

RESOLUTION NO. 2021-4

A RESOLUTION OF THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA; AMENDING AND REVISING THE UTILITIES COMMISSION'S PURCHASING POLICIES AND PROCEDURES MANUAL; PROVIDING FOR RESCINDING CONFLICTING RESOLUTIONS OR PORTIONS THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. FINDINGS AND INTENT. The Utilities Commission, City of New Smyrna Beach, Florida (the "Commission") makes the following findings and declares the following legislative intent:

(1) The Utilities Commission after extensive study established a formal, definitive purchasing system as outlined in the Purchasing Policies and Procedures Manual, dated May 13, 1987 (hereafter the "Manual").

(2) The Utilities Commission then adopted the Manual by Resolution 5-87 on June 10, 1987, as its Purchasing Policies and Procedures (hereafter the "Purchasing Rules.")

(3) The Purchasing Rules have been amended on August 17, 2009, agenda item 2-d, by Resolution No. 2018-02, approved on April 23, 2018, agenda item 5-d., by Resolution No. 2019-04, approved September 23, 2019, agenda item 7-a, by Resolution No. 2020-03, agenda item 6(a), March 23, 2020, by Resolution No. 2020-11, agenda item 3(h), August 24, 2020, and by Resolution No. 2020-13, agenda item 7(c), September 28, 2020.

(4) To restate, the purpose of the Purchasing Policies and Procedures Manual is to enumerate and provide for the implementation of the policies of the Utilities Commission and to effect the centralization of the purchase of goods and services, other than the employment of personnel.

(5) The staff is recommending that the Utilities Commission modify the Purchasing rules to (a) utilize a new service to advertise bids using the option to receive bids electronically to use a paperless RFP Evaluation Process, and (b) expanding the sole source procedure.

(6) The staff has prepared a modified and updated Purchasing Policies and Procedures Manual (the "Purchasing Manual") attached to and incorporated in this Resolution as Exhibit "A."

(7) The Utilities Commission has considered the recommendations of its staff and has determined to adopt the Purchasing Manual as set forth in this Resolution.

SECTION 2. ADOPTION OF REVISED, AMENDED, AND MODIFIED PURCHASING POLICIES AND PROCEDURES MANUAL. The Purchasing Manual attached to and incorporated in this Resolution as Exhibit "A" is hereby adopted by the Utilities Commission.

SECTION 3. SEVERABILITY. If any provision or portion of this Resolution is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Resolution shall remain in full force and effect.

SECTION 4. REPEAL OF INCONSISTENT RESOLUTIONS. All resolutions and portions of resolutions in conflict herewith are hereby repealed.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage by the Commission.

THIS RESOLUTION was introduced at a regular meeting of the Utilities Commission, City of New Smyrna Beach, Florida, held this 22nd day of March, 2021, by Commissioner Conrad who moved for its adoption, which motion was seconded by Commissioner Hawes, and upon roll call vote of the Commission was **DULY ADOPTED** as follows:

CHAIRMAN	<u>Jack Holcomb</u>	Absent
VICE CHAIRMAN	<u>James Davenport</u>	yes
SECY.-TREAS.	<u>Lillian Conrad</u>	yes
ASST. SECY.-TREAS.	<u>James Hawes</u>	yes
COMMISSIONER	<u>Justin</u>	yes

APPROVED:

Jack Holcomb
- Jack Holcomb, Chairman -
James Davenport, Vice Chairman

ATTEST:

Lillian Conrad
Lillian Conrad,
Secretary-Treasurer

APPROVED AS TO FORM & LEGALITY:

Thomas A. Cloud
Thomas A. Cloud, General Counsel

FOREWORD

The Commissioners of the Utilities Commission (UC), City of New Smyrna Beach recognize that centralized purchasing is a necessary function of effective government and therefore, declares that it shall be the responsibility of the Materials Management Division to centralize the purchasing oversight of supplies, equipment, services and construction for the Divisions and Departments of the Utilities Commission; to exercise direct supervision over the Utilities Commission Central Stores and provide general supervision over all the inventories of supplies belonging to the Utilities Commission; and to sell, trade or otherwise dispose of surplus supplies or materials belonging to the Utilities Commission. The basic objective of which is to obtain the best total value consistent with operational needs while maintaining ethical and open competition.

The function of the Materials Management Division involves the procurement of materials, supplies, equipment, and any service or construction required to ensure effective operation on all working levels of the Utilities Commission. The purpose of the centralized Materials Management Division is to facilitate purchasing policies and procedures for all Utilities Commission departments in the most orderly, economical, and efficient manner.

The Division's goal is the promotion of the Commission's best interest through intelligent action and equitable dealing and to maintain and preserve the Utilities Commission's integrity in purchasing where the expenditure of public funds is involved.

Except as otherwise provided herein, the Materials Management Division shall serve as the principal public purchasing official for the Utilities Commission and in accordance with this Manual shall be responsible for the procurement of supplies, services, and construction including the management and disposal of supplies or materials.

The main objectives of the Materials Management Division of the Utilities Commission are as follows:

1. To provide professional procurement services for all divisions and departments within the Utilities Commission
2. To pledge the best efforts for adherence to all laws, regulations, and procedures related to procurement actions by the Utilities Commission
3. To purchase goods and services at the lowest price, consistent with quality, performance, and delivery requirements from capable vendors meeting the Utilities Commission's requirements
4. To deal equitably with all vendors wishing to do business with the Utilities Commission.

The policy of the Utilities Commission is to support its Code of Ethics Policy, while also adopting **Florida State Statute 112 Part III, Code of Ethics for Public Officers and Employees**, in its entirety for the guidelines of public conduct for its officers, commissioners, managers and employees and the National Institute of Governmental Purchasing Code of Ethics.

Maureen Lynch, CPPB
Materials Manager

UCNSB Purchasing Policies and Procedures

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UCNSB Policies and Procedures

MATERIALS MANAGEMENT DIVISION RESPONSIBILITIES AND FUNCTIONS

SECTION I

A. LEGAL AUTHORIZATION

The Utilities Commission has exclusive authority to manage, operate, and control all of the cities' utilities pursuant to its Charter. Pursuant to that authority, the Utilities Commission first adopted policies applicable to purchasing by UC Resolution No. 1-80 in February of 1980. The initial Purchasing Policies and Procedures Manual was approved by the Utilities Commission in May 1987 by U.C. Resolution No. 5-87. A comprehensive update to this Manual was then approved in August 2009 by the Utilities Commission via Agenda item, and subsequently revised/amended by U.C. Resolution Nos. 2018-02; 2019-04; and 2020-04. In order to better manage, operate, and control the utilities systems for which it is responsible, the Utilities Commission has determined to modify and streamline its purchasing policies to address continuous changes in technology, communications, and the economy.

B. RESPONSIBILITIES AND FUNCTIONS

The Materials Management Division is responsible for establishing and administering the Utilities Commission Purchasing Policies and Procedures Manual, as approved by the Utilities Commission Commissioners; initiating reports necessary to permit analysis of purchasing performance; approving purchasing-related contracts; dealing ethically with all potential supply sources; consolidating purchases of like or common items; obtaining the best prices for materials, equipment, supplies and services, and generally defining how to effect cost savings and coordinate purchasing and contracting procedures for the Utilities Commission.

C. GUIDELINES

The following guidelines shall govern the procurement of goods and services for the Utilities Commission in accordance with the existing Purchasing Policies and Procedures Manual:

1. All requests for the purchase of goods and/or services shall be directed to and made with the assistance of the Materials Management Division except as otherwise noted within the contents of this manual.
2. Acceptance of gifts or gratuities is strictly prohibited. No employee shall become obligated to any vendor and shall not execute any Utilities Commission transaction from which they may personally benefit.
3. No employee of the Utilities Commission shall obligate the Utilities Commission whereby said employee may derive income or benefits other than those provided as remuneration from the Utilities Commission for their employment.
4. No contract, purchase, or group of requisitions shall be subdivided to circumvent bid and/or quotation requirements.
5. It is unlawful for Utilities Commission Commissioners, management or employees to order, purchase, or contract for any materials, supplies, equipment, or contractual services, without prior written authority, or as specifically delegated herein by the Materials Management Division (**Section V, Subsection A. Acquisition Methods**). Any purchase, order or contract made contrary to the provisions hereof shall not be approved, and the Utilities Commission shall not be bound thereby.
6. The modification of these policies and procedures is not intended to affect the role and responsibilities of the Utilities Commission's General Counsel in the performance of the General Counsel's duties and responsibilities on behalf of the Utilities Commission.

