

Statutes, as may be amended from time to time, to the extent applicable, shall be followed.

3. **Work performed by CRA employees.** These provisions shall not apply to work performed by regular employees of the CRA.
4. **Disaster preparedness.** Contracts for and purchases of commodities or services that are made in contemplation and preparation for and in response to the occurrence of an emergency, a natural or man-made disaster or civil unrest, where time or availability rather than price is the controlling factor, are exempt from this section.

## 4 GENERAL PROCUREMENT INFORMATION

This Section describes the general principals and methods by which CRA Employees should procure goods and services.

1. The procurement shall be carefully planned in advance, by the employee, with due respect to the anticipated need, procurement time, availability of storage and other relevant factors assuring that the best quality goods and services are procured on a timely basis at a competitive price, all factors being considered.
2. The purchase requisition completed by the employee serves to inform the finance staff of the needs of the requesting employee, to confirm material requests, and to verify funding resources. The requisition is not an order, it is only a request. If a CRA employee commits to an inappropriate purchase before receiving a signed purchase order, the employee may be subject to disciplinary action.
3. The procurement/purchase requests should be prepared as far enough in advance, by the employee, so that the finance staff will be able to secure information and specifications if required, prepare and send competitive quotations or formal bids, and to allow for delivery time. For this purpose, employees should use the following time schedules as a guideline when processing requisitions:

Amounts under \$ 5,000	-approx. 24 hours
Amounts from \$5,000 to \$25,000	-approx. 10 days (written quotes required)
Amounts over \$25,000	-approx. 30 days (formal sealed bids required)

***This is to be considered as a guideline only and it is understood that some bids or RFPs require longer periods of time to obtain than others. In the event of an emergency, these guidelines may not apply***

## 5 PURCHASES

To provide competitive pricing for transactions, and the best price for the CRA, the following procedures should be adhered to, subject to the anticipated cost of the commodities or services, and in accordance with the following monetary values:

### **1. *Commodities or Services - \$5,000 or less***

a. Commodities or services in the amount of \$5,000 or less may be purchased in an open market, without newspaper advertisement and without competitive bidding as deemed appropriate by the CRA Finance and Operations Director or his/her designee. Upon issuance of a requisition by the finance staff, purchases for products or services that cost \$5,000 or less are permitted. Prior to placing an order the finance staff shall verify available funds. Every effort shall be made to obtain at least three quotes on each order by means of direct mail, telephone, public notice, facsimile or internet. These quotes may be verbal, written, or listed from a price guide. If the exact price is not known, such as for repairs on equipment, an estimate must be provided and stated accordingly on the requisition request form.

b. For purchases less than \$2,500, three quotes are not required as deemed appropriate by the Finance and Operations Director.

### **2. *Commodities or Services - \$5,001 up to \$25,000***

Upon notifying the Finance and Operations Director, and obtaining approval of the designated individual, purchases for products or services that cost between \$5,001 and \$25,000 may be made by the Executive Director, or authorized employee. However, purchases greater than \$15,000 require approval by the CRA Board of Commissioners.

A minimum of three (3) quotes shall be secured in writing prior to acquiring the goods or services.

In addition to obtaining three written quotes, the CRA staff shall utilize a written agreement to govern the transaction.

The following procedures shall be implemented for purchases between \$5,001 and \$25,000:

1. Requesting staff shall be responsible for obtaining written quotations from at least three sources using the vendors' quotation forms.
2. The requesting staff, the Executive Director, and the Finance and Operations Director shall determine the most competitive price, all factors considered, and which quote would represent the CRA's best purchase for the intended use.
3. The requesting staff shall not place an order until the purchase order has been approved.

4. A purchase of, or contract for, commodities, materials, or services, in excess of Fifteen Thousand Dollars (\$15,000), shall require the approval of the CRA Board of Commissioners, regardless of whether the competitive bidding or competitive proposal procedures were followed.
5. Individual purchases from the same person, company, or contractor, processed pursuant to this section, which cumulatively exceed the sum of fifty thousand dollars (\$50,000.00) shall not be purchased from the same person, company, or contractor during the course of any fiscal year, unless such purchases are first authorized by the CRA Board of Commissioners.

Purchases for professional/non-professional services, supplies and materials, and construction should be awarded to the most responsive, responsible bidder, whose bid is in the best interest of the CRA, all factors considered.

