

CITY OF BRISTOL

**PURCHASING POLICIES AND
PROCEDURES**

**APPROVED AND ADOPTED BY THE
CITY COUNCIL OF BRISTOL, FL. ON
JUNE 8, 2015**

PURCHASING POLICIES & PROCEDURES

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SECTION 1 – PURPOSE

These policies and procedures are adopted to promote the following purposes:

- A. To clarify the procurement practices used by the City of Bristol, Florida.
- B. To promote public confidence in the purchasing procedures followed by the City of Bristol.
- C. To ensure the fair and equitable treatment of all persons who deal with the procurement system of Bristol.
- D. To maximize economy in Bristol procurement activities and to maximize to the fullest extent practicable the purchasing value of public funds in Bristol.
- E. To provide safeguards for the maintenance of a procurement system of quality and integrity in Bristol.

SECTION 2 – APPLICATION OF POLICIES AND PROCEDURES

- A. Activities. These policies and procedures shall apply to the purchase/ procurement of all materials, supplies, services, construction and equipment except as herein specifically exempted.
- B. Exemptions from the Purchasing Policies and Procedures. The following types of purchasing activities shall be exempt from the purchasing policies and procedures except as noted:
 - 1. All heavy equipment repairs shall be exempted from the competitive sealed bid requirements. The Public Works Superintendent, or his/her designee, shall solicit and evaluate quotations and award the bid. Should a purchase exceed \$5,000, the City Clerk shall agenda the item for ratification by the City Council at a regularly scheduled Council meeting.
 - 2. All purchases of services from a utility whose rates are determined and controlled by the Public Service Commission or other governmental authority, including but not limited to, electricity; water, sewer; telephone; and cable television services.
 - 3. All supplies, materials, equipment, or services purchased at a price established in a State contract of the State of Florida Department of General Services, Division of Purchasing.
 - 4. All supplies and materials, equipment, construction, or services purchased from another unit of government.

5. Sole source as provided in Section 6.07 hereof.
6. Emergency purchases as provided in Section 6.08 hereof.
7. Advertisements.
8. Procurement of commodities or services in connection with Community Development Block Grants must comply with special procurement procedures detailed in Section 7 – CDBG Procurement Policy

SECTION 3 – DEFINITIONS

The following terms defined in this section shall have the meanings set forth below whenever they appear in these policies and procedures:

- A. “City Council” means the City Council of Bristol, Florida.
- B. “Commodity” means a product that the City may contract for or purchase for the use and benefit of the City. A specific item, it is different from the rendering of time and effort by a provider.
- C. “Competitive Sealed Bidding” (Invitation to Bid) means a written solicitation for sealed competitive bids used for the procurement of a commodity, group of commodities, or services valued more than the threshold for this category. The Invitation for Bids must be publicly advertised and have the title, date, and hour of the public bid opening designated and specifically define the commodity, group of commodities, or services for which bids are sought. It shall include instructions prescribing all conditions for bidding and shall be distributed to all prospective bidders simultaneously. The Invitation for Bids is used when the City is capable of specifically defining the scope of work for which a contractual service is required or when the City is capable of establishing precise specifications defining the actual commodity or group of commodities required.
- D. “Construction” means the process of building, attaining, repairing, improving, or demolishing any public structure or building, or other public improvement of any kind to any public real property. It does not include routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property.
- F. “Contract” means all types of Bristol agreements, regardless of what they may be called, for the purchase or disposal of supplies, services, materials, equipment or construction.
- G. “Contractual Services” means the rendering by a contractor of its time and

effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors, and such services may include, but are not limited to, evaluations; consultations; maintenance; accounting; security; management systems; management consulting; educational training programs, and professional, technical, and social services.

