**OBJECTIVE:** These procedures are established to guide faculty and staff in carrying out Procurement Policy 6Hx2-6.34, Florida Statutes, and the State Department of Education Rule and Administrative Code, for the acquisition of goods and services. The purpose of these rules is to promote fair, efficient, and consistent contracting practices for obtaining goods and services. Purchases should be awarded through competitive bidding processes to secure the best value for the College at the lowest possible price. Competitive bidding also protects the public against favoritism, fraud and collusion, and it affords an equal advantage to all vendors desiring to do business with the College.

To ensure that procurement procedures are fair and carried out with integrity, it is essential that College procurement employees neither solicit nor accept anything of gain including gifts, benefits, or promises of jobs themselves or others and shall adhere to the Code of Ethics Public Officers and Employees Part III, Chapter 112, Florida Statutes.

**A. Definitions:**

**Addendum** - A document used to communicate to potential bidders and respondents any changes to a formal solicitation, or to respond to questions raised during the official solicitation inquiry period prior to the opening of responses. All addenda are posted in accordance with the method stated in the solicitation.

**Bid Bond** - An insurance agreement, accompanied by a monetary commitment, by which a third party (the surety) accepts liability and guarantees that the bidder will not withdraw the bid. The bidder will furnish bonds in the required amount and if the contract is awarded to the bonded bidder, the bidder will accept the contract as it was bid, or if the bidder withdraws, the surety will have to pay the agency that received the bid and the bid bond.

**Bidder** - All vendors, contractors, consultants, organizations, firms or other entities submitting a written response to a solicitation Invitation to Bid, or Request to Quote.

**Bid Response** - A written response to an Invitation to Bid or a Request to Quote.

**Commodities** - Supplies, materials, goods, merchandise, equipment or other tangible personal property (purchase or lease), including the joint acquisition of contractual services and commodities, where the contractual services are incidental to the commodities procured.

**Cone of Silence** - Any respondent, proposer, bidder or a lobbyist is prohibited from having any communication concerning a solicitation, from the time the solicitation is issued until the time of contract award, with anyone other than the appropriate contracting officer, the Director of Strategic Sourcing or the AVP of Business Services and Resource Management. Any communication with any member of the College District Board of Trustees, the College President, or any other College employee after the release of a solicitation and prior to the contract award will disqualify the proposer or bidder who has made the prohibited contact. The College will
only be bound by information provided in the competitive solicitation document or by addenda to the solicitation.

**Consultant’s Competitive Negotiation Act (CCNA)** - Statutory procedures regarding the acquisition of services from Engineers, Architects, Surveyors, Mappers, Construction Management at Risk, Construction Management, and Design Build services. The process requires selecting at least three of the most qualified proposer’s without considering cost as a factor. After ranking the top proposers, the agency can begin negotiations.

**Contract** - A written agreement, document, or instrument of payment and conveyance creating a relationship between two or more parties that is intended to be enforceable by law.

**Contractual Services** - The rendering of time and effort to produce a work product including related materials and equipment.

**Joint Venture** - Two or more entities or parties jointly responding to a competitive solicitation. A Florida Joint Venture must meet the requirements of the Department of Business and Professional Regulation Rule 61G4-15.0022, Florida Administrative Code, prior to responding to solicitations.

**Notice of Decision or Intended Decision (Posting)** - The formal notice to all that: (1) the Procurement Department has issued a solicitation; (2) the Procurement Department has posted a sole source award in such cases when the value of the exemption is greater than the competitive solicitation threshold (Category Three, Section 287.17, Florida Statute); (3) the Procurement Department has issued a decision concerning the solicitation; (4) the Procurement Department has posted a recommendation to award; (5) the Board of Trustees or the President or designee approved the award of contracts; (6) the College determined that one or more vendors were non-responsive or non-responsible; or (7) all responses to a solicitation have been rejected. All Notices of Decisions or Intended Decisions will be posted in accordance with the language in the solicitation. Vendors who believe that there is an error in a decision have the right to file a bid protest in accordance with Section 120.57, Florida Statutes.

