

Procedure Manual



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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 Associate Vice President of Business Services or the District Director for Strategic Sourcing when in the best interest to the College, may allow a 10% tolerance not to exceed \$65,000.00 to an existing purchase.

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

1. \$0.00 to \$10,000: There are no formal or informal competitive requirements for goods and services acquired by the College at this dollar threshold. The requesting department shall obtain one quote identifying the best value for the required commodity or service. A statement of work (SOW) must be provided if services are requested. Small Disadvantage Business (SDB) vendors listed on the College's vendor database should be contacted, if practicable.
2. \$10,000.01 up to Category Two (currently \$35,000) as defined in section 287.017(2), Florida Statutes. The requesting department shall obtain three (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.

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.

3. Category Two (currently \$35,000) up to Category Three (currently \$65,000) as defined in section 287.017(2)(3), Florida Statutes. The Procurement Department shall process a Request to Quote (RTQ) 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.

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4. Exceeding Category Three (currently \$65,000) as defined in section 287.017(3), Florida Statutes. 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” as provided by 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. 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 section 287.055, Florida Statutes, including, but not limited to: acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services, when a project is identified.
 - d. Invitation to Negotiate (ITN) as defined by section 287.057(1)(c), Florida Statutes, 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. 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. The criteria that will be used for determining the acceptability of the reply and guiding the selection of the

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vendors with which the College will negotiate must be specified. 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.

- 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 Florida Administrative Code Rule 6A-14.0734(2), or, 3) not to proceed to the second step of procuring goods and services.
- f. Request of a Letter of Interest (RLI) is a method of selecting a vendor whereby vendors are invited to submit a summary of their qualifications and state their interest in performing a specific job or service. A RLI identifies, in general terms, the work required. Responses are evaluated by an authorized panel selected by the College, mostly based on experience and qualifications.

PURCHASING ACTIONS NOT SUBJECT TO COMPETITION

Purchases for the dollar thresholds identified must be made on the basis of competitive solicitations with certain exceptions.

Florida Administrative Code Rule 6A-14.0734(2) provides the following exceptions to the requirement to solicit competitive offers for goods and services:

1. Educational tests, textbooks, instructional materials and equipment, films, filmstrips, video tapes, disc or tape recordings (or similar audio-visual materials), computer based instructional software.
2. Library books, reference books, periodicals, and other library materials and supplies.
3. 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.
4. Food.
5. Services or Commodities available only from a single or sole source.

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6. 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.
7. 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.
8. Single source procurements for purposes of economy or efficiency in standardization of materials or equipment.
9. Items for resale

Florida Administrative Code Rule 6A-14.0734(2)(e) 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 287.017, Florida Statutes), the College shall electronically post a description of the commodities or contractual services sought for a period of at least 7 business days.

Florida Administrative Code Rule 6A-14.0734(2)(h) also exempts 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 replacement of the requesting service or commodity, whenever seeking a single source procurement.

The College President, or designee, may waive solicitation requirements in emergencies when there is imminent threat to students, employees, or public safety or in cases when necessary 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, that which exceed Category Five (currently \$325,000) per section 287.017, Florida Statutes, or as amended.

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“Piggybacking” per Florida Administrative Code Rule 6A-14.0734(2)(c), or as amended, enables the College 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 piggyback on prior College bid awards, if the bid is less than one year old at the time of the request.

Bid Waiver requests that do not have a corresponding contract and do not exceed Category Five, section 287.017, Florida Statutes, shall be submitted through the College’s enterprise resource management system. Bid Waiver Authorization requests fitting the parameters of this paragraph should not be submitted to the College’s contract management system, and will be reported to The District Board of Trustees on a quarterly basis.

All Bid Waiver requests that exceed Category Five, section 287.017, Florida Statutes, should be submitted to the College’s contract management system. Furthermore, any Bid Waiver requests with a corresponding contract should be submitted to the College’s contract management system.

AUTHORITY TO AWARD

The authority to make awards pursuant to Florida Administrative Code Rule 6A-14.0734 Procurement Requirements:

1. The President (or his designee) may approve or reject recommendations for award up to Category Five, section 287.017, Florida Statutes. Delegation of authority for contract execution is provided in College Policy and Procedure 6Hx2-1.14.
2. Recommendations for award exceeding Category Five, section 287.017, Florida Statutes, shall be approved by The District Board of Trustees. Authority for contract execution is provided in College Policy and Procedure 6Hx2-1.14.

CHANGE ORDER – CHANGES TO NON-CONSTRUCTION PURCHASE ORDERS

Generally, change orders are changes that affect the price or quantity of the original Purchase Order (PO). Changes to the PO may be required (but not limited to) when:

1. There are required changes in quantities or specifications.

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2. The Procurement Department corrects any misinterpretations, inadvertent error.
3. Vendor has submitted notification of change.
4. 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.

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.
 - 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. Preclusion 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. Amendment or supplement to a bid or proposal. Pursuant to section 120.57(3)(f), Florida Statutes, no submissions made after the bid or proposal opening 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

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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 section 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;
 - e. A Broward County Vendor, other than a CBE, SBE or DBE Vendor;
 - f. A Palm Beach or Dade County Vendor, other than a CBE, SBE, DBE, CSBE Vendor;
 - g. The Florida Vendor, other than a Certified Business Enterprise Vendor;
 - h. The vendor having received the least amount of direct College work (in dollars paid pursuant to College issued Purchase Orders) over the immediately preceding five-year period;
 - i. If application of the above criteria does not indicate a priority for award, the award will be decided by a coin toss. The coin toss shall be held publicly at the location where the bids were opened; the tied low bid vendors will be invited to be present as witnesses.

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/Contractor and delivered to the job site for installation. This is referenced an approved project and the funds are deducted against the original purchase order.

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.

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Artistic Services - Services provided by an individual or group of individuals who profess and practice a skill in the area of music, dance, drama, folk art, creative writing, painting, sculpture, photography, graphic arts, web design, craft arts, industrial design, costume design, fashion design, motion pictures, television, radio or tape and sound recording or in any other related field.

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.

Bid Waiver – Exceptions to the requirement to solicit competitive offers for goods and services defined by Florida Administrative Code Rule 6A-14.0734(2).

Business - Any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture or any other private legal entity which has commodities and/or services available under specifications required by the College.

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.

Competitive Bid/Proposal - The response submitted to an Invitation to Bid (ITB), Request for Proposal (RFP), Request for Qualifications (RFQ) or an Invitation to Negotiate (ITN) by responsive, and qualified bidders or offerors.

Construction - Construction means the building, altering, improving, repair, or demolishing of any real property owned or leased by the College.

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Extension - An action to change and extend a contract termination date pursuant to a provision in the original contract and typically upon written mutual agreement by both parties. Reasons for a contract extension include an excusable delay, a contractor's acceptable performance record, unused allocated funding, or agency need for continued service until a new contract is in place. Extension should be based on sound legal advice so as to avoid challenges by other interested suppliers. A contract extension is not the same as a contract renewal. Also, called Extension of Contract.

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 - A vendor (may also be called supplier, contractor, consultant, organization, firm, or other entity) submitting a written response to a solicitation.

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Proposal Response - A written response to a solicitation.

Purchase - An acquisition of commodities, services or licenses obtained by a purchase order, a contract or other authorized purchasing method, whether by rent, lease, installment, lease-purchase or outright purchase.

Supplier/Contractor/Vendor - A person or firm who contracts to sell commodities or contractual services to the College.

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 College Procedure A6Hx2.6.36.

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