

that a city standard purchase is appropriate, the Purchasing Department with the support of and in collaboration with the requesting department, negotiates a contract with the vendor in the best interest of the City, including terms and conditions, and pricing. Upon completing negotiation, the Purchasing Department will then issue the appropriate contract award, subject to the applicable authorization levels.

AWARD

When all requirements are met, and the Purchasing Director or designee is satisfied that there is only one source of supply, or determines that a non-competitive situation exists for goods or services to be purchased, full and open competition may be waived by the Director. When the expenditure exceeds \$65,000, the Purchasing Director shall forward an appropriate recommendation to the City Manager. If the City Manager is satisfied that a no competition or limited competition purchase request is in the best interests of the City, he/she shall forward the subject request to the City Commission for award. All vendors must comply with all City requirements prior to award. Additional funds and/or extensions of time that may be requested during the resultant contract period are subject to the authority levels for all such contract modifications.

In addition to the above described limited competition actions, there may be certain exceptional situations where full and open competition procedures cannot be used in association with a given administrative requirement. Such actions are hereby identified as "Administrative Purchases". The only administrative situations that justify processing "Administrative Purchases" on a limited competition basis are as follows:

- a. Post-expiration fund disbursement: This authorized Administrative Purchase is defined as an administrative function which allows for the disbursement of funds after the expiration date of a contract period or which allows additional funds to be allocated in order to effectuate previously executed lease agreements. This category of Administrative Purchase shall only be approved by the Purchasing Director in consultation with the Finance Administrator in accordance with the authority limits established herein and only then to satisfy a financial commitment made under a previously approved contract that has expired. Administrative Purchases are necessary primarily to facilitate lease agreements and other type arrangements that may out live the original contract term.
- b. Unauthorized/Confirmation purchases: This administrative purchase is defined as a ratification of an unauthorized purchase executed by a requesting department that is not in compliance with the policies contained in the City's purchasing and contracting policies and guidelines. A Confirmation Purchase requires retroactive approval (if appropriate) of an unauthorized purchase. A confirmation purchase requires retroactive approval by the City Manager for actions over \$2,500 up to \$65,000, and by the City Commission for commitments exceeding that amount. Payment for any unauthorized purchase may be the responsibility of the person placing the order. The department director having responsibility over the unauthorized purchase shall provide to the Purchasing Department a complete written justification for the specific unauthorized purchase and the corrective action intended to prevent recurrence of the incident.

EMERGENCY PURCHASES

An emergency purchase shall be defined as an unforeseen or unanticipated urgent and immediate need for equipment, supplies, or services where the protection of life, health, safety or welfare of the community or the preservation of public properties would not be possible using normal purchasing procedures.

EMERGENCY PURCHASES

Before any purchase controlled by this section is made, the requesting department shall contact the Purchasing Department for concurrence, explain the nature of the emergency, and provide a written certification of the emergency. Unless precluded by the nature of the emergency situation, vendors are to comply with all City purchasing requirements, including but not limited to City affidavits, prior to recommendation of approval by the Purchasing Director, City Manager or the City Commission.

If the item or service cannot be obtained from a vendor with an existing City contract, the requesting department should obtain four (4) quotations, whenever possible, from active City vendors. The requesting department shall be responsible for obtaining from the contracted vendor the necessary affidavits, insurance certificates, proof of proper licenses, trade certificates, permits, etc., as the emergency work may require.

As soon as possible, the requesting department shall submit to the Purchasing Department the following documentation:

- a. Emergency input document with appropriate signatures;
- b. Vendor written quotation(s);
- c. Department's justification and/or explanation of circumstances for emergency purchase, to include a clear definition of the products and/or services sought and how and where it will be used; and
- d. Any other supporting documentation, as may be applicable.

AUTHORITY TO AWARD EMERGENCY PURCHASES

In the event a Department Director, or an authorized designee, determines that an emergency situation exists which requires an immediate response, a contract may be awarded regardless of the amount of expenditure upon receiving City Manager approval. A purchase order will be issued by the Purchasing Department upon receipt of acceptable supporting documentation from the requesting department. If the expenditure is in excess of \$65,000, the City Manager shall present the circumstances to the City Commission for ratification.

MONITORING EMERGENCY PURCHASE REQUESTS

The Purchasing Department shall report to the City Manager, through the Purchasing Director, any City requesting department procurement practices that reflect poor operational planning or management and have the potential effect of defeating the purpose of the procurement process.

EMERGENCY DISASTER PURCHASES

Emergency disaster purchases are those purchases needed due to unforeseen acts of nature, civil unrest, riot, terrorism or force majeure, to include but not limited to: hurricanes, tornados, floods, fire, etc.; and only when the Federal, State, Count, or City governments or the City Manager declares that a state of emergency exists.

For acquisitions of this type, the following procedures apply:

- a. The Requesting Department Director or designee, after verbal consultations with the Purchasing Director and the City Manager, shall have the authority to enter into any contract when the Director determines, based on his/her expertise, that such work is necessary to preserve the life and safety of City residents and the wider community;

- b. The Requesting Department Director or designee shall first contract with vendors which are already on City contracts for the goods or services needed;
- c. All disaster purchases that are acquired without full and open competition or under an existing contract must be subsequently ratified by the City Manager or City Commission, as appropriate.

REQUEST TO MODIFY A CONTRACT OR PURCHASE ORDER

When a requesting department requires a change to a purchase order or to modify a contract, the request must be submitted to Purchasing Department for review and approval. Before submitting a request to modify a purchase order or contract, the requesting department should review the following conditions:

- a. Valid requirements have been established;
- b. Funds are available to cover the purchase; and
- c. Appropriate justification is included with the request package.

The requesting department shall submit its request, together with all supporting documentation, to the Purchasing Department for review and determination as follows:

- a. Justification and/or explanation for request to modify the purchase order or contract. If goods and/or services are going to be used for the first time, state what the department was using before; and
- b. Any other supporting documentation as may be applicable.

Modifications and change orders to contracts and purchase orders require approval at the established authorization levels. Requesting departments may not proceed with any action on modified contracts or purchase orders until approval has been received from the Purchasing Director, the City Manager, or the City Commission, as appropriate.

MONITORING AND REPORTING VENDOR PERFORMANCE

Vendor performance is any action or inaction by a vendor under a contract, purchase order or other binding agreement with the City of Delray Beach. Any action or inaction by a vendor, which does not comply with the contractual terms and conditions, will be considered nonperformance and is to be documented and reported to the Purchasing Department. Nonperformance includes but is not limited to, late or non-deliveries, substandard or unacceptable goods and/or service levels, habitual under or over shipments, and unauthorized subcontracting or contract assignments.

The requesting department shall appoint contract managers, who are responsible for monitoring vendor performance as it relates to the terms and conditions of the contract(s) or purchase order(s) issued. Vendor nonperformance actions are to be documented and reported to the Purchasing Department for appropriate action aimed at correcting vendor performance, placing the vendor on probation for a period of time, suspension from bidding on City contracts, vendor debarment, or contract termination.

ACTION BY REQUESTING DEPARTMENT