**Performance Bond** - An instrument executed, subsequent to award, by a successful bidder, usually reserved for construction projects, that protects the public entity from loss due to the bidder’s inability to complete the contract as agreed.

**Proposer** - All vendors, contractors, consultants, organizations, firms, or other entities submitting a written response to a solicitation.

**Proposal Response** - A written response to a solicitation.
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Purchase Order - A uniform contract document establishing a binding legal relationship that includes general terms and conditions for furnishing commodities or contractual services.

Responsible Vendor - A respondent to a College solicitation is considered responsible when they have the capacity in all respects to perform the contract requirements and the integrity and reliability that will ensure good faith performance. To be determined “responsible”, a prospective vendor must meet the following criteria, as applicable: (1) adequate financial resources to perform the contract requirements or the ability to obtain them; (2) ability to comply with required or proposed delivery or performance schedule, with consideration of all existing commercial and government business commitments; (3) satisfactory performance record; (4) satisfactory record of integrity and business ethics; (5) evidence of licensing in the service and/or project required; (6) necessary technical skill and experience, as well as quality assurance and safety programs, as applicable, to perform the requirements of the contract; (7) necessary equipment and facilities, or the ability to obtain them, if applicable; and (8) meet any other responsibility criteria specified in the solicitation.

Responsive Vendor - A vendor’s response to a College solicitation is considered responsive when it conforms in all material respects to the requirements of the solicitation. A deviation or variance from the solicitation is considered “material” if it: (1) affects the price, quality, time or manner of providing the product or performing the service, such that a waiver of the deviation would deprive the College of an assurance that the contract will be entered into, performed and guaranteed according to the requirements; (2) provides a competitive advantage or benefit to a prospective respondent or bidder which is not enjoyed by other bidders or respondents; or (3) otherwise undermines the necessary common standard of competition.

Small Disadvantaged Business (SDB) - A small business as defined in Procedure number A6Hx2.6.36

B. Competitive methods and dollar thresholds for procuring goods and services:

Purchase Dollar Thresholds. Dollar thresholds will dictate the manner by which goods and services shall be acquired. The Procurement Department will review the purchasing request for the method of source selection in order to determine whether the goods and/or services should be solicited through an informal competitive process, a formal solicitation, or an alternative method of acquiring goods and services. Orders for goods and services should never be split to circumvent the requirements of a formal solicitation, or any other procurement requirement.

The following dollar thresholds dictate what type of procurement vehicle one must follow to acquire goods and services:

1. $0.00 to $10,000: No formal or informal competition is required: The requesting department shall obtain (1) one quote identifying the best value for the required commodity or service. Note, a statement of work (SOW) must be provided if services are requested. SDB vendors listed on the College’s vendor
database should be contacted, if practicable. There are no formal or informal competitive requirements for goods and services acquired by the College at this dollar threshold.

2. 10,000.01 up to Category (2) two (currently $35,000) per Florida Statute Section 287.017, Three Quotes: The requesting department shall obtain quotes (3) quotes providing the best value for the required commodity or service. However, a statement of work (SOW) must be provided if services are requested. At least three (3) available vendors should be contacted, of which at least two (2) should be SDB vendors listed on the College’s vendor database, if practicable. The award shall go to the lowest priced responsive/responsible vendor who meets the requirements.

3. In those rare instances when the required number of vendors is not available and/or it is in the best interests of the College, the requestor, or a procurement representative must document the situation on the Three Quote Form.

4. Category (2) two (currently $35,000) up to Category (3) three (currently $65,000) per Florida Statute Section 287.017 A Request to Quote (RTQ): The Procurement Department shall process a Request to Quote with detailed specifications of what is required (provided by the Requesting Department). SDB vendors, if practicable, as listed on the College’s vendor database, shall be contacted. The award shall go to the lowest priced responsible/responsive vendor who meets the requirements of the specifications. If two or fewer responses are received, the Procurement Services manager, or his/her designee, may contact one or more non-responding vendors to obtain a backup quote. In those rare instances when the required number of vendors is not available, and/or it is in the best interests of the College, the requestor, or a procurement representative, must document the situation in the RTQ file.

