



- Fair and open competition is a basic tenet of public procurement. All eligible bidders should be afforded an equal opportunity to submit bids/proposals and compete on equal terms.
- All bidders must be financially stable and capable of adhering to the specifications and delivering quality goods and services.
- Employees shall not engage in communications with bidders outside of the procurement process regarding a pending procurement or a Request for Information.

### **Prohibited Conflicts**

- Employees involved in or influencing a procurement activity shall avoid any conflict of interest and shall maintain the highest degree of integrity and fairness throughout the procurement process.
- Employees shall not purchase or recommend the purchase of goods or services from family members, CBHC Board members, relatives, or friends.
- Employees shall not bill personal purchases to any CBHC account or credit cards.
- Employees shall not use the CBHC tax-exempt number to make personal purchases.
- Members of the CBHC Board will not influence or interfere in the purchasing process.

## **General Procurement**

### **Expenditure Authorizations Per Board Policy**

- The Executive Director is authorized to approve expenditures up to \$75,000.
- Department Directors may authorize expenditures not to exceed \$15,000, with notification to the Executive Director.
- Department Managers may authorize expenditures not to exceed \$5,000, with notification to the Department Director supervising said department and the Executive Director.
- Approval of expenditures that do not meet the above conditions must be approved by the full CBHC Board, except in emergency situations as determined by the Executive Director, with notification to the CBHC Board Chair as soon as practicable and in their absence a member of the Executive Committee.

### **Preparing to Purchase**

- The Department Director shall review the budget prior to initiating the procurement process to determine if funds are budgeted.
- If the item is not in the budget, the Department Director must consult with the Director of Finance to determine if and where the funds may be adjusted. Proposed revisions to the budget may be brought to the Executive Director for approval and must be approved by the Director of Finance.
- Purchases that involve information technology and/or computer software should be coordinated in advance with the Director of Information Technology/Systems Engineer.
- In planning for the procurement of goods or services the following information should be considered:

- The scope of work
- Information from prior similar procurement activities
- The estimated amount of the purchase taking into consideration current and future fiscal year costs.
- A schedule or timeline
- The appropriate method of procurement

### **Procurement Activities Subject to Statutory Requirements**

The following procurement activities are subject to Statutory Requirements of the state of Florida that may not be included in this procurement procedure. Read the specific statute(s) prior to beginning the procurement process for the following services:

#### **Architects and other Design Professionals**

- The Consultant's Competitive Negotiation Act (CCNA) section 287.055, Florida Statutes (2022), governs and defines "Professional Services" as those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of the state, or those performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice.

#### **Construction Contractors**

- Purchases of construction contractors are governed by section 255.20, Florida Statutes (2022), which establishes the methods of purchasing and forms of announcement for construction projects.

#### **The Procurement of an Independent Audit Firm**

- Procurement of audit services by an independent Certified Public Accountant licensed pursuant to Chapter 473, Florida Statutes (2022) and retained by the CBHC to perform a financial audit is governed by section 218.391, Florida Statutes (2022).
- Purchase of auditing services shall follow the requirements of section 218.391, Florida Statutes and the CBHC Procurement Procedure.

### **Procurement of the Following is Exempt from the Competitive Process**

The following purchases are exempt from the competitive purchasing process but are subject to the other applicable provisions of this procedure. While some of these purchases may be initially competitively acquired, they are exempt from the five (5) year renewal purchasing requirement.

- Goods or services determined to be a sole source and approved by the Executive Director. The form, *Sole Source Verification Statement* must be attached to the purchase order.
- Artistic services include but are not limited to photography, creative writing, graphic arts, industrial design, motion pictures, television, radio, tape and sound, videography.
- Regulated utilities, i.e., water, sanitary sewer, electricity, and solid waste.