- H. "Cooperative Purchasing" is procurement conducted by, or on behalf of, more than one public procurement unit.
- I. "Emergency" means when there exists a threat to public health, welfare, or safety; natural unexpected events; accidents; or loss to the City under emergency conditions which shall be considered to mean those situations where the operation of a department would be seriously impaired if immediate action was not taken.
- J. "Emergency Purchase" is a purchase necessitated by a sudden unexpected turn of events (e.g., acts of God, riots, fires, floods, accidents or any circumstances or cause beyond the control of the department in the normal conduct of its business) where the delay incident to competitive bidding would be detrimental to the interests of the City.
- K. "Field Quotes" is the procurement procedure used by the operating department to purchase commodities or contractual services with the value within the threshold amounts set for this category. Field Quotes are conducted by the department, consist of either written or oral quotations from two or more vendors, do not require a public bid opening, and are awarded by the Department Head or City Clerk. Written evidence of all quotations must be submitted to, and maintained in, the Purchasing Office.
- L. "Gratuity" is compensation for services (money, gifts, etc.).
- M. "Purchasing Quotes" is the procurement procedure used to purchase commodities or contractual services with a value within the threshold amounts set for this category. Purchasing quotes are obtained by the Department Head, City Clerk, or his/her designee, either written or oral, from three or more vendors, and do not require a public bid opening. The purchase is awarded by the Department Head or City Clerk, upon approval of the City Council.
- N. "Request for Proposals" means a written solicitation for sealed proposals with the title, date, and hour of public opening designated. The request for proposals is used when the City is unable to specifically define the scope of work for which the commodity, group of commodities, or contractual service is required, and when the City is requesting that a qualified offer or propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document. A request for proposals includes,

but is not limited to, applicable laws and rules; functional or general specification; statement of work; proposal instructions; and evaluation criteria.

Evaluation of a proposal, when such proposal is for "professional services" shall be in accordance with Florida Statutes Chapter 287.055.

- O. "Small Purchases" means the procurement of commodities or services with a value within the threshold set for this category without the requirement of quotes, bids, or public notice. Purchase Orders are required for small purchases \$100 or more.
- P. "Sole (Single) Source Purchases" means the purchase of a commodity, service, equipment, or construction item(s) from one available practical source of supply. A Sole (single) Source may be declared such by the City Council for reasons acceptable to it.

SECTION 4 – AUTHORITY FOR PURCHASING

- A. The City Clerk shall serve as the central purchasing official for the City of Bristol.
- B. The City Clerk, or his/her designee, shall administer operational procedures governing internal functions of the purchasing program.
- C. Except as otherwise specifically provided in these policies and procedures, the City Clerk, or his/her designee, shall purchase or supervise the purchase of all supplies, services, materials, equipment and construction services defined with the scope of these policies and procedures.

SECTION 5 – THRESHOLD AMOUNTS

- A. Purchase Orders Issued for Purchase\$100 and above
- B. Small Purchase Procedures (Section 6.01).....\$1 to \$800
- C. Field Quotes (Section 6.02).....\$801 to \$3,000
- D. Purchasing Quotes (Section 6.03).....\$3,001 to \$10,000
- E. Competitive Sealed Bids (Section 6.04).....\$10,001 and above

SECTION 6 – PURCHASING CATEGORIES

Section 6.01 – Small Purchases

The purchase of commodities, equipment and services that cost less than the threshold authorized in Section 5 does not require solicitation of quotes or bids. Small purchases do not require written price quotes or documented price checks, however, purchases exceeding \$100 shall be authorized by Purchase Order signed by Department Head.

Section 6.02 – Field Quotes

The purchase of goods and services that cost within the range authorized for field quotes in Section 5 shall require competitive quotations from two or more vendors. The Department may obtain the quotations. The Department Head, City Clerk, or his/her designee, shall review the quotations and make the award or require additional quotations prior to award. Documentation of the quotations must be maintained with the signed purchase order/award.

Section 6.03 – Purchasing Quotes

The purchase of goods and services that cost within the range authorized for purchasing quotes in Section 5 shall require competitive **written** quotations on company letterhead from three or more vendors. The quotations shall be obtained, reviewed, and awarded by the Department Head or City Clerk upon approval of the purchase by the City Council.

Section 6.04 - Competitive Sealed Bids

- A. Conditions of Use. All contracts for purchases of a single item or aggregate in excess of the established base amount for competitive sealed bidding in Section 5 shall be awarded on the basis of sealed competitive bidding, except as provided in Section 6.06, Competitive Sealed Proposals.
- B. Invitation to Bid. An invitation to bid shall be issued and shall include specifications, all contractual terms and conditions, and the place, date, and time for opening or submittal.

