000 threshold has been in place since 2005; application of the Engineering News Record Building Cost Index translates into \$369,640 (in 2023).

# Substantive Changes: Source Selection

16

- Clarified:
  - language regarding the BCC's ability to renew contracts procured through competitive bidding or alternate source selection;
  - language regarding late or incorrectly delivered bids being deemed non-responsive;
  - the term Bid Opening (i.e., when and records management); and
  - language for Bid Cancellation (i.e., triggers and authority to cancel).

# Substantive Changes: Source Selection (cont.)

17

- Added:
  - language to clarify the authority of the Construction Department Directors to make monetary and time changes to construction contracts in accordance with County policies and procedures;
  - section to address Termination of Contracts;
  - Invitation to Negotiate as a Formal Competitive Proposal process;
  - DPO as an alternate source selection;
  - requirement to post a Notice of Intent to Designate a Sole Source;
  - simplified the requirements for Piggyback Contracts;

# Substantive Changes: Source Selection (cont.)

18

- Added:
  - language requiring posting of solicitations on the County's VSS website and to allow for additional public notice at the discretion of the Procurement Director;
  - language for correction of minor irregularities in bids;
  - section to address Execution of Contracts (i.e., cross-reference to Sec. 2-53(d)-(h) and 2-54(f)(4));
  - language to clarify that if a contract is terminated within the initial award period, then the County may award to the next low bidder;

## Substantive Changes: Source Selection (cont.)

19

- Added:
  - that pre-qualifications can be used for order over the Mandatory Bid or Proposal Amount as long as such as advertised on VSS;
  - Prequalification of Contractors by Construction Departments for Construction Services;
  - language to allow the Procurement Director to use IFB, RFP, or ITN tools even if under the Mandatory Bid/Proposal amount; and
  - that the Procurement Director will develop policies and procedures for pcard usage by County departments.

# Substantive Changes: Source Selection (cont.)

20

- Increased:
  - Mandatory Bid or Proposal Amount from \$100,000 to \$150,000;
  - For contracts approved by the Director of Procurement: the authority of the Director of Procurement to approve contract increases from 10% to 15% (with the County Administrator's approval to go over 10%);
  - For contracts approved by the BCC and which are less than \$300,000: the authority of the Director of Procurement to approve contract increases from 10% to 15% (with the County Administrator's approval to go over 10%);



## Substantive Changes: Source Selection (cont.)

21

- Increased:
  - For contracts approved by the BCC between \$300,000 and \$500,000: the authority of the CRC to approve increases up to 15%;
  - For contracts approved by the BCC or the Director of Procurement, the authority for the Director of Procurement to extend the contract time from 3 months to 6 months; and
  - The requirements for BCC approval/ratification of Emergency Purchases from \$200,000 to \$300,000.

## Substantive Changes: Source Selection (cont.)

22

- Deleted:
  - language that required all conditions to remain unchanged, including SMWBE when extending term or increasing expenditure; and
  - the term Small Purchases (covered under Informal Solicitations).

# Substantive Changes: Protested Awards

23

- Clarified:
  - that protest must be received by the Procurement Director within the specified time and that the date/time stamp of the Procurement department controls; and
  - the section regarding the BCC accepting or rejecting the Special Master recommendation.

## Substantive Changes: Protested Awards (cont.)

24

- Added:
  - requirement for a protest bond to be filed with the initial protest (rather than only at the time of request of a special master); and
  - language regarding when the bond will be returned and when it will be forfeited.
  
- Increased:
  - the protest bond based on a sliding scale from \$1,500 to \$3,000.

# Substantive Changes: Protested Awards (cont.)

25

- Redrafted:
  - the section related to authority of the Special Master.
- Deleted:
  - no longer applicable language regarding M/WBE ordinances.

# Substantive Changes: Suspension and Debarment

26

- Added:
  - language authorizing the Procurement Director to suspend or debar vendors under exempt contracts and under contracts governed by the PREM Ordinance.
  
- Redrafted:
  - process for vendor protest of suspension or debarment.

# Substantive Changes: New Sections

27

- Ethical Standards in Procurement
- Construction Services
- CCNA Services
- Automation Permitted
- Unsolicited Proposals

## Effective Date

28

- If adopted, Staff is recommending that the new Purchasing Code be effective in 180 days to allow time for the associated revisions to County policies and procedures.



# Stakeholder Outreach

29

- Staff engaged with the following key stakeholders:
  - Infrastructure Surtax Oversight Committee
  - PBC Chamber of Commerce
  - EBO Advisory Committee
  - Associated General Contractors of America
  - Hispanic Chamber of Commerce
  - Economic Council
  - Black Chamber of Commerce
  - FL Hispanic American Chamber of Commerce

# Request for Board Direction

30

- Staff requests Board direction regarding:
  - the proposed revisions to the Purchasing Code; and
  - if to advance the proposed ordinance to the next procedural step: preliminary reading and public hearing.

# Revisions to the County's Purchasing Code

Lead Departments: Purchasing / Facilities Development & Operations (FDO)

BCC Workshop Meeting  
February 27, 2024