- Regulated public communications.
- Membership dues according to the standards applicable to state agencies pursuant to section 216.345, Florida Statutes (2022).
- Interlocal/Intergovernmental agreements pursuant to Chapter 163, Florida Statutes (2022).
- Real estate leases, licenses, purchase, or sale agreements (which may include concessions), and appraisals.
- Legal services, including attorney, paralegal, expert witness, appraiser, arbitrator, or mediator services. For anticipated expenses incurred under legal services, the CBHC may pay a designated vendor directly for approved services authorized under any contract for legal services. A copy of the agreement between vendor and CBHC Board Attorney will be submitted to CBHC with invoice and W-9 form.
- Conferences, continuing education materials, lectures or specialized training attended by staff.
- Staff travel conducted according to section 112.061, Florida Statutes (2022).
- Specialized training or presentations when the facilitator is paid for the service.
- Insurance agreements and policies.
- Maintenance agreements or services on proprietary or licensed equipment or software.
- Emergency Action purchases.
- Negotiated purchases after the rejection of all bids, proposals, or submission of quotes, or statements of qualifications.
- Publications, subscriptions, media including television, radio, print, or advertising.
- Academic program reviews if services do not exceed \$50,000.
- Other instances where exceptions are provided by state or local law.

### **Purchases using Purchasing Agreements**

- CBHC may purchase goods and services other than the acquisition of which is governed by section 287.055, Florida Statutes (2022), from the purchasing agreements of other special districts, municipalities, or counties which have been procured pursuant to competitive bids, requests for proposals, requests for qualifications, competitive selection, or competitive negotiations, and which are otherwise in compliance with general law if the purchasing agreement was procured by a process that would have met the procurement requirements of CBHC. See section 287.056, Florida Statutes (2022).
- The identifying information must be attached about the source of the purchasing agreement as well as a description of the procedure used by the source.
- Other parts of this procedure shall be followed as applicable to all purchases.

### **Micro-Purchases not exceeding \$1,500**

- A minimum of three quotes are not required.
- If quotes are obtained, attach to the final procurement submission prior to submitting to Finance.
- A contract is not required for services, unless liability dictates.

- Financial data is required on the *Finance Cover Sheet FN032023-2* or the *Procurement of Goods and Services Checklist FN032023-1*, for standing purchase orders or contracts.

**Informal Procurement of Goods \$1,501 - \$5,000**

- A minimum of three quotes are required for goods.
- Financial data may be documented on the *Finance Cover Sheet FN032023-2* or the *Procurement of Goods and Services Checklist FN032023-1*. Quotes shall be documented on the *Procurement of Goods and Services Checklist FN032023-1*. The form is to be submitted with the purchase order.
  - If the purchase is for goods under \$5,000, a contract is not required, unless liability dictates. (Refer to Procedure FN-12, Contract Development for additional details).

**Informal Procurement of Services \$1,501 - \$5,000**

- A minimum of three quotes are not required for services.
- If quotes are obtained, attach them to the final procurement submission prior to submitting to Finance.
  - Financial data may be documented on the *Finance Cover Sheet FN032023-2* or the *Procurement of Goods and Services Checklist FN032023-1*.
  - If the purchase is for services under \$5,000, a contract may be required, if liability dictates. (Refer to Procedure FN-12, Contract Development for additional details).

**Informal Procurement of Goods and Services \$5,001- \$35,000**

- A minimum of three quotes are required.
- If less than three responsive bids, proposals, quotes, replies for goods, or contractual service purchases are received, the CBHC may negotiate on the best terms and conditions.
- Quotes shall be documented on the form, *Procurement of Goods and Services Checklist FN032023-1*. The form is to be submitted with the purchase order.
- If quotes have been obtained within the last five (5) years, a copy of the most recent form shall be submitted.
- If the purchase is for goods and services, an agreement or contract is required. (Refer to Procedure FN-12, Contract Development for additional details).

**Formal Procurement of Goods and Services Exceeding \$35,000**

- A minimum of three quotes are required.
- If a member of a competitive government purchasing pool has completed a Formal Competitive process for the purchase of goods or services, CBHC may utilize the vendor chosen in lieu of conducting its own Formal Competitive process.
- A Formal Competitive Procurement process is required at least every five (5) years.