No negotiations, decisions or actions shall be initiated or executed by the proposer as a result of any discussions with any City employee prior to the opening of proposals. Only those communications which are in writing from the City may be considered as a duly authorized expression on the behalf of the City Council. Also, only communications from firms or individuals that are in writing and signed will be recognized by the City Council as duly authorize expressions on behalf of proposers.

1. Alternate(s). Alternate bids will not be considered unless authorized by and defined in the bid specifications.

- C. Public Notice. Public Notice shall be by publication in a newspaper of general circulation at least ten (10) working days prior to bid opening. Notice of the Invitation to Bid shall give the date, time, and place set forth for the submittal of proposals and opening of bids. Bids shall be opened publicly.

- D. Award. The contract shall be awarded with reasonable promptness to the lowest responsible bidder whose bid meets the requirements and criteria set forth in the Invitation to Bid. The City reserves the right to waive any informality in bids and to make an award in whole or in part when either or both conditions are in the best interest of the City of Bristol. Once a bid is awarded, Change Orders can be issued by the City Clerk/Chairman of the Council, as long as the project amount remains below the amount budgeted to be spent by the City Council. The City Clerk would notify the City Council of any change orders that were issued.

- E. Cancellation of Invitations for Bids. An Invitation for Bids or other solicitation can be cancelled, or any or all bids may be rejected in whole or in part when it is in the best interest of the City, as determined by the City Council. Notice of cancellation shall be sent to all businesses solicited.

Section 6.05 – Competitive Sealed Proposals

- A. Conditions for Use. When it is determined that the use of competitive sealed bidding is either not practical or not advantageous to the City; a contract may be entered into by the use of competitive sealed proposals.

- B. Professional, Architectural, Engineering, Landscape Architectural, and Land Services. Professional services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered land surveying, shall be obtained in accordance with the Consultant's Competitive Negotiation Act, Section 287.055, Florida Statutes.

Section 6.06 – Sole Source Purchases

- A. Sole Source Certification. A contract may be awarded for a supply, service, material, equipment, or construction item(s) without competitive bidding when the City Clerk, Department Head, or Council Chairman, certifies in writing, after conducting a good faith review of available sources, that there is only one available source for the required material, supply, service, equipment, or construction item(s). Such awards will be made within the authorized procurement limits. When a purchase exceeds the ten thousand dollar (\$10,000) limit, the item will be agendaed for Council approval and certification that the vendor has been determined to be a sole source.

- B. Additional Purchases from Certified Sole Source. The Department Head, City Clerk, Council Chairman shall be authorized, after initial sole source certification, to make additional purchases from a sole source vendor for not more than one year or until such time as contrary evidence is presented regarding sole source eligibility, whichever period is less.

Section 6.07 – Emergency Purchases

- A. Authorization During Normal Business Hours. In the case of emergencies which require the immediate purchase of goods, equipment or services, the Department Head or City Clerk, shall be empowered to secure such goods or services without obtaining Field Quotes, Purchasing Quotes, or Competitive Bidding when there exists: a threat to public health, welfare, or safety; natural unexpected events; accidents; or loss to the City under emergency conditions. In this event, all measures reasonably possible under the circumstances shall be taken to assure the maximum cost benefit to the City of the goods or services procured. The Council Chairman shall approve emergency purchases which exceed \$3000 but are expected to be less than \$10,000. Emergency repairs/purchases expected to exceed \$10,000 shall be approved with the consensus of a majority of the City Council and shall be ratified by the City Council at the next Regular Meeting of the Council.
- B. Authorization Outside of Normal Business Hours. A department head, during non-business hours, is authorized to make purchases without obtaining Field Quotes, Purchasing Quotes, or Competitive Bids when an emergency arises and such purchases are necessary to protect the safety, health, welfare, or property of the City or any of its citizens. In this event, all measures reasonably possible under the circumstances shall be taken to assure the maximum cost benefit to the City of the goods or services procured. The Council Chairman shall approve emergency purchases which exceed \$3000 but are expected to be less than \$10,000. Emergency repairs/purchases expected to exceed \$10,000 shall be approved with the consensus of a majority of the City Council and shall be ratified by the City Council at the next Regular Meeting of the Council.
- C. Documentation and Approval. Documentation for emergency purchases pertaining to the above shall be submitted to the City Clerk, or his/her designee, on the standard requisition form with a detailed explanation, and support material attached, if applicable, within ten (10) working days after the event occurred. The Council shall ratify emergency purchases that exceed the competitive sealed bid threshold.