D. INTER-DEPARTMENTAL RELATIONS

1. Cooperation and understanding between departments are essential in the effective operation of the Materials Management Division.
2. The Materials Management Division will endeavor to establish and maintain close liaisons with procuring departments to meet their purchasing needs and requirements, and work with the respective department director to provide oversight and assurance that applicable rules and regulations are being adhered to in developing contractual agreements.
3. The Materials Management Division does not determine the requirements for individual purchase requests. The requesting department/division will indicate requirements including technical data, specifications, plans and/or designs involved. All purchasing actions will be coordinated with the requesting department/division prior to the issuance of a solicitation, purchase order or contract.

E. PRODUCT & SERVICES SPECIFICATIONS AND AWARDS – RESPONSIBILITIES

1. Technical – The Director of the requesting department/division, with assistance from the Materials Management Division, is responsible for determining the technical data, specifications, plans and/or design requirements to be included in procurement documentation.
2. Operating – The Materials Management Division, in close coordination with requesting departments/divisions, will centrally procure materials, supplies, equipment, services or construction required by the Utilities Commission. The Warehouse/Central Stores group will receive, control and disburse the inventory of supplies maintained in Central Stores.
3. Contractual – The appropriate department/division director is responsible for preparing contractual agreements with a vendor, or if the vendor prepares the contract, insuring the appropriate level of review by the CFO/Director of Finance and Utilities Commission’s legal counsel, prior to signing. The Materials Management staff will provide oversight and assurance that applicable rules and regulations are adhered to in the contractual process.

In accordance with the function of the Purchasing Department and under the Director of Finance’s ownership and accountability, new and renewal contracts for UC goods and services are reviewed to ensure that they are in accordance with the standard form contract developed by UC legal counsel. If the contract is new or the form contract has been materially modified, the UC legal counsel is appropriately included in the contract review process.

4. Project Management – The applicable department director is responsible for managing contracts and associated deliverables for their departments/divisions. The Department Director will enlist the assistance and expertise of the Materials Management Division in resolving any disputes with the vendor regarding contractual performance.

F. VENDOR RELATIONS

1. The Utilities Commission will strive to maintain strong relationships with its vendors that meet our internal requirements and successfully meet our objectives. To accomplish this, purchasing activities will be conducted so that all vendors will value our business and make every effort to meet our requirements based on the most economical quantity, suitable quality, timely delivery, adequate service, and lowest possible price.
2. Any quotation or specific information received from a vendor, relative to any item under consideration for purchase, must not be divulged to any other vendor until after a purchase order has been issued.
3. All vendors must be afforded equal opportunities to quote, so that all vendors can compete on equal terms. No "bid shopping" shall be permitted; (i.e. no one shall obtain pricing from a vendor and request other vendors to meet or beat the disclosed price).
4. During interviews with salespersons or other vendor representatives, no UC employee shall commit to a preference for any product or service or give any information regarding performance or price which might in any way compromise or obligate the Utilities Commission or the administration of the Utilities Commission.

G. EXCLUSIONS

1. Agreements between the Utilities Commission and non-profit organizations or governmental entities, including the procurement, transfer, sale or exchange of goods and/or services.
2. Procurement of dues and memberships in trade or professional organizations; subscriptions for periodicals, advertisements, postage, paralegals, expert witnesses and specialized legal services, abstracts of titles for real property, title insurance for real property, real property, court reporter services, water, sewer and electric utility services, copyrighted materials, patented materials, art and artistic services, employment agreements and fees and costs of job-related travel, seminars, tuition, registration and training.
3. Blanket purchase orders issued on an annual basis wherein the exact quantity of items or identification of specific items cannot be determined in advance.
4. Items purchased for resale to the general public.
5. Contracts awarded by any Local, State or Federal governmental agency, cooperative purchasing organizations or purchasing associations.
6. Contracts for services related to legal or financial compliance, notice, disclosure, repository or dissemination requirements.
7. Contracts for services related to retirement plan recordkeeper and related retirement benefit services.

REQUISITION TO PURCHASE

SECTION II

A. PURPOSE

The Purchase Requisition serves to inform the Materials Management staff of the needs of the requesting department/division and to correctly define the material or service requested. In addition, the routing of an on-line requisition, achieved through management approved staff hierarchy, signifies the validity of the purchase and the authority to charge the funds to a specific general ledger account number.

B. WHEN PREPARED

Purchase Requisitions must be prepared far enough in advance to permit the Materials Management Division to either review the competitive price quotes obtained by the requisitioning department and/or to obtain other means of competitive pricing and to allow sufficient time for deliveries to be made. It is recommended to list any anticipated requirements in advance and to involve the Materials Management Division as soon as the need is determined.

C. PREPARATION AND ROUTING OF REQUISITIONS

Requisitions will originate in the requesting department/division, using the *Great Plains* accounting software and the UC web-based Purchase Order program software, at the level where the purchase is to be used. Upon entry of the information, a requisition number is generated. Using the management approval hierarchy contained within the system, which ensures that in no case can the requestor also approve the same requisition, the generated requisition will proceed through the designated approval authority (Department Director or designee) prior to being submitted to the Materials Management Division. A copy is to be retained by the originating department for reference. All original back-up documentation, including formal and detailed specifications as required, will be forwarded to the Materials Management Division via inter-department mail or electronic form, when applicable.

The completed Purchase Requisition should contain the following information to ensure that the order is processed efficiently, and the end-product is equal to the desired specifications.

1. Delivery address, including contact information and a recommended delivery date that will allow adequate time for the purchasing process.
2. Clear and accurate descriptions of materials, services and equipment to be purchased, including technical specifications, and the purpose for which they are intended.
3. Identify any known qualified vendor(s).

4. Obtaining quotations from perspective vendors greatly reduces the time needed to process a requisition. List any quotes obtained by vendor code, name, individual contacted and price obtained (by line item).
5. Proper general ledger accounts or project numbers must be verified for funding, prior to submitting requisitions. The Accounting group should be contacted if there are questions regarding whether the proposed expenditure is operating and maintenance (O&M) or capital.

D. COMPLETION OF THE REQUISITION

After a vendor has been recommended for award, this data is entered on the requisition form through the UC web-based Purchase Order program and re-routed to the management approved hierarchy to assure that the selected product(s)/ service(s) will meet the needs and specifications of the requesting department. The process of posting a requisition creates the purchase order. A copy of the requisition form is filed separately in the requisition file and a copy is also included with the completed purchase order packet.

The Materials Management staff will:

1. Assist in the preparation or review of specifications for all requirements
2. Locate the sources and availability of needed products and services
3. Process all requisitions and purchases with the least possible delay, in accordance with Utilities Commission policies and procedures
4. Work with awarded vendor in coordinating all steps involved in completing a purchase.
5. Assist the user department with any issues after the product has been delivered or services have been rendered

E. REVIEW OF PROPOSED AWARD - DEPARTMENTAL APPROVALS REQUIRED

Prior to the issuance of bids and prior to submitting a notification of award to purchase, the review of the item(s) and the specifications for certain commodities and services must be made by the requesting department to ensure the quoted purchase meets the same standards as requested. If the requesting department believes that their standards have not been met, final approval of the requisition will not be given, and the requisition will not be turned into a purchase order. Discussions will be held between the requesting department and Materials Management staff until agreement is reached regarding the standards, pricing and delivery of the quoted purchase.