- If CBHC is using another government's Formal Competitive process and contract that has been extended past five (5) years, CBHC may continue using the contract until the government conducts another Formal Competitive process.
- If a purchase is for goods and services, a contract is required. (Refer to Procedure FN-12 Contract Development for additional details).
- If the CBHC contemplates renewal of the contract, a statement to that effect shall be included or a new contract may be negotiated.

### **Project Overview and Scope of Work Development**

A project overview shall be developed for each release document including background information and a description of the goods or services to be procured.

- The scope of work shall be developed providing specific requirements including:
  1. Required qualifications of the individual or organization to be providing the goods or contractual services.
  2. A detailed description of the goods or contractual services sought.
  3. Deliverables.
  4. Timeline for deliverables and completion of the project.
  5. Reporting requirements.

### **Formal Competitive Purchase Process**

#### **Choosing the Type of Formal Competitive Invitation to Respond**

- Based on the project overview and scope of work, the requesting department will select the form of solicitation to request vendors to submit a bid or proposal.
- The form of solicitation provides specific instructions for proposal development.
- The template for the chosen process shall be used, adding specifications for the current project.

#### **Examples of Formal Competitive Invitations to Respond:**

- Invitation to Bid (ITB)
- Invitation to Negotiate (ITN)
- Request for Information (RFI)
- Request for Proposals (RFP)
- Request for Qualifications (RFQ)

#### **Public Notice of Solicitations**

- Public notice advertising for Formal Competitive Purchases is required.
- Public notice of all selection committee meetings will be publicized in the monthly public notice distribution.
- A public notice shall be placed in local publications of general circulation and other local publications as appropriate.
  - The public notice shall include a general description of the goods or services to be procured, where the bids/proposals may be secured, and any pre-bid conference information, time, and location of opening.

- The public notice shall be published not less than fourteen (14) calendar days prior to the last day set for the receipt of the bid/proposal submittals and at least five (5) working days prior to any pre-bid conference.
- The Formal Competitive release document shall be placed on the CBHC website and may be placed with an online service or website.
- Construction projects costing more than \$200,000, must follow section 255.0525, Florida Statutes (2022).
- Procurement of professional architectural, engineering, landscape architectural, or surveying and mapping services must follow section 287.055, Florida Statutes (2022).
- A formal notification process will be conducted using the Hillsborough County's Disadvantaged Minority/Disadvantaged Women Business Enterprise (DM/DWBE) and Small Business Enterprise (SBE) Registered Directory. An email with a delivery receipt will be transmitted to the DM/DWBE & SBE directory with the solicitation and procurement attached. Upon scoring, certified minority business enterprises will be awarded an additional five (5) percent.

### **Restricted Communications**

- Discussion of any part of any solicitation from the date of issuance until the time of award between any vendor with any potential interest in the solicitation and any employee or consultant employed by the CBHC is prohibited except as expressly authorized by the CBHC in the released procurement document.

### **Pre-Bid Conferences**

- A pre-bid conference may be scheduled for any procurement release when it is deemed necessary to review the technical specifications explaining the scope and objectives of the release.
- This conference shall be scheduled at a time during the solicitation period allowing time for vendors to prepare for the conference and to consider the information provided.
- Vendor conferences may be optional or mandatory.
- The procedure for restricted discussions between CBHC and vendor personnel during the solicitation process is not applicable during pre-bid conferences.

### **Intent to Apply**

- There may be a mandatory or optional request to submit an intent to apply.
- This is used when there is a need to know how many possible applications might be received.

### **Addenda to Solicitation Documents**

- There may be occasions when it is necessary to change the specifications, terms, or conditions of a given solicitation document. Such changes may be required to clarify ambiguous provisions, to correct errors or oversights, accommodate changing conditions, or provide additional information.
- Changes shall be formalized by the release of an addendum. The addendum becomes part of the document and supersedes prior documents.

- No change to the terms, conditions, or other requirements stated in a solicitation is official unless the change is expressed in an addendum.
- It is the bidder's responsibility to ensure that they have received all addenda prior to submission of their bid/proposal by confirming on the CBHC website.
- Vendor bids or proposals may be rejected by the CBHC if the vendor fails to acknowledge receipt of all addenda.