Section 6.08 – Cooperative Purchasing

- A. State Contracts. The Purchasing Agent is authorized to purchase goods or services for any dollar amount from authorized vendors listed on the respective state contracts of the Department of General Services. Such purchases shall be made without competitive bids provided that funding has been appropriated and approved by the City Council in department accounts.
- B. Other Governmental Units. The City Clerk, or his/her designee, shall have the authority to join with other units of government in cooperative purchasing ventures when the best interest of the City would be served thereby, and the same is in accordance with the City and State law.

SECTION 7 – CDBG (COMMUNITY DEVELOPMENT BLOCK GRANT) PROCUREMENT POLICY

GENERAL POLICY

These procurement policies establish procedures and guidelines that shall be used for the purchase or procurement of personal property, supplies, equipment, and services. All procurement shall be accomplished in compliance with applicable state and federal law.

GENERAL PROCUREMENT PROCEDURES

Procurement procedures shall:

1. Apply to all procurement of commodities or services in connection with Community Development Block Grants.
2. Comply with applicable provisions of all state and federal regulations, including the following:
 - Section 287.055 F.S.
 - Section 290.047 (5) F.S. with HUD Circular Letter 81-69
 - DCA Rule 9b-43.014
 - 24 CFR 85.36 with special reference to conflicts
 - 24 CFR 570.489g
 - DCA Memo No: HCD-CDBG-90-1, dated February 27, 1990
A-87
3. Procurements under \$10,000 not covered by 287.055, Florida Statutes, may use small purchase procedures. Please refer to the section on Small Purchase below.
4. If procurement requires public notice, the advertisement must be published at least 12 days prior to deadline for submission of required documents (bids, proposals, etc.).

5. Procurement awards shall be made only on the basis of requirements and evaluation factors that are directly related to the price or quality of the commodities or services or to the ability of a prospective supplier or contractor to perform under the agreement. In evaluating the ability of a prospective contractor to perform, the recipient shall at a minimum consider the prospective contractor's record of past performance under CDBG grants.
6. These procedures do not preclude the procurement of commodities or services available only from a single source, provided the offerer is reasonably defined as sole-source provider. If over \$25,000 the jurisdiction must obtain DCA's prior written approval; if under \$25,000, the files must document justification.
7. In procuring services for grant administration, the jurisdiction shall evaluate efficiency that may be available as a result of the type, number, and geographical distribution of grants administered by administrator.
8. The provisions of this procurement policy shall not be construed to conflict with or supersede the requirements of s.286.055, F.S., or any other applicable state or federal law, including those cited in Item 2 of this section.
9. Contracts for the grant administration will conform to Florida Statute 290.047 (3) and as provided by 24 CFR Part 85, Section 85.36 Subsections (d) (3) and (f) regarding cost analysis.
10. Contracts using CDBG funds shall comply with Section 287.058, F.S. as follows:
 - a. Bills for fees or other compensation for services or expenses shall be submitted in sufficient detail for proper pre-audit and post-audit thereof.
 - b. Bills for travel expenses, beyond those included in the basis fee, should be submitted in accordance with F.S. 112.061.
 - c. In the event the contractor refuses to allow public access to all documents, papers, letters, or other materials received by the contractor in conjunction with the contract, the local government may unilaterally cancel the contract.
11. The jurisdiction is committed to eliminating discrimination based upon race, color, sex, national origin, familial status, age or handicap. In grant programs, the jurisdiction will comply with requirements of Section 3, Equal Employment Opportunity on Federally assisted Construction Contracts, and Executive Order 11625 (Minority Business).

ACQUISITION AND RELOCATION

Acquisition of real property that is carried out in connection with the Community Development Block Grant awarded to this jurisdiction will be done in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Act (24 CFR 42). In voluntary relocation shall be carried out in accordance with the above cited 24 CFR part 42. Voluntary permanent relocation and temporary relocation will be carried out under the jurisdiction's locally adopted policy. Procurement for these items will be in accordance with the locally adopted relocation or housing assistance plans or policies.

PROCUREMENT SOLICITATION

Bidding is used when the scope of work or precise specifications can be defined for the commodities or services needed.