5. Category (3) three (currently $65,000) per Florida Statutes Section 287.017, or greater, Formal Solicitation: For purchases exceeding category (3) three, the College must release a formal competitive solicitation for goods or services. The College must advertise that it is seeking goods or services, and allow the public at large to compete for award of a contract. Formal solicitations also afford the public with “bid protest rights” pursuant to Chapter 120, Florida Statutes. The following are different methods of formal competition:

a. Invitation To Bid (ITB) is a competitive solicitation requesting pricing on commodities or services based on clearly definable specifications established in the solicitation. An ITB is strictly price driven. It is an advertised formal solicitation for sealed competitive bids, with a specific place, date and time for public opening of the bids. The award goes to the lowest, responsive and responsible bidder. Pursuant to College Procedure A6Hx2-6.36, the College may establish price preferences on ITBs where most recent annually calculated College utilization data shows underutilization of SDBs in a particular industry category. A price preference of ten percent (10%) of the lowest bid will be utilized for evaluation purposes only.
b. Request for Proposals (RFP) is an advertised solicitation for competitive sealed proposals, with a designated place, date and time for opening. An RFP is used when it is not feasible to specifically define the scope of work for contractual services. Instead the College seeks a responsible vendor to present an approach, methodology, price and qualifications for accomplishing the work. All of the qualifications are evaluated by a selection committee. Evaluation criteria and points will be allotted for each factor based on the information in the solicitation. Final terms and price are subject to negotiation by authorized College representatives. An RFP is generally known as “best value procurement” because the award decision is based on a combination of price and non-price factors.

c. Request for Qualifications (RFQ) is a process which may be used to determine the qualifications from proposers when the College cannot or has not completely established the scope of services. An RFQ may be used, for example, when creating a pool of qualified vendors to be used on a rotational basis, or in a two-step competitive basis where the scope of services is incomplete and only those firms selected in the qualification phase compete when a project is identified.

d. An RFQ can also be used to establish minimum qualification standards by type of work for consultants, the consultant competitive selection process, and the work performance evaluation system for professional consultants who seek to provide professional services to the College pursuant to Sections 287.055, including, but not limited to: acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services, when a project is identified.

(i) Invitation to Negotiate (ITN) is a solicitation used by the College which is intended to determine the best method for achieving a specific goal or solving a particular problem and identifies one or more responsive vendors with which the agency may negotiate in order to receive the best value.

(ii) The ITN must describe the questions being explored, the facts being sought, and the specific goals or problems that are the subject of the solicitation.

(iii) The criteria that will be used for determining the acceptability of the reply and guiding the selection of the vendors with which the College will negotiate must be specified.

(iv) The college shall evaluate replies against all evaluation criteria set forth in the invitation to negotiate in order to establish a competitive range with which to commence negotiations. After negotiations are conducted, the College shall award the contract to the responsible and responsive vendor that the College determines will provide the best value to the College, based on the selection criteria. Section 287.057 (1)(c), Florida Statutes.

e. Request for Information (RFI) is used to find out if there are companies that can provide certain goods or services, or to assist the College in better understanding what competitive or non-
competitive solicitation process to use for a particular need, or to research general, special, and/or technical specifications for a solicitation. RFI’s are therefore seldom the final stage, but instead are often used as the first step of a two-step solicitation process, if the College chooses. The College reserves the right to do the following after issuance of an RFI: 1) issue a formal solicitation, 2) procure goods or services without competitive solicitation based upon the exception available to the College in FDOE Rule 6A-14.0734, or, 3) not to proceed to the second step of procuring goods and services.

C. Purchasing actions not subject to competition: Purchases for the dollar thresholds identified must be made on the basis of competitive solicitations with certain exceptions.