<p style="text-align: center;">BLANKET PURCHASE ORDERS SECTION III</p>

A. PURPOSE

A purchase order authorizes the vendor to ship and invoice the materials and services as specified. Purchase orders can be issued as blanket purchase orders or confirming purchase orders. Purchase orders shall be written so that they are clear, concise, and complete. This will prevent any unnecessary misunderstanding and correspondence with vendors. A purchase order constitutes a legal contract between the Utilities Commission and the vendor. In cases of minor discrepancies, a change order can be issued by the Materials Management Division. The reason for the proposed change order and the required director approvals must be submitted prior to awarding a change order. Purchase orders shall be issued for all recurring purchases, services or maintenance agreements.

B. WHEN ISSUED

Pre-numbered, computer generated purchase orders are issued upon the submittal of a properly approved requisition, and after receipt of competitive quotes or bids. Using the UC web-based Purchase Order program software, the on-line requisition is routed for approvals. The completed purchase order is signed by the Materials Management Division after all approvals have been obtained.

C. WHO ISSUES

Except for authorized Visa Purchasing Card Transactions, only the Materials Management Division shall issue purchase orders. The using department/division shall not enter negotiations with any vendor for the purchase of supplies, services, materials, or equipment. All purchase orders shall be transmitted to the vendor by the Materials Management Division.

D. BLANKET PURCHASE ORDERS

1. Definition

A Blanket Purchase Order (“Blanket”) is a purchase order issued to one vendor for the purchase of indeterminable items, materials, and/or supplies over a certain term (not to exceed four (4) fiscal year(s)). Blankets reduce the time and effort of requesting and issuing numerous purchase orders to the same vendor for recurring purchases. Shipments are made, as requested by the requesting department, against the respective term’s blanket purchase order number. The Blanket Purchase Order generally establishes a maximum dollar limit, the period covered, and the respective terms and conditions. The blanket purchase order will identify the general class of materials which may be purchased (i.e., paint brushes and painting supplies, automotive repair parts, miscellaneous

construction hardware items, laboratory grade chemicals, etc.). Since the specific items to be purchased are usually unknown at the time of the Blanket Purchase Order issuance, no line item pricing is generally shown. If a firm unit price for major items is available, these unit prices will be listed at the time of award. Blanket Purchase Orders will not be used for warehouse inventory items.

2. Preparation

Requests for a Blanket Purchase Order shall be made online in the UC web-based Purchase Order program by the requesting department/division indicating the general types of items to be purchased and the maximum, "Not to Exceed" amount to be encumbered for the term of the Blanket Purchase Order. It is the users' responsibility to inform the Materials Management Division, by way of a Requisition, of any changes to or the renewal of a Blanket's original terms.

3. Usage

Invoices for all Blanket Purchase Orders may be reviewed periodically by the Materials Management Division to ensure compliance with the terms of the purchase order. Blanket Purchase Orders may be immediately canceled by the Materials Management Division should the using department not strictly adhere to the provisions of the Blanket Purchase Order or Utilities Commission Purchasing Policies and Procedures.

E. PREPAYMENT PROCEDURES

On rare occasions, a vendor may request prepayment prior to delivering a product or rendering service. No Purchase Order will be issued for prepayment without prior, verbal or written approval from the Director of Finance. Verbal approval will be documented by the Materials Management Department.

EMERGENCY PURCHASES

SECTION IV

A. DEFINITION

Emergency purchases may **ONLY** be made for commodities or services necessary due to emergency conditions or natural disasters that may affect the health, safety and welfare of the New Smyrna Beach Utilities Commission customers or employees including customers who reside outside the incorporated New Smyrna Beach area or in instances where the Utilities Commission's operations would be seriously impaired if immediate action were not taken.

Lack of planning or funding issues do not constitute emergency purchases.

An Emergency purchase exceeding \$75,000 will not be authorized by the Materials Management Division without obtaining prior, verbal, or written approval from the Director of Finance and the General Manager/CEO. Verbal approvals will be documented by the Materials Management Department. Emergency purchases exceeding \$75,000 must also be ratified by the Utilities Commission Commissioners at the next regularly scheduled Commission meeting.

METHODS OF PURCHASING

SECTION V

Whenever possible, alternative vendors shall be determined for all items being considered for procurement and for all preliminary price quotations. In some isolated instances, a sole-source procurement shall be utilized. In all other cases, the following procedures shall be used to procure goods and services:

A. ACQUISITION METHODS

The Materials Management Division will review each requisition for the specific need(s) and determine the type of procurement method that will provide for full and open competition. Procurement requirements will be prioritized by date received and operational priority(s). Contracts awarded shall not exceed four years (UCNSB legally required not-to-exceed contract period) without obtaining the City of New Smyrna Beach Commission approval for a longer contract period (Per Chapter 85-503, Laws of FL, Special Acts of 1985

To ensure standardization and cost-optimization across the UC, all multi-year IT software, services, maintenance (IT and Non-IT) and Enterprise-wide agreements require the Director, CFO and CEO approval.

Proposed UC capital expenditures should be included in the annual Budget process. If a proposed capital expenditure was not budgeted, the proposed expenditure must proceed through the approval process with funding offsets identified and detailed on the Project Request Expenditure (PRE) form.

Once the capital expenditure projects have been budgeted or offsets identified, the projects will proceed through the funding approval process referenced above which includes the PRE Form, approval process, UC web-based Purchase Order program authorization, etc.

If an overall project's actual expenditures exceed the budget by over/under 15% the project and the variance drivers must be presented to the CFO.

- If the project's variance to its original budget is \$75,000 or less, the CEO will review and sign-off.
- If the project's variance to its original budget is over \$75,000, the CEO and the Utilities Commission Commissioners will approve.

Quick Reference Guide

PROJECT SPEND

Dollar Limit	Method	PRE Requirement *	Approval Levels
\$0 - \$1,000	Single Quote P-Card	Capital PRE *	Director
\$1,001 - \$5,000	Minimum of Three Quotes	Capital PRE *	Director
\$5,001- \$10,000	Minimum of Three <i>Written</i> Quotes	Director CFO	Director CFO
\$10,001 - \$75,000	Request for Quotation issued	Director CFO CEO	Director CFO CEO
\$75,001 – and above	Formal Sealed Bid, Request for Proposal	Director CFO CEO	Director CFO CEO Utilities Commissioners

*Capital PRE information is required for all new capital projects regardless of project dollar amount so Accounting (Fixed Assets) can properly capitalize the asset.

The Project PRE requirement represents the total cost of the project. Once the Project PRE is approved, all purchases for the project and its respective scope are assumed to be approved. Individual material or subcontract purchases greater than \$75k require UC Commissioner post-purchase ratification to avoid project delays.

PRE Procedure:

As we continue to move toward electronic documentation handling, we are now utilizing a system called DocuSign. DocuSign allows for a secure digital signature without the need of sending hardcopy paper documents around from department to department. This is saving a substantial amount of time and increasing efficiency.

Purchasing will reach out to request PRE's as needed and inform the department of the dollar amount needed for the PRE. If the department has already obtained quotations, they can proceed with their PRE request as listed in the flow process below.

PRE Spending Limits:

1. O&M Expenses above \$5,000.00 will require a PRE Form
2. Any/All Capital Expenses require PRE regardless of the dollar amount
 - a. If you have capital questions, please contact Accounting
3. O&M PRE's \$5,001- \$10,000 will require Director & CFO Signatures
4. O&M PRE's \$10,001 & up will require Director, CFO & CEO signatures
5. Capital PRE's \$0-\$10,000 will require Director & CFO Signatures
6. Capital PRE's \$10,001 & up will require Director, CFO & CEO signatures

PRE Flow Process

1. Requesting Department Admin creates PRE form and submits to purchasing staff via PDF email attachment.
 - a. Include budget work sheets with this PDF File
 - b. Include all supporting documentation, including but not limited to requisition, quotes, equipment description, complete project description, etc.
 - i. Project description is key to determine/confirm O&M and capital treatment
2. Purchasing takes PRE form and creates an electronic DocuSign document including all backing documentation (i.e. requisition, quotes etc.) and then submits the electronic file to the department head via DocuSign for signature. Once this is signed by the Requesting Director, it is automatically routed to Finance for signature and then to CEO (if required)
3. Admins will receive a completed copy of the PRE form via DocuSign after it has received all the required signatures for your record.