### **General Directions Regarding All Responses**

- All vendor responses must be received by the time and date stated in the solicitation document to be considered eligible for award.
- Vendor documents will be stamped with date and time received per the CBHC clock by a designated staff member.
- Vendors shall be contacted if their response is not submitted in a timely manner and given the choice of the return of their response at their expense, or destruction of the response.
- When required by statute, responses will be publicly opened at the place, date and time indicated in the procurement document.
- CBHC will retain evidence of any late submissions of the response, time, manner, and of disposition of the late response, within the solicitation files.
- All responses shall be reviewed for required information. If the proposal fails to meet responsiveness requirements it may not be presented to the selection committee for review.

### **Evaluation Committees**

- An Evaluation Committee may be used for the review of responses when determined appropriate.
- Evaluation Committees shall generally consist of three to five voting members comprised of qualified personnel and may include individuals from external entities. In some cases, the committee may be staff members of the CBHC.
- A non-voting technical advisor may be used in conjunction with an Evaluation Committee when necessary.
- An alternate voting member may be included that will become a voting member in the event long-term substitution is required.
- Members shall be recommended by requesting Department Director and approved by the Executive Director.
- A CBHC staff member will be appointed to facilitate all committee meetings, prepare written minutes of all such meetings, and provide general support to the committee throughout its deliberations.
- An orientation meeting shall be held with all potential members in attendance.
- Evaluation Committees are subject to all applicable provisions of the Florida Sunshine Law and shall be noticed and conducted as required by the Sunshine Law (See section 286.011, Florida Statutes (2022)).

### **Performance of Persons Designated for Evaluation Committees**

- No person shall serve on an Evaluation Committee if he/she has a conflict of interest with respect to the business/firm/vendor/consultant being evaluated.



- Everyone appointed to an Evaluation Committee shall assure that his/her service shall follow the Conflict of Interest and Code of Ethics requirements of the CBHC and the Florida Sunshine Law.
- All members must review and sign the form, *Conflict of Interest Declaration/Adherence to Public Records and Sunshine Law and Impartiality During Evaluation Process*.
- Individuals appointed to serve as an Evaluation Committee member must attend the orientation and evaluation meetings and be prepared to complete all required actions to complete a comprehensive evaluation.
- Each member shall not discuss any aspect of the evaluation process outside of the Evaluation Committee meetings.
- Any request by a committee member to be excused after the initial appointment to a specific Evaluation Committee must be in writing and be approved by the Executive Director or designee. The alternate voting member will then replace the excused committee member.

### **Evaluation of Proposals**

- At the time the release is being drafted, criteria shall be established to evaluate proposals received.
  - The evaluation criteria shall be included in all release documents.
  - Some criteria may be weighted.
  - Certified minority vendors per Florida Statute will be awarded five (5) additional points.
- There will be an orientation for all committee members to review the solicitation and discuss rating criteria.
- Each proposal shall be evaluated independently by each member of the committee based on the rating criteria established in the procurement document.
- The primary purpose of the committee is to provide a ranking of the vendor responses.
- Subsequent meetings may be scheduled so vendors may present clarifying information in person. This information can not change (add or diminish) the original proposal.

### **Follow Up Procedures**

- Reference checks and any other follow up information shall be gathered by the requesting Department Director prior to a recommendation for award to the Executive Director.
- Vendors may be advised by the designated staff of their status at the time "short-listing" occurs and at the time a specific vendor or vendors are designated as the highest qualified respondent(s).

### **Resolution of "Tie" Situations**

In the event two (2) or more bidders have submitted the lowest and best bids/proposals, preference will be given in the following order:

1. A bidder who is both a Service-Disabled Veteran Business and a certified Hillsborough County Minority or Small Business Enterprise.

2. A bidder who is a certified Hillsborough County Minority or a Small Business Enterprise.
3. A bidder who has its principal place of business in Hillsborough County.
4. A bidder who has a place of business in Hillsborough County.
5. Otherwise, the bid may be awarded by drawing lots.