Procurements requiring public notice will be advertised in area newspapers at least 12 days prior to the bid or proposal submission deadline. All request for proposals or bids for goods or services expecting to exceed \$10,000 shall be advertised in at least one regional daily newspaper. Regional newspapers in northwest Florida include, but are not limited to, the Tallahassee Democrat, Panama City News Herald, Northwest Florida Daily News, and the Pensacola News Journal.

Every effort should be made to send proposals or bid notices to mailing list of known interest firms, vendors or contractors in the region. Notice may be provided by mail, fax, or phone.

Bid or proposal advertisements shall contain the following information.

1. Time, date and location for receiving and opening bids or proposals. The date shall not be less than twelve (12) days after advertisement is published.
2. General description of the commodity or items being requested.
3. Where and how detailed specifications and bid forms (if applicable) may be obtained.
4. Terms and conditions of the contract to be awarded.
5. Criteria for selection of the vendor or contractor, including the relative weight to be given to the different factors.

6. Advertisements will contain the phrase "Female and Minority (vendors, firms, persons) are encouraged to apply."

Sealed bids or sealed proposals will be received at any time during normal working hours prior to the time and date as specified. Each proposal shall be annotated with the time and date received. The bids or proposals shall be placed in the applicable file and publicly opened and read at the time designated for the bid opening.

The non-competitive negotiation method of procurement is solicitation of a proposal from only one source; or after documented solicitation of a number of sources, competition is determined in adequate (refer to 24 CFR s. 85.36 (d) (4)). It may be used only:

1. The procurement or award of contract is feasible under simple or intermediate procurement or through formal (sealed bid) competition; and
2. Under one of the following circumstances:
 - a. The item is available only from a single source; or
 - b. Public exigency or emergency exist such that the urgency for the requirement will not permit a delay incident to competitive bidding; or
 - c. Grantor agency (DCA) authorizes non-competitive negotiations.

If, after well-documented solicitation, only one bid is received, a cost and price analysis may be done on the offer and if the analysis indicates the offer reasonable and the offerer responsive and responsible, the jurisdiction may contract with the offerer. If the offer is determined unreasonable after price and cost analysis or the bidder is not properly responsive or responsible, the jurisdiction may rebid.

PROTEST

An objection to procurement shall be issued, in writing, to the chief elected official within five (5) working days of purchase or selection to purchase under contract. A response shall be issued to the objecting party within five (5) working days. An objection shall be considered valid only if it discloses a violation of this policy.

SMALL PURCHASE PROCUREMENT

The CDBG program may use the jurisdictions small purchase policy. The policy is made part of this CDBG Procurement Policy as Attachment A. However, the jurisdiction may adopt the following small purchase policy:

1. Procurements below \$1,000 may be carried out by the consultant administrator by using good purchasing practices which may include, but not limited to, quotations or written records of telephone quotations.
2. Procurements of \$1,000 and up to \$10,000 may be entered into only after informal competition based offers or price quotations from two or more sources. The jurisdiction shall provide selection approval based upon reasonable criteria which may include price as a factor. However, other appropriate factors such as ability of contractor or vendor to provide goods or services in a timely manner may override price and cost consideration. The jurisdiction may use the sealed proposals or bid method if in the judgment of the consultant and the jurisdiction this method would be more appropriate.
3. Procurements above \$10,000 shall be entered into only after an invitation to bid or request for proposals has been published in appropriate newspapers. Any procurement which requires publication in a newspaper shall be published at least 12 days prior to the deadline for receipt of the procured submission.
4. For procurements regarding housing assistance, including permanent and temporary relocation, the consultant administrator may procure goods and services on behalf of the client as long as they do not exceed \$25,000. The items should be complementary or supplemental to the housing assistance program. Examples of such procurement include renting storage bins on behalf of clients or purchasing bins which would be owned or retained by the city at the conclusion of the program(s). Another example is procuring temporary relocation rental housing.

HOUSING ASSISTANCE PROCUREMENT

It is hereby recognized that the procurement of housing assistance is substantially different than procurement by the local government for goods or services. Under housing assistance, the contract is between the owner and the contractor. The exception is the procurement of mobile homes as permanent replacement housing. Mobile home procurement will follow bid procedures under the rules outlined for other goods purchases by the local government. Mobile homes will be purchased by the jurisdiction and granted to the beneficiary.