All quotes requested and received shall be maintained with the project files and a copy attached to the finance vendor file for auditing purposes. The files shall contain the names, addresses, telephone numbers of the firms/persons contacted and their quotes.

## **6 COMPETITIVE and/or SEALED BIDS (PROPOSALS) PROCEDURES**

### **1. *Commodities or Services - \$25,000 and over***

In those instances where the CRA desires to acquire goods or services that will exceed \$25,000, competitive, formal, sealed bids or proposals shall be obtained. This procedure shall apply to the procurement of all commodities or services, including, but not limited to supplies and materials, professional services, construction, and non-construction projects. Applicable Florida Statutes shall take precedence where applicable.

When the competitive bid or proposal process is implemented, the following information should be adhered to prior to advertising:

1. Clearly identify whether goods, services, or a combination of both are being procured and whether CRA should obtain special protection through bonds and insurance.
2. Determine whether this activity is a one-time purchase or an annual price agreement.
3. Identify all CRA pre-printed bid forms (see "bid form and documents" in glossary) to be included in the bid/proposal package.
4. Identify any additional conditions which may allow the CRA a great degree of protection by the inclusion of various clauses relative to, including, but not limited to, renewal of contract, cancellation, settlement of disputes, payment terms, delivery schedules.

The Finance and Operations Director shall administer the following procedures, and make every effort to publicly solicit bids:

1. **Advertisement**. Notice of the competitive bid shall be advertised at least one (1) time in a newspaper of general circulation within the County, calling for sealed bids for the work to be done under the proposed contract, at least ten (10) days before the bids are due to be received. Notices should be mailed, when possible, to reputable dealers and contractors involved in the designated product line or construction services. Notices shall be posted in public places (i.e. City Hall and CRA Website).

2. **Surety**

(a) **Bid deposits**. When deemed necessary by the CRA Executive Director, or his/her designee, bid deposits or sureties shall be prescribed in the public notice inviting bids. Unsuccessful bidders shall be entitled to return of such deposit or surety where the CRA Board of Commissioners required the posting of a bond. A successful bidder shall forfeit any deposit or surety required by the CRA Board of Commissioners upon failure on its part to enter into a contract with the CRA after the award.

(b) **Sureties on performance**. For all competitive bids seeking commodities or services in excess of Two Hundred Thousand Dollars (\$200,000.00) the CRA Board of Commissioners or appropriate staff person, shall include as a requirement of such advertised bids a performance bond in the total contract amount. The CRA Board of Commissioners, at its sole discretion, may require such performance bonds for bids seeking commodities or services in the amount of Fifty Thousand Dollars (\$50,000.00) or more. The CRA Board of Commissioners shall have the discretion to waive the performance bond requirement in the event of an undue hardship or emergency. Any bonding company used must be listed on the United States Department of the Treasury's Circular 570. Additionally, the bonding company must be rated at least "A," Class VI, by "Best's Key Rating Guide," published by A.M. Best Company, and be authorized to do business in Florida.

3. **Insurance** is required to safeguard the CRA from any claims resulting from damage to property and/or injury to persons caused by the vendor or their actions. The vendor, at his own cost, must secure insurance policies which name the CRA as an "additional insured" party.

**Insurance coverages** generally required are

- **Worker's compensation**: extending coverage for worker's injury on the job.
- **Liability**: extending coverage for personal injury, accidental death, and property damage.
- **Builder's Risk**: extending coverage of total value for the duration of construction project for any loss.

Coverage limits will be set by the CRA prior to executing any contract for goods or services provided for pursuant to these procurement policies and procedures.

4. **Addenda.** Written addenda will be issued when changes, clarification or amendments to the invitation for bid are deemed necessary.