### **Recommendation for Award**

- Recommendation for awards shall be made in accordance with the evaluation criteria and method stated in the solicitation.
- The final recommendation of awards over \$75,000, will be presented to the CBHC Board of Directors for approval.
- The Department Director will send a letter of notification to all vendors to include the final award determination.
- Any change in an award determination that occurs after issuance will require a revised award determination notice to all vendors.

### **Debriefing of Unsuccessful Responding Vendors**

Once a formal award determination has been finalized, vendors requesting a formal debriefing regarding the evaluation of their proposal may be scheduled.

- Debriefings may be conducted by conference call or in person. The CBHC will be represented by the assigned Department Director and/or Executive Director designee.
- Discussion will be limited to issues regarding the proposal submitted by the vendor requesting the debriefing and will be focused on information intended to enable the vendor to respond in a more successful manner in the future.

### **Negotiations and Clarifications**

- Minor clarifications of the proposal and minor refinements of the contract that involve no material change to an initial vendor proposal or the CBHC procurement documents may be discussed and resolved.
- Negotiations involving a material change to the proposal, or the CBHC procurement documents are not permitted.

### **Response to Public Records Requests**

- All supporting documents associated with a specific procurement activity will be available for public review as soon as permitted by the Public Records Florida Statute.
- Any request for a public record relating to any solicitation proposal submitted by a vendor, or any member of the public, will be processed in strict compliance with applicable Public Records law in full coordination with the CBHC Board Attorney when appropriate.

### **Protest Procedures**

A vendor wishing to protest an award decision regarding a contract for operational goods or services shall do so by written notice of protest to the Executive Director.

- A written notice of protest shall be filed with the Executive Director within seventy-two (72) hours after the receipt by the protesting vendor of a specific award recommendation letter or email by Executive Director.
- Saturdays, Sundays, and State Holidays shall be excluded in the computation of the seventy-two (72) hour time periods.
- A formal written protest shall be filed within five (5) days after the date the notice of protest is filed. The formal written protest shall state the facts and the specific law upon which the protest is based.

### **Sole-Source purchases of goods or services**

A Sole Source purchase is exempt from the Formal Competitive process.

#### **Determination of Sole Source**

Considerations for justification of a Sole Source procurement may include:

- The needed good or service is only available from one source or when it is determined by the Executive Director that other methods of procurement are not feasible.
- The good is a component, repair, or replacement part of existing equipment for which no commercially available substitute exists and the procurement can only be made from the manufacturer or sole distributor.
- It is the only good or service that will produce the desired results or fulfill the specific need.
- Compatibility to existing equipment is only available from only one source.

#### **Negotiations**

- When the requesting department has documented that a sole source exists for the required goods or services on the form, employees shall conduct negotiations, as appropriate, as to the price, delivery, and terms.
- The procurement shall be made in accordance with the other requirements of this procedure.

#### **Documentation and Determination of Sole Source**

- The requesting Department Director shall fill out the form, *Sole Source Verification Statement* and attach the form to the purchase order.

#### **Limitation on Renewals**

- A Sole Source contract may not be extended without the completion of another Sole Source determination.

### **Definitions**

#### **Bidder, Proposer, Vendor and Contractor:**

These terms are used to refer to those seeking to do business or are doing business with the CBHC.

#### **Contract:**

This term means a formal written document used to contract for goods and/or services, executed by all parties involved and may go by the name of independent contractor agreement, service level agreement, agreement, license, or service agreement.

**Designees:**

The working title of said employee designated as the point of contact when the Executive Director is not available. Paperwork is filed with the Executive Director's office regarding who and for what period the person is designated to sign for the Executive Director.

**Emergency Action Expenditures:**

An emergency is an immediate need for goods or services, the lack of which would cause disruption of essential operations where the protection or preservation of public properties would not be possible through normal procurement procedures or where there exists a threat to public health, welfare, or safety. The Executive Director or member of the Executive Committee of the Board of Directors shall have the authority to determine when an emergency condition exists. In the event of an emergency, when there is not time to complete the processes on the *Procurement of Goods and Services Checklist FN032023-1* or purchase order prior to purchase, this should be done when time permits. The circumstances of such emergency and the limited selection processes employed are to be documented to the CBHC Board at the next meeting.