The jurisdiction will usually advertise for contractors for housing rehabilitation. However, it is not required to do so, if in the judgment of the consultant administrator, there appear to be no additionally interested contractors in the region. However, interested and participating contractors must be notified by mail or telephone of pre-bid conferences.

It is also hereby understood that the jurisdiction acts as agent for the housing assistance client and the consultant administrator act as agent for the jurisdiction.

As such, the consultant administrator, following the adopted housing assistance guidelines, will coordinate the contract signing between the housing client and contractor.

It is herein acknowledged that the jurisdiction and the consultant have been authorized by the client, regarding housing assistance, to act in their behalf and do hereby acknowledge that instances occur when immediate action is needed in order to expedite the program on behalf of the housing assistance client.

It is generally acknowledged that there will be 12 days between bid notice and bid deadline. However, it may not be feasible to have a 12 day span. For housing assistance where the contract is between the homeowner and the contractor, the 12 day rule is not required.

BONDING AND INSURANCE

Construction contracts or subcontracts shall require the following:

1. A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.
2. A performance bond on the part of the contractor for 100% of the contract price for all contracts over \$25,000. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligation under such contract.
3. A payment bond on the part of the contractor for 100% of the contract price on contracts above \$25,000. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and materials in the execution of the work provided for in the contract.

Bonds for contracts or subcontracts exceeding \$100,000 shall be obtained from companies holding certificates of authority as acceptable sureties. Bid bonds will be required for contracts above \$100,000. The above bonding does not relate to or include the CDBG housing assistance programs.

ARCHITECTURAL AND ENGINEERING COST

The maximum percentage of contracted block grant funds that may be spent on architectural and engineering cost by an eligible local government shall not exceed the US Farmers Home Administration (FmHA) schedule as applied to project in Florida on the date of the application. For unusually complex items as designated by FmHA (water treatment plant, sewers, sewage treatment plants,

rehabilitation of existing water and wastewater treatment facilities) engineering cost are calculated using Table I and I-A of Attachment I of FmHA Form 1942-19. For all other projects, engineering cost are calculated using Table II and II/A of Attachment I of FmHA Form 1942-19. For project involving both unusually complex and other activities, engineering cost shall be pro-rated appropriately. For each additional engineering service as defined in Rule 9B-43.003(6)(f) and for preliminary engineering, the local government shall negotiate a reasonable fee for the services following procurement procedures in 24 CFR 85.36. Preliminary engineering cost not to exceed one-half of one percent of the estimated construction cost may be paid with CDBG funds over and above the amounts included in Tables I, IA, II and IIA of Attachment I of FmHA Form 1942-19.

PROCUREMENT OF PROFESSIONAL SERVICES

A Request for Proposal (RFP) for professional services should specify the scope of services to be provided and the type of contract to be used: cost reimbursement (also known as cost plus fixed fee); fixed price (lump sum); or per diem contract. Cost plus a percentage of cost contracts are not acceptable and must not be used. This means that standard architectural or engineering contracts cannot be used without changing the method of compensation which is based on a percentage of total cost. These contracts must be modified so they are fixed price.

After statements of qualification or proposals in response to an RFP have been received, a review process will begin. The review may be conducted by a committee, composed of at least three people who have technical knowledge of the type of project being considered, or the local elected officials may opt to serve as the review committee.

Request for proposals for architectural, engineering, or consultant administration services must be advertised at least once in the daily newspaper in the region. Furthermore, the advertisement must be published at least 12 days prior to the submission deadline required.

REQUIRED CLAUSES FOR PROFESSIONAL CONTRACTS

Professional service contracts must contain the following clauses required by 24 CFR 85.36(i):

1. remedies for breach of contract.
2. termination for cause and termination for convenience of the local government.

3. access by the jurisdiction, the U.S. Comptroller General, HUD, DCA, and their authorized representatives to the firm's records related to the contract.
4. retention by the firm of all records related to the contract for three years after final payment.

In addition, for contracts covered by 287.055 F.S. (CCNA), the contract must contain:

1. prohibition of contingent fees.
2. contract price adjustment clause, if firm executed Truth-in-Negotiation certification.