Waiver of Bid Form- Signature Threshold Authority
<$65,000 -- AVP, Business Services & Resource Management or Director, Strategic Sourcing
>$65,000 – President, or Designee

1. Bid Waivers Pursuant to State Board of Education for Colleges Rule 6A-14.0734(2) allows Colleges to waive competition Request to Quote the following goods and services:
   a. Educational tests, textbooks, instructional materials and equipment, films, filmstrips, video tapes, disc or tape recordings (or similar audio-visual materials), computer based instructional software.
   
   b. Library books, reference books, periodicals, and other library materials and supplies.
   
   c. Purchases at the unit or contract prices established through competitive solicitations by any unit of government established by law or a non-profit buying cooperative.
   
   d. Food
   
   e. Professional services, including but not limited to, artistic services, instructional services, health services, academic program reviews, lectures by individuals, attorneys, legal services, auditors, and management consultants.
   
   f. Information technology resources defined as all forms of technology used to create, process, store, transmit, exchange and use information various forms of voice, video and data, and shall also include the personnel costs and contracts that provide direct information technology support consistent with each individual college’s information technology plan.
   
   g. Items for resale.
2. Sole or Single Source State Board of Education for Colleges Rule 6A-14.0734(2) or as amended also makes exception to competition for Sole or Single Source awards.
   a. Sole Source Section 2(a) of the Rule recognizes that some goods and services are only available from one source. The College does not have to compete for Services or Commodities available only from a sole source. Some examples of this type of sole source include the rare commodity that only one provider can offer. Additionally, utilities are sole source providers. Not only is the College unable to compete for its water, sewer, electric, garbage or any other utility, but Facilities Management has the authority to directly procure these services. In such cases when the value of the exemption is greater than the competitive solicitation threshold (Category Three, Section 287.17, Florida Statute), the College shall electronically post a description of the commodities or contractual services sought for a period of at least 7 business days.

   b. Single Source Section 2(h) of the Rule also exempts another type of sole source from competition. The Rule states: “Single source procurement for purposes of economy or efficiency in standardization of materials or equipment.” Single sourcing is defined by NIGP as a procurement decision whereby purchases are directed to one source because of standardization, warranty, or other factors, even though other competitive sources may be available. The requesting department shall, when required, provide a cost replacement analysis of the financial impact for total replace of the requesting service or commodity, whenever seeking a single source procurement.

3. Emergency Purchases The College President, or designee, may waive solicitation requirements in emergencies when there is imminent threat to students, employees or public safety, in cases to prevent damage to the facilities caused by an unexpected circumstance, or an unexpected occurrence which would prove detrimental to the best interests of, or interrupt the continuity of services at, the College. At the next Board of Trustees meeting, following the emergency, the Vice President of Operations, or designee, shall report all necessary expenditures, made during the emergency, which exceed Category Five (Currently $325,000) per Florida Statute Section 287.017, or as amended.

4. “Piggybacking” Per State Board of Education for Colleges Rule 6A-14.0734(2), or as amended. This form of procurement enables the College staff to obtain goods and services using unit or contract pricing and terms established under contracts issued by other governmental entities (local, state or federal) when the governmental entity has gone through a competitive process to establish unit or contract pricing and terms for award to one or more vendors/contractors for a particular commodity and/or service. This practice is commonly referred to as “piggybacking” on another governmental entity’s competed contract or agreement. Use of these contracts/agreements by the College is based on the fact that competition has already taken place and that the unexpired contract/agreement of the government entity contains rates/pricing that is considered current, fair and reasonable. The College may also piggy back on prior College bid awards, if the bid is less than one year old at the time of the request.
D. **Authority to Award.** The authority to make awards pursuant to DOE Rule, 6A-14.0734 Procurement Requirements

1. Recommendations for Awards not exceeding Category 5, Florida Statutes 287.017 (currently $325,000 or as amended in statute). Pursuant to Florida Department of Education Rule 6A-14.0734, Procurement Requirements, the President (or Designee) may approve or reject recommendations for award up to Category 5. Delegation of authority for contract execution is provided under College Policy/Procedure 6Hx2-1.14.