OPERATING AND MAINTENANCE (O&M) SPEND

Dollar Limit	Method	PRE Requirement	Approval Levels
\$0 - \$1,000	Single Quote P-Card	None	Director
\$1,001 - \$5,000	Minimum of Three Quotes	None	Director
\$5,001- \$10,000	Minimum of Three <i>Written</i> Quotes	Director CFO	Director CFO
\$10,001 - \$75,000	Request for Quotations issued	Director CFO CEO	Director CFO CEO
\$75,001 – and above	Formal Sealed Bid, Request for Proposal	Director CFO CEO	Director CFO CEO Utilities Commissioners

a. Request for Quotations (RFQ)

The following procedures are required for purchases with an estimated value as follows:

Dollar Range	Required number of Quotes
\$1,000 to \$5,000	Three (3) quotes (minimum)
\$5,001 to \$10,000	Three (3) written quotes (minimum)
\$10,001 to \$75,000	Request for Quotations Issued
\$75,001 Above	Formal Sealed Bid, Request for Proposal

All requests for quotes for purchases of supplies, equipment, services and construction shall be made in accordance with the guidelines in the Purchasing Policy and Procedures Manual. Facsimile, electronic mail (email), mail or hand delivered quotes shall be accepted. All quotations received shall be maintained as public records and shall be open to public inspection after the award has been finalized. An exception to public disclosure would be for any submittals marked and accepted as “trade secrets” or “confidential”, (*Per ABA Model Procurement Code Regulation 3-104.01.5, Regulation 3-202.12.3*).

b. Invitation to Bid (ITB)

An Invitation to Bid is used when the purchaser knows exactly what is required. This is the preferred method of procurement for governmental entities and for UC purchases in excess of \$75,000. Bids are solicited and evaluated strictly against the General Terms, Special Conditions and Specifications of the Invitation to Bid.

Section VI of this manual explains the procedures of the Invitation to Bid process.

c. Request for Proposal (RFP)

An RFP is to be used for purchases in excess of \$75,000. An RFP is to be used when the purchaser has a general idea of what is required but cannot develop the special conditions and specifications which would have been used in an Invitation to Bid. Each proposal is evaluated by an evaluation team against pre-determined criteria for each RFP response.

d. Sole Source Purchases

In some instances, a product or service is only available from a single source or manufacturer. The requesting department shall document the circumstances and conditions of the sole source, using the Sole Source Justification form letter, from an authorized officer of the company in question, verifying that they are the sole source manufacturer or distributor of the product, material, or service desired is required for any sole source approval. All sole source justifications shall be re-approved every four (4) years or as deemed appropriate, and at the discretion of the Materials Manager. (Exhibit A-5)

Sole Source Purchases shall be advertised for 7 days via a Notice of Intent. Announcing the Utilities Commission intention to award to one vendor for a particular product or service. Should any vendor feel they are able to provide an equivalent product or service they should send a Letter of Information to the Materials Management Division within 7 days.

Interested firms or individuals may identify their interest and capability to respond to the requirement by submitting the information requested in the Notice of Intent. A statement regarding their capability to provide the specified procurement must also be submitted.

Interested firms will be considered only if they respond with clear and convincing documentation that they are capable of meeting or exceeding the requirements stated in the Notice of Intent. Responses must be received within seven (7) days of publication of the Notice of Intent.

e. Single Source Purchases

A single source procurement is utilized when a good or service may be available from more than one source. However, after evaluating price and quality, the single source vendor is the one that most closely matches the department's requirements and/or technical specifications. The Single Source Form shall be completed by the requesting department Director. (Exhibit A-7).

C. COMPETITIVE FORMAL BIDDING EXEMPTIONS

Generally, a written justification should be provided before Competitive bidding is halted for a specific purchase. Formal competitive bidding Exemptions are as follows:

1. A single transaction that does not exceed the authorized amount for a formal competitive bidding procedure
2. Supplies, materials, equipment or contractual services that cannot be furnished by at least three (3) vendors, (Sole Source or Single Source), and/or three competitive bidders do not exist
3. Supplies or materials that are purchased under the terms of a renewable sealed bid for an annual contract or price agreement, not exceeding four consecutive years, which has been previously awarded by the Utilities Commission
4. Contractual Services including, but not limited to: gas, electricity and its associated invoices, telephone services, internet, and telecommunications, are purchased from a private provider, a public utility at a price or rate determined by the State Public Service Commission, or other government authority
5. Materials, supplies, equipment or contractual services that are purchased at a price that does not exceed those set forth by a State Purchasing Agency or any other State agency hereafter authorized to regulate prices for items purchased by the State agreements
6. Contractual services such as, but not limited to: engineering, surveying, architectural, accounting, legal, medical, land and real estate related purchases, etc.
7. Impracticality - when the exact nature or amount is unknown, as in the case of: repairs, maintenance, alterations, inspections, etc., of existing facilities or equipment
8. Emergencies that may cause damage, impair services to the customers or UC employees, or cause serious financial harm to the Utilities Commission
9. Supplies, materials or equipment that are declared to be obsolete or surplus by the department director when sold at a government held public auction.

D. OTHER GOVERNMENTAL AGENCIES PURCHASING CONTRACTS

Competitive selection procedures are waived in the event that the desired goods and/or services may be purchased pursuant to purchase contracts of other governmental agencies to include any political subdivision of the State of Florida or the United States, The United States Federal Services Administration or cooperative purchasing consisting of a combination of these, when such contracts are the result of a competitive bidding process.

1. PIGGYBACKING

To obtain the benefits of volume purchases or reduce administrative expenses and time when procuring similar goods or services, the Commission may utilize a process commonly known as “piggybacking”. This term refers to the use of competitive bids or RFP’s obtained by other governmental entities.

In accordance with authority granted by Chapter 287 of the Florida Statutes, the Commission may utilize a competitive Bid or RFP solicited by any other municipal, county, state or federal governmental agency if such Bid or RFP is deemed to be in the best interest of the public but only if all the following requirements are met:

- a. The Commission’s Purchasing Agent has attempted to obtain a minimum of three informal quotes and has determined that the cost of the goods or services under the contract to be piggybacked is lower than the cost indicated by the quotes. It is understood that informal quotes may not be obtained in every situation, specifically when bid specifications are unavailable.
- b. The procurement item under consideration was publicly advertised, issued and awarded by bona-fide governmental agency. A copy of the solicitation, tabulation, award and executed contract have been obtained and are attached to the requisition.
- c. The contract is “piggybackable” including but not limited to the following instances:
 - It is for goods, supplies and materials that are rather generic, common and NOT unique in nature (i.e. lumber, pipe, etc.). It is NOT intended for professional services, including consultants, contracting, engineering, etc.
 - It includes an assignability clause that allows for the assignment of all or part of the specified deliverable items OR written permission from the issuing agency has been received
 - The specific items and quantities to be ordered were included in the original bid and evaluated as part of the contract award decision (there are unit prices and no specific quantities)
 - The contract has not expired or if the initial term has passed, the contract has been extended or renewed
 - The vendor consents to the piggybacking and executes a separate agreement with the Commission which confirms that the same prices, terms and conditions granted to the original contracting agency will be granted to the Commission
 - A completed Piggyback Checklist Exhibit A-13 form is attached to the requisition
 - Where the procurement requires the approval of the Commission because it exceeds applicable thresholds or is an unbudgeted expense, a copy of all documents required above will be attached to the agenda item

When piggybacking from a State of Florida, Department of Management Services contract (State Contract) or a Competitively Solicited Cooperative Contract items (b) and (c) do not apply.