5. **Bid Opening Procedures**

- A. Receive all sealed bids with a “date, time, and signature” stamp (by receptionist) and released to the Executive Director or his/her designee.
- B. Bids shall be opened in public by the CRA Executive Director or his/her designee, at the time and place stated in the public notice. An attendance sheet shall be obtained and filed with the CRA. After the last bid is open, participants should be advised that an award decision will be made within a specified time frame.
- C. A tabulation of all bids received shall be posted for public inspection.
- D. The Executive Director shall designate staff to administer the following procedures:
  1. Review for compliance with deadline (date, time, and signature). No late bids shall be accepted or opened, and if received after the date and time called for in the bid notice, shall be retained unopened by the CRA. Unsigned bids will not be considered.
  2. Review all sealed bids for content compliance (as outlined in the RFP or RFB)
  3. Rate all sealed bids according to the criteria (as outlined in the RFP or RFB)
  4. Prepare a comparison schedule and make recommendation for board consideration.
  5. Secure Board of Commissioners’ approval for the award of the bid to the most responsive, responsible bidder whose bid is in the best interest of the CRA, all factors being considered.
  6. Prepare a purchase order once board approved. Only the Executive Director or Board of Commissioners is authorized to sign purchase orders in this category. The commission meeting date, reference to the successful bidder, state contract, or other purchasing source used to secure the pricing shall be on all purchase documents.
- E. Bids shall contain an original copy to be filed in the CRA’s office and additional copies for distribution to the CRA staff as needed.
- F. The CRA reserves the right to waive any irregularities in the bids, as determined by the CRA Board of Commissioners.

5. **Contract Awards.** Contracts shall be awarded to the most responsive, responsible bidder whose bid is in the best interest of the CRA, all factors considered. In determining the “most responsive, responsible bidder,” the CRA, shall consider:

- (a) The prices contained in the bid.
  - (b) The ability, capacity and skill of the bidder to perform the contract or provide the service required.
  - (c) Whether the bidder can perform the contract or provide the service promptly or within the time specified, without delay or interference.
  - (d) The character, integrity, reputation, judgment, experience and efficiency of the bidder.
  - (e) The quality of performance of previous contracts of services, including, but not limited to, CRA contracts.
  - (f) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service.
  - (g) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.
  - (h) The quality, availability and adaptability of the commodities, or services to the particular use required.
  - (i) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.
  - (j) The number and scope of conditions attached to the bid.
  - (k) The overall cost to the CRA.
  - (l) The best interests of the CRA.
6. **Purchase Order Issued.** Upon approval to award the bid, a purchase order shall be issued and approved by Executive Director or Board of Commissioners by the Finance staff. The commission meeting date, reference to the successful bidder, state contract, or other purchasing source used to secure the pricing shall be on all purchase documents. (see “purchase order process” section in this document) and included with the Purchase Order.
7. **Prohibition against subdivision.** No contract of purchase shall be subdivided to avoid the requirements of this section.
8. **Inspection of bids.** Inspection of the CRA’s formal bids and proposals shall be conducted in accordance with applicable Florida law, including §119.07, Florida Statutes, as said sections may be amended from time to time.
9. **Rejection of bids.** The CRA Board of Commissioners may reject any bids, parts of all bids or all bids for any one or more commodities or services included in the proposed contract when the public interest will be served thereby. The CRA Board of Commissioners shall not accept a bid from a contractor who is in default on the payment of taxes, licenses or other moneys due to Palm Beach County, the City of Delray Beach, or any other governmental entity.
10. **Review and approval of purchasing contracts.** The CRA General Counsel shall review all contracts awarded pursuant to these procedures, and shall approve said contracts as to form prior to their execution by the appropriate CRA officials.

11. **Debarment and suspensions.** After reasonable notice to an actual or prospective contractual party, and after reasonable opportunity to such party to be heard, the CRA Executive Director, after consultation with the CRA General Counsel, shall have the authority to debar a person or entity for the causes listed below from consideration for award of CRA contracts. The debarment shall be for a period of at a minimum of three (3) years. The CRA Executive Director shall also have the authority to suspend a contractor from consideration for award of CRA contracts, if there is probable cause for debarment, pending the debarment determination. The authority to debar and suspend contractors shall be exercised in accordance with regulations that shall be issued by the CRA Executive Director.

*Causes for debarment or suspension.* Causes for debarment or suspension include the following:

- (a) Conviction of a criminal offense incident to obtaining or attempting to obtain a public or private contract or subcontract, or incident to the performance of such contract or subcontract.
- (b) Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty.
- (c) Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals.
- (d) Violations of CRA's contract provisions, which are regarded by the Executive Director, or his/her designee to be indicative of non-responsibility. Such violation may include failure without good cause to perform in accordance with the terms and conditions of a CRA contract or to perform within the time limits provided in the CRA contract, provided that failure to perform caused by acts beyond the control of a party shall not be considered a basis for debarment or suspension.
- (e) Debarment or suspension of the person or entity by any federal, state or other governmental entity.
- (f) False certification pursuant to paragraph (3) below.
- (g) Any other cause judged by the CRA to be so serious and compelling as to affect the responsibility of the person or entity performing CRA contracts.