An exception to the requirement for three competitive bids for items over \$5,000, when Hillsborough County is included in a State of Emergency declared by government authority.

Approval of the CBHC Board Chair will be obtained in lieu of three quotes during a State of Emergency. Any such purchases will be reported to the CBHC Board at the next scheduled meeting.

**Good:**

Tangible consumable products. Supplies or anything purchased or available for purchase other than real property or services.

**Invitation to Bid (ITB):**

This process is a sealed bidding method that is used when there is no substantial difference between products or services that meet the specifications, when the agency is capable of specifically defining the scope of work or actual good required. This process provides standardized information to all bidders. The contract will ultimately be awarded to the lowest bidder with zero negotiations.

**Invitation to Negotiate (ITN):**

Used by an agency which is intended to determine the best method for achieving a specific goal or solving a particular issue and identifies one or more responsive vendors with which the agency may negotiate to receive the best value. Factors other than price are considered in the award determination. These factors include but are not limited to vendor experience, project plan, or design features.

**Micro-Purchase Threshold:**

As defined in the FAR at 2.101, a micro-purchase is an acquisition of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed the micro-purchase threshold.

**Online Announcement Service:**

This term means one or more web-based companies providing announcements of contracting opportunities.

**Purchase Order:**

Means the county's document used to evidence the existence of a purchase or sales transaction with a vendor. Acceptance of a purchase order by a vendor shall constitute a contract, except in instances in which a purchase order is used only as an internal document.

**Request for Information (RFI):**

The RFI is used to request from vendors' information or specifications concerning commodities or contractual services. Responses to CBHC requests are not offers and may not be accepted by the proposing agency to form a bonding contract. Information obtained through and RFI will be used to define the scope of work or develop specifications for a formal bid document. If interested in providing services, vendors providing information during the RFI process must re-apply through the subsequent competitive bid process. The RFI is used to gather subject matter expert guidance to be utilized in a competitive bid process.

**Request for Qualifications (RFQ):**

The RFQ is sometimes used as a step in the formal procurement process to establish a pool of qualified vendors that become eligible to submit responses to a request for proposal. The respondents do not spend time writing a full proposal; they only submit information as to establish qualifications.

This process may also be used when looking for the most qualified individual or organization to provide a specific service when the details of the project are developed.

**Request for Quotes (RFQ):**

An invitation to submit a written offer to provide goods or services.

**Request for Proposals (RFP):**

This process is used when the end-product is unique, the customer knows what they want, but the methods and specifications aren't readily available; the purposes and use can be defined, and the agency can identify the necessary deliverables. Various combinations of contractual services may be proposed to meet the specifications. Price is not the only deciding factor. Quality and experience will be heavily weighed.

**Service:**

Work performed to meet a demand. The furnishing of labor, time, or effort by a contractor or vendor, not involving the delivery of a specific tangible product other than reports, that are incidental to the required performance.

**Sole Source:**

Only one vendor possesses the unique and singularly available capability to meet the requirement of the solicitation, such as technical qualifications, ability to deliver at a particular time, or services from a public entity.

**The purpose of this manual is to provide directions for making purchases in accordance with:**

Chapter 112, Florida Statutes, entitled "Public Officers and Employees: General Provisions."
Chapter 163, Florida Statutes, entitled "Intergovernmental Programs."
Chapter 216, Florida Statutes, entitled "Planning and Budgeting."
Chapter 218, Florida Statutes, entitled "Financial Matters Pertaining to Political Subdivisions."
Chapter 255, Florida Statutes, entitled "Public Property and Publicly Owned Buildings."
Chapter 286, Florida Statutes, entitled "Public Business: Miscellaneous Provisions."
Chapter 287, Florida Statutes, entitled "Procurement of Personal Property and Services."
Chapter 473, Florida Statutes, entitled "Public Accountancy."

**Helpful Links:**

- [Finance Cover Sheet FN032023-2](#)
- [Procurement of Goods and Services Checklist FN032023-1](#)
- [Procedure FN-12, Contract Development](#)