E. PROHIBITION OF INTEREST

No purchase of supplies, equipment, contractual services or capital improvements shall be made from any person, firm or corporation in which Materials Management staff, or any officer or employee of the Utilities Commission has a material interest, or from a public official who may have approval authority in the approval process (*as defined by the Code of Ethics, Florida State Statute 112, 312.(2)(a) and Utilities Commission Code of Ethics*). The Materials Management staff, any officer

or employee of Utilities Commission will exercise reasonable care not to solicit or accept anything of value based upon an understanding that their judgment would be unduly influenced.

INVITATION TO BID (ITB)

SECTION VI

Upon receipt of a Purchase Requisition, the Materials Management Division will seek a source of supply, and enter into transactions for the purchase of the commodity or service in accordance with the provisions of this Purchasing Policies and Procedures Manual.

A. PROCEDURE FOR SECURING BIDS

The Materials Management Division must request formal sealed bids for purchases exceeding \$75,000. If a "purchase" is defined as a contract (including leases) that may be extended over multiple periods or years, then the maximum dollar amount to be paid in any fiscal year shall be the amount considered to establish the requirement for requesting formal sealed bids. The Materials Management Division shall solicit bids from prospective vendors obtained through forums and media such as: [Vendor Link](#), the Utilities Commission web site, news publications, catalogs, etc.

The Materials Management Division shall attempt to secure at least three (3) bids. Advertisement of formal sealed bids shall be in accordance with the Utilities Commission Purchasing Policies and Procedures Manual as stated below.

All bids received and accepted shall be available for public inspection by appointment in the main office of the Materials Management Division during regular business hours thirty (30) calendar days after opening, or upon recommendation for award, whichever occurs first.

The COMMISSION reserves the right to award the contract to the Bidder(s) that the COMMISSION deems to offer the best overall bid. The COMMISSION is therefore not bound to accept a bid based on the lowest price. In addition, the COMMISSION at its sole discretion, reserves the right to cancel this Bid, to reject any and all bids, to waive any and all informalities and/or irregularities, to re-advertise with either the identical or revised specifications, or not award a contract at all if it is deemed to be in the best interest of the COMMISSION to do so. The COMMISSION also reserves the right to make multiple or split awards if it is deemed to be in the COMMISSION'S best interest. The COMMISSION shall not be responsible for any cost or expense incurred by the Bidder in preparing or submitting a bid or any cost prior to the execution of a contract agreement.

B. RESPONSIBILITY FOR SPECIFICATIONS

The preparation of specifications is the responsibility of the requesting department or division. Specifications shall permit competition except on non-competitive materials or services. In general, specifications should define the level of performance required rather than a specific design or brand name. For the benefit of vendors and the requesting department, specifications must be clear and concise. The specifications and technical data shall remain the property of the UCNSB and be retained confidentially by the vendor/consultant. The vendor shall use all reasonable measures to ensure the data is retained in a secure manner. Once the work/RFP is complete, the data/specifications are returned to the UCNSB.

C. PUBLIC NOTICE

Invitations to Bid or Requests for Proposal shall be furnished to an adequate number of bidders for the purpose of promoting competition. Notices of availability shall indicate where, when, and for how long Invitations to Bid may be obtained.

Type	Times	Minimum*	Recommended**
1) ITBs, RFPs, IFNs, RSQs	1	10 days	20-30 days
2) Construction < \$200,000.	1	21 days	30 days
3) Construction > \$200,000.	1	30 days	30 days
4) Sale of Real Property	2	14 days	30 days

* **Minimum – number of days from the date the public advertisement appears in the newspaper until the closing date.**

** **Public advertisement must also be at least 5 days before any pre-bid meeting.**

1) Utilities Commission Purchasing Policy Section V; 2) Florida Statutes 255.0525 (2); 3) Florida Statutes 336.44(2); 4) Florida Statutes 125.35

Legal advertisement: The legal advertisement shall include the bid number assigned by the Materials Management Division, and a general description of the items to be purchased or sold. It shall also state where bid forms and specifications may be obtained, picked up or the person to contact if a copy is to be sent through the mail, envelope labeling instructions for mailing or special delivery, and the time and place for opening bids.

D. MASTER BID FOLDER

A master bid folder will be prepared and maintained by the Materials Management staff and contain individual file folders labeled as follows: 1) Original Bid, 2) Legal Ad and Pre-Bid Documentation, 3) Tabulation Sheet, Award Sheet, & Sign-In Sheet, Agenda Item, 4) ~~Demand Star/Onvia Information~~ Vendor Link Information 5) Bids received, bid specifications, proof of publication(s) of notice, list of specified bidders notified and tabulation sheets will be filed in the master bid folder. The master bid folder will be maintained by the Materials Management Division in a file cabinet and, as bids are received, the time and date will be noted on the envelope by the receiver and initialed. Bids received after the

deadline will still have the date and time received noted, initialed and will be marked as a LATE BID.

Bid(s) shall be marked as 'Late' and will not be accepted or considered for evaluation.

E. BID ACCEPTANCE AND BID EVALUATION

Bids shall be unconditionally accepted without alterations or corrections. Bids shall be evaluated based on the requirements set forth in the documentation, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. The criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total or life cycle costs. The documents shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluations that have not already been set forth in the documentation.

Confidential Data: The Utilities Commission understands the vendors concerns regarding confidential and/or proprietary information for participating parties. Upon receipt by UCNSB, responses to solicitations become public records subject to the provisions of Florida's state policy on public records, Section 119 Florida Statutes. If the submitting vendor believes that any portion of their response is exempt from the Florida public record statute, the submitting vendor should clearly identify the specific documents for which confidentiality is claimed and provide specific legal authority of the asserted exemption.

The UCNSB data shall remain the property of the UCNSB and be retained confidentially by the vendor/consultant. The vendor shall use all reasonable measures to ensure the data is retained in a secure manner. Once the work/RFP is complete, the data/specifications are returned to the UCNSB.

F. BID BOND GUARANTEES

When deemed necessary, the Materials Management Division may require a bid guarantee and it will be so stated in the Notice of the Invitation to Bid (ITB). Unsuccessful bidders will be entitled to the return of their bid guarantee. A successful bidder shall forfeit any surety required by Materials Management Division upon failure to enter into a contract within a specified time.

G. ITB SUBMITTAL INFORMATION

At least one complete set of the bid documents will be furnished to prospective bidders. Bids shall be returned to the attention of the Materials Management Division in **Duplicate or as stated in the bid document**, in a sealed envelope, and marked in the lower, left-hand corner of the envelope with the bid number, bid name i.e. **(Bid No. ## – YY Bid Title)**. **Bids may be accepted electronically via Vendor Link or equivalent service.**

H. BID OPENING

The bid folder with all bids received will be taken to the designated bid opening location by the Materials Management Division staff. An attendance sheet will be presented to each person attending the bid opening. Staff will ensure that each person in attendance has signed in prior to the start of the bid opening. Any person that may arrive after the bid opening begins will also need to sign-in. The signed attendance

sheet(s) will be filed in the bid folder after bids have been opened and recorded. All bids will be opened in the presence of interested bidders and/or the public. Bid packages will be received up to the closing time as specified in the Invitation to Bid. The person accepting the bid is to record their initials, date, and time they received the bid documents. The bid is not to be opened. In the event a bid is inadvertently opened, it shall be immediately resealed with tape and initialed by the party who accidentally opened it. No further action is needed, provided no other bidders have viewed the documents. In the unusual case that another bidder viewed the documents, **all** bids will be rejected and will result in a re-bid. No bidder is to be sent with their bid to find the bid opening location. Bids submitted after the specified closing time in the Invitation to Bid shall be marked as 'Late' and will not be accepted or considered for evaluation.