2. Recommendations for Awards exceeding Category 5, Florida Statutes 287.017 (currently $325,000 or as amended in statute). Pursuant to Florida Department of Education Rule 6A-14.0734, Procurement Requirements, recommendations for award exceeding Category 5 shall be approved by the District Board of Trustees. Authority for contract execution is provided under College Policy/Procedure 6Hx2-1.14.

E. **Change Order** – Changes to Non-Construction Purchase Orders

Generally, change orders are changes that affect the price or quantity of the original purchase order.

Changes to the P.O. may be required when:

a. There are required changes in quantities or specification’s
b. The Procurement Department corrects any misinterpretations, inadvertent error
c. Vendor has submitted notification of change prior to shipment
d. Extension of service is required (i.e. rental, temporary help, etc.)

Procurement will ensure the requested change does not exceed any threshold that may apply.

Change Order Form – Signature Threshold:

$<2,500 Business Dean/AVP

>$2,500 Campus President/VP

F. **Other Procurement Procedures:**

1. **Bid/Proposal Submission and Withdrawal**
   a. Bids or proposals shall be opened, publicly, at the date, time and place specified in the solicitation in the presence of two or more College employees.
   b. A Vendor may withdraw its bid prior to the designated date and hour of opening, with no forfeiture of the bid bond, provided a written request is submitted to the College.

2. Precluded from future work a vendor, who participates in the drafting of a solicitation, cannot work on the result of the solicitation.
3. Waiver of Minor Irregularities The College reserves the right to waive a minor irregularity in any response to a solicitation. A minor irregularity is a variation from the solicitation which does not affect the price of the contract, does not give a respondent an advantage or benefit not enjoyed by other respondents, and does not adversely impact the interests of the College.

4. Late bid/proposal submission A late bid is considered to be a bid which arrives after the scheduled bid submission time. For formal and informal bids, late bids are not accepted. All late bids shall be returned unopened, to the bidder, with the designation LATE BID on the envelope and the evidence of a date and time stamp.

5. Furthermore, pursuant to Section 120.57 (3)(f), Florida Statutes, no submissions made after the bid or proposal opening that amend or supplement the bid or proposal shall be considered.

6. Rejection of all bids/proposals The College reserves the right to reject all bids, proposals, or other offers to furnish services or commodities, when it is in the best interests of the college to do so.

7. Cancellation of all bids/proposals At any time prior to response opening, the College reserves the right to cancel the solicitation of a project. If it becomes necessary to cancel a solicitation, the College shall publicly notice such cancellation in accordance with the solicitation language.

8. Only one response received If the College only receives one response to a solicitation, the College reserves the right to award to the respondent, if it is in the best interests of the College, subject to negotiation of terms and a price that are fair and reasonable. The College always reserves the right to reject the sole response.

9. How to Break Tie Bids When identical prices are received from two or more vendors in response to an Invitation to Bid (ITB) or Request to Quote (RTQ) and all other factors are equal, priority for award shall be given to vendors in the following sequence:
   a. A business that certifies that it has implemented a drug-free work place program shall be given preference in accordance with the provisions of 287.087, Florida Statutes;
   b. A Broward County Certified County Business Enterprise (CBE), Small Business Enterprise (SBE) Vendor, or Disadvantaged Business Enterprise (DBE) Vendor;
   c. A Palm Beach or Miami-Dade County CBE, SBE, DBE Vendor, or Miami-Dade County Community Small Business Enterprise (CSBE);
   d. A State of Florida Certified Business Enterprise Vendor;
10. Construction Direct Owner Purchase Program (Owner/Contractor Program): This is tax savings program for the College when goods for a construction project is purchased directly from the supplier and delivered to the job site for installation. This is referenced an approved project and the funds are deducted against the original purchase order.