PROFESSIONAL SERVICES EVALUATION CRITERIA

Evaluation criteria for professional services procurement are as follows:

ARCHITECTURAL AND ENGINEERING PROCUREMENT

Consultants procured under CCNA (287.055 F.S.) will be evaluated using the following criteria and scoring:

	<u>Evaluation Factor</u>	<u>Possible Points</u>
1.	Specialized experience or technical expertise of firm and its personnel in connection with types of services to be provided and complexity of project.	25
2.	Past record of firm to perform work within time limitations taking into consideration firm's current and planned workload.	25
3.	Past record of firm with government and other clients, including quality of work, timeliness and cost control.	25
4.	Knowledge of State and Federal rules and regulations regarding state and federally funded projects.	10
5.	Successful similar experience with Florida Small Cities and Counties.	15
TOTAL POINTS		<u>100</u>

Registration and/or certification with the State of Florida is a threshold requirement.

In accordance with the recommendation of Florida DCA Memorandum HCD: CDBG-90-1, dated February 27, 1990, the jurisdiction will secure the services of an independent third party to provide oversight of the administrators only and approvals in the case where the same or a related individual or firm is providing administrative services in conjunction with any of the following services: engineering, architectural, or surveying.

CONSULTANT ADMINISTRATION PROCUREMENT

The jurisdiction will comply with the following rules and regulations regarding procurement of professional services:

24 CFR 85.36
Section 290.047 (3) and (5) F.S.
HUD Circular Letter 81-69
DCA Rule 9b-43.014

	<u>Evaluation Factor</u>	<u>Possible Points</u>
1.	Past experience of firm in successfully administered CDBG projects.	20
2.	Available efficiency taking into consideration the type, number and geographical distribution of grant administered by the firm.	20
3.	Reputation of firm based on knowledge, references or research by the jurisdiction.	30
4.	Willingness to provide services within the CDBG budget.	10
5.	Small, minority or female-owned business	10
6.	Experience with similar state or federal Programs for Small Cities and Counties.	10
	TOTAL POINTS	<u>100</u>

II. CODE OF CONDUCT

Consistent with the provisions of State Law and Federal Management Standards, the jurisdiction has adopted the following code of ethical conduct for public officials, employees, and/or affected contractors. The policies and principles described below are intended to cover all aspects of federally funded programs whether specifically intended or otherwise.

1. Goods and services shall be procured in a manner which maximizes free and open competition.
2. Officers and employees shall not participate in any decision concerning matters in which they have a financial interest.
3. Conflicts of interest, and the appearance of conflicts of interest, shall be avoided in order to assure public confidence in the operation of government.
4. Every effort will be made to actively recruit woman/minority-owned businesses and to provide opportunities for local residents and businesses consistent with Section 3 of the Housing and Urban Development Act of 1968.
5. All procurement actions shall be conducted as required by Chapter 28, Florida Statutes. All records related thereto will be open to public review as required by Chapter 199, F.S.
6. Violations of this Code of Conduct shall result in penalties as provided in Florida Statutes 112.37. Sanction will be, but are not limited to impeachment, removal from office, public censure, and reprimand, civil penalty not to exceed \$5,000, restitution or forfeiture of salary.

DEFINITIONS

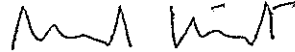
Authorized Local Officials: Those local officials who would normally authorize procurements in their respective jurisdiction, such as the Mayor, City Manager, City Clerk, Council President, Commission Chairman, or a local official who has been legally designated by their respective board, commission, or council, to act on behalf of the governing body.

Small Business: Small business will be defined in F.S. 288.703 which means an independently owned and operated for profit business concern which employs 25 or fewer permanent full-time employees and which has a net worth of not more than \$1 million. As applicable to sole proprietorships, the \$1 million net worth requirement shall include both personal and business investments.

Minority Business Enterprise: Will be defined in F.S. 288.704, which means any small for profits business concern as defined in subsection (1) which is organized to engage in commercial transactions, which is domiciled in Florida, and which is

at least 51% owned by minority persons and whose management and daily operations are controlled by such persons. A minority business enterprise may primarily involve the practice of a profession. Minority persons are those as defined in F.S. 288.703. Subsection 1 as cited in this section refers to the definition of Small Business cited in this list of definitions.

Adopted this 8th day of June 2015, in Regular Session.



Durwood "Woody" Stewart, Chairman

Attest: 
Robin M. Hatcher, City Clerk