Bids will then be opened by Materials Management staff. The names of the bidders and their prices will be read aloud and recorded on the tabulation sheets. Each bid, bid envelope, and bid attachments will be fastened securely together to prevent mixing of bid material. Each bid guarantee will be placed in a Utilities Commission envelope, which will be carefully marked to identify which bid is enclosed, and the check number or identifying number and amount will be recorded on the face of the bid. The sealed envelope, containing the bid guarantees, will then be placed in a larger envelope, which will be marked with the bid number and delivered to the Customer Service Manager for placement in the vault. In the event only one bid is received, the right is reserved to defer the opening or accept and award the one bid, whichever is determined to be in the best interest of the Utilities Commission by the Materials Management Division.

Bids may be received electronically. 'Late' bids will not be accepted or considered for evaluation. Electronic Bid Packages must be time and date stamped prior to the specified closing time in the Invitation to Bid. Electronic bids shall not be opened prior to the specified closing time.

I. LATE BIDS

Any Bid received after the time and date set for receipt of bids is late. Any withdrawal or modification of a bid received at the designated place for opening shall be considered as late.

Late bids will not be accepted and will be returned unopened to the bidder marked **LATE BID**. Any bid received not properly marked and opened in error will be so noted on the envelope and may be returned to the bidder. A bid that is found after the opening but was clearly in the building and addressed properly and is apparent that the bid was received on time but due to a clerical error was not given to the Materials Management staff, will be accepted and recorded with the rest of the bids. If any suppliers were in attendance for the bid opening, these suppliers shall be notified of this occurrence and provided with the prices submitted for their records.

Electronic Bids will not be accepted if received after the specified closing time indicated in the Invitation to Bid.

J. BID TABULATION

A bid tabulation will be prepared for all bids received and recorded during the bid opening. Said bid tab shall remain as a permanent record in the bid folder. Upon completion of the bid opening, a copy of the bid tabulation, one complete set of bids and illustrative literature received will be delivered to the representative of the issuing department to be evaluated. The Materials Management staff will include an award form to be filled out by the evaluating department director.

K. AWARD OF BIDS

The Materials Management Division will obtain a recommendation of award from the issuing department/division prior to final award. If the low bidder and item are the suggestion of the department/division's requisition, a recommendation of award based on the low bid shall be documented. If the award is not made to the lowest bidder, the department director evaluating the bid shall submit to the Materials Management Division full and complete documentation stating the reason why they do not recommend award to the low bidder. The documentation will accompany the Board of Award recommendation.

In determining the lowest responsive and responsible bidder, in addition to price, the Utilities Commission should consider the following factors in the award determination:

1. The ability, capacity, equipment, and skill of the bidder to perform the contract within the time specified, without delay or interference.
2. The character, integrity, reputation, judgment, experience and efficiency of the bidder.
3. The quality of performance on previous Utilities Commission contracts.
4. The previous and existing compliance by the bidder with laws and ordinances relating to the contract.
5. The ability of the bidder to provide future maintenance and service.
6. The ability of the bidder to comply with Utilities Commission requirements.
7. The number and scope of conditions attached to the bid.

The Materials Management Division reserves the right to challenge any award recommendation of the issuing department/division.

L. WAIVER OF IRREGULARITIES

The COMMISSION reserves the right to award the contract to the Bidder(s) that the COMMISSION deems to offer the best overall bid. The COMMISSION is therefore not bound to accept a bid on the basis of lowest price. In addition, the COMMISSION at its sole discretion, reserves the right to cancel this Bid, to reject any and all bids, to waive any and all formalities, informalities and/or irregularities, to re-advertise with either the identical or revised specifications, or not award a contract at all if it is deemed to be in the best interest of the COMMISSION to do so. The COMMISSION also reserves the right to make multiple or split awards if it is deemed to be in the COMMISSION'S best interest. The COMMISSION shall not be responsible for any cost or expense incurred by the Bidder in preparing or submitting a bid or any cost prior to the execution of a contract agreement.

M. TIE BIDS

1. In the event of a tie bid where quality and service are equal; a preference is given to vendors submitting, with the proposal, a certification of a drug free work place in accordance with **Section 287.087 Florida Statutes**.
2. Where tie bids of equal quality and service are between bidders, one of which is a business whose principal place of business is located in Volusia County and the other bidder is not, the recommended award shall be to the local bidder.
3. Past Performance - Consideration will be given to a vendor based on previous history and performance on similar Utilities Commission projects or requirements.
4. Delivery availability or completion period.
5. Capacity to perform in terms of service availability, facilities, personnel or financial availability.
6. Closeness to the delivery point.

If **all** conditions are equal, a flip of a coin, with two witnesses present, shall be the deciding factor.

N. SUNSHINE LAW AND PUBLIC RECORDS

If sealed bids are accepted for the ITB, they are not subject to disclosure until the Utilities Commission issues a notice of intent to contract, or thirty (30) calendar days have elapsed after bid opening, whichever is earlier. If bids are rejected, the Utilities Commission: (i) rejects all sealed bids submitted for ITB; and (ii) notice of rejection includes notice of intent to reissue the ITB, then the rejected sealed bids are not subject to disclosure until the Utilities Commission issues a notice of intent to contract based on the reissued ITB, or the reissued ITB is withdrawn or cancelled.

**REQUESTS FOR PROPOSALS (RFP)
& EVALUATION PROCEDURES**

SECTION VII

This method is to be used when it is determined by the Materials Management Division that competitive sealed bidding is not practical and/or advantageous, as defined in ABA Model Procurement Code for State and Local Governments. It is to be used when the purchaser has a general idea of what is required but cannot develop the special conditions and specifications which could be used in an Invitation to Bid. Each proposal is evaluated by an evaluation team against evaluation criteria for each of the RFP responses.

A. GENERAL GUIDELINES

1. Members of an Evaluation Committee should be selected to include representatives from the client department, and other department/division(s) involved, and any other individual(s) with specialized expertise. The Materials Management Division shall serve on the committee as an ex-officio member. The members of the evaluation committee should be identified prior to the solicitation issuance and the recommended list sent to the Materials Management Division from the requesting department/division before proposals are received. In special circumstances (i.e. RFP for Audit Services) and prior to RFP evaluation, the recommended members of the Evaluation Committee shall be presented to the Utilities Commission Commissioners for approval at a regularly scheduled meeting.
2. The requesting department should select evaluation criteria (to include price whenever possible). Such criteria should be stated in the RFP.
3. The requesting department should assign a weight to all criteria by its relative importance.
4. The Materials Management Division shall advertise and issue the RFP and receive the proposals.
5. A summary of total scores for all vendors should be prepared after all members of the Evaluation Committee have reviewed and evaluated the written proposals. Selection and scoring shall be by majority vote.
6. A copy of all evaluation forms completed by each evaluator (or the committee's consensus score) and a written recommendation should be forwarded to the Materials Management Division for review and audit records.
7. The requesting department shall prepare an agenda item for the Utilities Commission approval.

B. PROCEDURES

The purpose of these procedures is to establish an equitable and impartial process by which the Utilities Commission makes awards in competitive sealed proposal procurement for services of all types and when the Utilities Commission otherwise selects architects, engineers, landscape architects, surveyors and mapping/cartographers, in accordance with the requirements of Section 287.055, Florida Statutes. (See Section VIII on CCNA'S)

The Materials Management Division staff shall retain overall control of the administration of the competitive sealed proposal process, including scheduling, record keeping, advertising and distribution of proposals and other materials, and preparation of all documents and recommendations required by the Utilities Commission.

The following delineates specific responsibilities of appropriate parties during this process. These procedures also incorporate the methodology whereby the Utilities Commission makes awards in competitive sealed proposal procurement.