## 7 COMPETITIVE NEGOTIATIONS

When the use of competitive bidding is not in the best interest of the CRA for a purchase of, or contract for, commodities and/or services estimated to cost in excess of Twenty-Five Thousand Dollars (\$25,000.00), such commodities and/or services may be purchased by competitive negotiations.

A request for qualifications, or a request for letters of interest shall be issued. Adequate public notice of the solicitation shall be given. Other procedural provisions applicable to the sealed bid process shall also apply. To assure full understanding of and responsiveness to the solicitation requirements and full understanding of qualified proposals or offers, discussions may be conducted with qualified proposers or offers who submit responses determined to be reasonably acceptable of being selected for award for the purpose of clarification and to assure full understanding of, and responsiveness to, the solicitation requirements.

The respondents shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of responses, and such revisions may be permitted through negotiations prior to award for the purpose of obtaining best and final proposals or offers.

The award shall be made to the most qualified, responsible proposer whose qualifications are determined to be the most advantageous for the CRA taking into consideration criteria and the evaluation factors set forth in the solicitation. No other criteria shall be used in the evaluation. A summary of the basis on which the award is made shall be included in the contract file.

Once the CRA Board of Commissioners selects the most qualified firm, and ranks the top three (3) firms, the CRA shall negotiate the price for the commodities or services with the qualified firm. The negotiated contract shall then be presented to the CRA Board of Commissioners for consideration. If the CRA is unable to reach agreement with the most qualified firm the CRA Board of Commissioners may direct staff to negotiate with the next qualified firm, or reject all proposals and direct the issuance of a new request for qualifications, or direct that the CRA staff undertake a different procurement process.

## **8 STATE RESOURCES FOR CONTRACT PURCHASES AND UTILIZATION OF GOVERNMENT AGENCY CONTRACTS**

The State Division of Purchasing in Tallahassee, as well as other governmental entities located in the State of Florida promulgate contracts for a wide variety of items used by the City and the CRA. At times, the CRA can piggyback on a contract awarded by another governmental entity, when it is determined that the acquisition of the good or service pursuant to the contract is in the CRA's best interest, and that the good or service was procured in a manner consistent with state law, and/or the CRA's own procurement policies. In those instances where the CRA staff intends to piggyback on an existing contract, a



written memorandum shall be filed with the Finance and Operations Director, and approved by the Executive Director, justifying the CRA's use of the contract.

In some situations it may be more advantageous for the CRA to utilize its own sources. Final determination shall be made by the Executive Director.

State contracts can be viewed by contacting the City of Delray Beach Purchasing Department.

When electing to use other contract sources through a "piggybacking" process, it is important to reference the contract number and provide a complete description of the item as noted in the actual contract. It is important to review the contract terms to assure that delivery, installation charges, and other factors are considered.

Under all circumstances, the Finance and Operations Director, or designee, must confirm that the vendor will extend its contract terms and prices to the CRA. State and other government agency contracts have already been bid. Therefore, the requirements for the CRA to competitively bid for the good or service is waived for purchases using government contracts. Utilization of these sources constitutes satisfaction of sole-source waiver.

## 9 SOLE-SOURCE PROCUREMENTS AND PURCHASES

Sole-source purchases are defined as being "non-competitive" in price or availability. Examples include direct purchases from a manufacturer's sole sale agency or purchase of a particular brand of computer equipment because it is exclusively compatible with the server. Sole-source purchases must be approved by the Executive Director. If a sole source method of procurement is selected, the Executive Director shall submit a memorandum to the Finance and Operations Director justifying the use of the sole source purchase.

## 10 PURCHASE ORDER PROCESS

Purchase orders shall be issued on standard CRA accounting software forms following the completion of information provided by the designee, approval by the Executive Director or the CRA Board of Commissioners, and requisitioned by the finance department.

Only the finance staff is authorized to issue purchase orders. Purchase orders are released to vendors by the requesting staff member who requested the purchase order.

The standard purchase order form shall be used for all purchases. A copy of the standard purchase order form is attached to the Procurement Code. After the purchase order is prepared by the finance staff, the purchase order must then be reviewed, approved and