1. Materials Management Division:
 - b. Confirms the selection criteria with the requesting department.
 - c. Advertises and issues Request for Proposals (RFP), including evaluation criteria and weights as developed by the requesting department.
 - d. Reviews received proposals in order to determine “prima facie” responsiveness.
 - e. Distributes proposals to members of the Evaluation Committee.
 - f. Meets with evaluation committee members to outline the process and explain roles and expectations of committee members.
 - g. Posts results from Evaluation Committee
2. Requesting Department:
 - a. Prepare Scope of Work for RFP
 - b. Develop Evaluation Criteria and associated weights
 - c. Suggest Evaluation Committee Members
3. Evaluation Committee:
 - a. Evaluation Committee members shall individually review and score all submittals and such individual scoring shall be done on ranking sheets provided by the Materials Management Division. Scoring shall be based on the criteria provided in the Request for Proposal.
 - b. The Request for Proposal may stipulate that oral presentations be made by “short-listed” firms before the Utilities Commission or staff for any proposal. Commissioners may also request oral

presentations by short-listed firms on any project. The proposer's project manager who is named as the "day-to-day project manager" may be required to be present at such oral presentations. When a particular procurement contains complex controversial aspects, or if the project is one which will require close scrutiny, the user department may request the GM-CEO to confirm with the members of the Utilities Commission, prior to RFP issuance, to determine if oral presentations are desired.

- c. When an oral presentation is to be part of the selection process, determined prior to RFP issuance, that fact will be advertised in the Request for Proposals.
- d. Selection and scoring shall take place by totaling individual score sheets of committee members. All score sheets must be submitted to the Materials Management Division for filing, verification and final validation for correctness. The score sheets are checked for accuracy by the Materials Manager or Designee and compiled into a Summary and final score. The firm earning the largest number of points shall be selected. If oral presentations are required, the top three firms (or two firms based on received responses) will be informed and scheduled for presentations.

All discussions between staff and consultants regarding projects for which a Request for Proposal has been issued, but selection not yet made, must first be routed through the Materials Management Division. This includes the time frame from advertisement until contract execution.

A statement must be included in each Request for Proposal (RFP) advising prospective proposers to contact the Materials Management Division should they have any questions or concerns related to the proposal. If contact occurs, U.C. staff should not respond to any inquiry, document the contact, and immediately refer to the Materials Management Division. Should technical concerns/questions arise outside the expertise of the Materials Management Division; the requesting department will be contacted by Materials Management staff to obtain the answer(s). Materials Management staff will ask the requesting department to provide the answer(s) Materials Management staff will relay the answer(s) to the inquiring vendor/consultant and shall issue an addendum to all prospective proposers when the answer involves an issue of importance to prospective proposers.

The decisions of the Evaluation Committee are not final and must be ratified by the Utilities Commission. Therefore, discussions between Utilities Commission staff and consultants regarding projects, for which they have proposed, after Evaluation Committee meetings and prior to Commission approval, must be routed through the Materials Management Division.

Any person who initiates any discussions with staff in any manner other than as described above is subject, at the sole discretion of the Utilities Commission, to be disqualified from the particular procurement RFP.

All RFPs must state that the Utilities Commission is bound by statements made or information given during the procurement consideration and award process ONLY when such statements or information are written and executed under authority of the Materials Management Division.

C. SUNSHINE LAW AND PUBLIC RECORDS

If proposals are accepted for the RFP, they are not subject to disclosure until the Utilities Commission issues a notice of intent to contract, or thirty (30) calendar days have elapsed after proposal opening, whichever is earlier. If bids are rejected, the Utilities Commission: (i) rejects all proposals submitted for RFP; and (ii) notice of rejection includes notice of intent to reissue the RFP, then the rejected proposals are not subject to disclosure until the Utilities

Commission issues a notice of intent to contract based on the reissued RFP, or the reissued RFP is withdrawn or cancelled.

If the Utilities Commission requests proposers make presentations to better explain their proposals, such presentations must be made in a public meeting.

D. UTILITIES COMMISSION PREROGATIVES

Per Resolution No. 2018-02 approved at UC Meeting 4-23-18 Agenda Item 5-d:

For those positions appointed by The Utilities Commission, the Utilities Commission may determine by majority vote to sit as the Selection/Evaluation Committee under these rules and exercise all rights, duties and obligations of the Selection/Evaluation Committee. The Utilities Commission may also determine by majority vote to dispense with any ‘cone of silence’ requirement and may permit individuals to contact individual Commission members to discuss the proposal, subject to strict compliance with the Sunshine Law and other applicable portions of the Code of Ethics of Public Officers set forth in Chapter 112 Fla. Stat.

PROFESSIONAL SERVICES (CCNA)

SECTION VIII

A. CCNA “CONSULTANTS COMPETITIVE NEGOTIATIONS ACT”

Florida Statute 287.055 governs requests for the purchase of professional services of, architects, engineer, land surveyor, mappings, landscape architects, CCNA states that any project whose construction cost* is expected to exceed Category Five: (\$325,000) or the professional fee for the design is expected to exceed Category Two: (\$35,000) fall under the rules governing this law. Thereby these services may only be obtained by these qualifications. (**Currently in effect as specified in law*)

B. PURPOSE OF A REQUEST FOR STATEMENT OF QUALIFICATIONS (RSQ)

The purpose of a Request for Statement of Qualifications (RSQ) is to select the most highly qualified firm to perform the task assigned.

C. HOW TO ACQUIRE PROFESSIONAL SERVICES

The requesting Department Director works with the Materials Management Division to draft a formal sealed Request for Statement of Qualifications (RSQ). The criteria for the selection committee to base their decision of the most qualified consultant shall be outlined in the request. Items used for this include but are not limited to the following criteria:

1. Projects done in last 10 years (similar)
2. Consultant’s understanding of the project
3. Staffing requirements
4. Location of office
5. Financial stability
6. Insurance
7. Occupation license
8. References
9. Availability (use in case of emergency)
10. Expertise in the services to be performed
11. Other relevant information, including estimating accuracy

D. REVIEW PROCESS

Submittals will be reviewed and evaluated as to qualifications to perform the services required by a selection committee, consisting of qualified Utilities Commission staff, based upon the information submitted and the requirements requested. Members of an Evaluation Committee should be selected to include representatives from the client department, and other department/division(s) involved, and any other individual(s) with specialized expertise. The Materials Management Division shall serve on the committee as an ex-officio member. The members of the evaluation committee should be identified prior to the solicitation issuance and the recommended list sent to the Materials Management Division from the requesting department/division before proposals are received. The committee will review the submittals and recommend a short list of three (3) to five (5) firms. In-person interviews may be required for selecting the short list. If interviews are required, no more than five (5) firms will be interviewed from which three (3) firms will be selected and ranked for negotiation in accordance with the "Consultants Competitive Negotiations Act" (CCNA), (*per Chapter 287.055, of the Florida Statutes*).

E. SELECTION COMMITTEE

The selection committee is to meet with the Materials Manager to discuss the goals of the project and the members role in the process. The committee will score each submittal in accordance with a predetermined set of evaluation factors and associated weights. Individual scoring sheets are submitted to the Materials Manager who compiles them into a summary. The requesting Department is notified and given the results of the rankings. The requesting department then writes a letter to the top firms and lets them know their ranking, advising the top-ranking firm that they will be contacted by the requesting Director as to a time and place to open negotiations. The requesting Director may negotiate the Contract on their own. Should no agreement be reached, the consultant will be told that their submittal has not been accepted (and negotiations cannot be reopened) and the second top ranking firm will be notified via a certified letter and advised of the U.C.'s interest in opening negotiations. This will continue until a firm has been selected, per *Chapter 287.055, of the Florida Statutes*.

One-on-one negotiations do not have to be published nor conducted in public. If no agreement can be reached with the top-ranking firm, then the next firm is selected and so on as defined above, until a contract is written, or the service request is cancelled at the Utilities Commission's sole option.

F. PURCHASING CATEGORIES

Purchasing Categories per Florida Statutes Chapter 287.017 as follows:*

**Currently in effect as specified in law*

1. CATEGORY ONE: \$20,000
2. CATEGORY TWO: \$35,000
3. CATEGORY THREE: \$65,000
4. CATEGORY FOUR: \$195,000
5. CATEGORY FIVE: \$325,000

G. ADMINISTRATION OF CCNA CONTRACTS AND TASK WORK ORDERS / AUTHORIZATIONS

1. Purpose:

Continuing contracts for engineering, architectural, landscape architectural, surveying/mapping services provide a timely and efficient means to acquire professional services to support Utilities Commission operations. These procedures are consistent with the requirements of Florida Statute 287.055.

2. Definitions of Contractual Elements of Cost:

- a.** "Continuing Contract" shall mean a contract for architectural/engineering surveying/mapping/landscape architectural services established on an annual or ongoing basis whereby the firm provides professional services to the Utilities Commission for projects in which construction costs* do not exceed \$4,000,000, for study activity when the fee for such professional services* does not exceed \$500,000 or for work of a specified nature as outlined in the contract required by the Utilities Commission. **Currently in effect as specified in law*

The continuing contract specifies the types of services or projects to be performed, hourly rate, schedule, and duration of the contract. Services for study activity or designs for construction, renovation, or rehabilitation activities are rendered on an as needed basis by means of a negotiated task authorization as defined below. Pricing shall be included in project-specific task authorizations issued against the continuing contract. Continuing contracts are established utilizing competitive sealed proposals. "Task Authorization" shall mean a project-specific work order issued against a continuing contract. Task authorizations specify the specific project, project schedule, completion time, detailed scope of services, and total compensation for the task authorization. "Study Activity" shall mean professional services involving research, investigation and/or evaluation which result in the presentation of findings, recommendations and/or a general plan for resolving a problem or need, but which do not involve the preparation of specific project designs, plans, specifications or other documents for use in obtaining priced proposals or awarding construction contracts.

- b.** Engineering and architectural services contracts may be established on a continuing basis for a maximum of four (4) years, (Chapter 85-503, Laws of FL, Special Acts of 1985), consisting of the initial year and renewed at one (1) year intervals thereafter for the remainder of the contract period. Contracts shall include a clause which allows the Utilities Commission to terminate at any time without cause with payment limited to services satisfactorily performed through the effective date of termination.
- c.** All task authorizations should be negotiated on a lump sum basis to the extent possible. Such task authorizations should include an attached fee proposal showing: the labor classifications, number of hours, contract hourly rate, break-even multiplier, profit margin, reimbursable, expenses and sub-consultant fees to determine overall lump sum cost.

APPROVAL PROCESS

SECTION IX

A. APPROVAL PROCESS

Every contract or agreement for purchase of supplies, materials, equipment, contractual services, construction contracts, or enterprise-wide agreements in excess of \$75,000 shall require the approval, via agenda item, of the Utilities Commission Commissioners.

If an Emergency approval over \$75,000 is required prior to the next Commission meeting, the CEO/General Manager shall approve the emergency request and the impacted Division shall have an agenda item prepared for the next Commission meeting for the Emergency approval.

B. REJECTION OF ITB/RFP/RSQ/etc.

The Utilities Commission reserves the right to waive informalities in any ITB/RFP/RSQ, to reject any and all ITB/RFP/RSQ, in whole or in part, with, or without cause, and/or accept the portions thereof that in its judgment will be in the best interest of the Utilities Commission.

C. LOWEST RESPONSIBLE BIDDER

In determining lowest responsible evaluated bid, the following may be considered in addition to price:

1. Whether the bidder has the ability, capacity and skill to perform or provide the service or products.
2. Whether the bidder can perform, provide promptly or within the specified time, without delay or interference.
3. Documented poor past performance or documented poor quality of products previously supplied.
4. The bidder has sufficient financial resources to perform requirements of the bid.
5. The bidder has the ability to provide future maintenance and service of the contract.
6. The number and scope of conditions and/or exceptions attached to the bid.
7. If award is not made to lowest bidder, the Department Director evaluating the bid shall submit to the Materials Management Division full and complete documentation stating the reason they do not recommend awarding to the low bidder. This documentation will also accompany or be stated within the agenda item presented for approval by the Utilities Commission.

D. TIE BIDS

1. In the event of a tie bid where quality and service are equal; a preference is given to vendors submitting, with the proposal, a certification of a drug free work place in accordance with *Section 287.087 Florida Statutes*.
2. Where tie bids of equal quality and service are between bidders, one of which is a business whose principal place of business is located in Volusia County and the other bidder is not, the recommended award shall be to the local bidder.
3. Past Performance - Consideration will be given to a vendor based on previous history and performance on similar Utilities Commission projects or requirements.
4. Delivery availability or completion period.
5. Capacity to perform in terms of service availability, facilities, personnel or financial availability.
6. Closeness to the delivery point.

If **all** conditions are equal, a flip of a coin, with two witnesses present, shall be the deciding factor.

E. BID BOND REQUIREMENTS

If required, the bidder must submit with the bid a Bid Bond in the amount stipulated in the bid documents, usually 5% or 10%, of the total bid. This is to ensure the bidder will not withdraw his bid for a certain period of time noted in the bid documents. If the bidder withdraws his bid before the time period ends, the bond is forfeited to the owner (Utilities Commission).

F. PERFORMANCE AND PAYMENT BOND REQUIREMENTS

Vendors may be required to provide a Performance/Payment Bond to guarantee the full and faithful performance of the contract obligation and the payment of all labor and materials expended pursuant to the contract in such an amount as deemed necessary by the Utilities Commission, Requesting Department and/or the Materials Management Division.

If a bond is required, the bidder whose proposal is accepted shall furnish a Performance/Payment Bond within a stipulated period of time. The bond shall be in the amount of one hundred percent (100%) of the total contract price or as specified in the Invitation to Bid Document or Request for Proposal to ensure full and faithful performance of contract.

G. MAINTENANCE OF BID/CONTRACT FOLDERS

It is the responsibility of the Materials Management Division staff to establish and maintain a bid/contract folder for each formal Invitation to Bid, Request for Proposal, etc. All documents pertaining to the bid/proposal including proof of legal advertisement, specifications, original bids, no-bid replies, tabulations, letters of complaint and any other documentation shall be maintained in a folder marked with identifying bid information. The contents of the folder shall be kept organized and in an identifiable order. Any employee having a need for information regarding the bid documents shall inspect the contents of the folder in the Materials Management area. The original package is to be returned to its proper file location and shall not be removed from the Materials Management area. Authorization from the Materials Management Division shall be obtained prior to making copies.

**CHANGE ORDERS AND CONTRACT
AMENDMENTS**

SECTION X

Change Orders/Contract Amendments are written amendments to a contract or purchase order, which normally revise the quantities or makes changes within the scope of services and may include an extension of time to complete the contract.

A. FORMAL CONTRACTS – PROCEDURE AMENDING/CHANGES AFTER AWARD

If an overall project's actual expenditures exceed the budget by over/under 15% the project and the variance drivers must be presented to the CFO.

- If the project's variance to its original budget is \$75,000 or less, the CEO will review and sign-off.
- If the project's variance to its original budget is over \$75,000, the CEO and the Utilities Commission Commissioners will approve.

The change order amounts referenced above are only related to an individual contract. The project manager must provide variance explanations for the overall project. See Section V Methods of Purchasing for overall project variance thresholds.

If a change due to unknown or unforeseen circumstances is outside the scope of the original project or procurement as determined by the Materials Management Division, coordination with the impacted department's Director is essential to determine if a new Invitation to Bid must be issued, unless bidding would cause a significant delay or other adverse impact on the project. Alternatively, a new contract with the existing contractor may be negotiated, provided said contractor is qualified and available to perform on the new project, or is capable of securing the services of a qualified subcontractor. Extension of time frame for completion of contract may also be authorized by the Materials Management Division.

B. CHANGES TO PURCHASE ORDERS

Whenever a change of any kind is required on a purchase order, the requesting department/division's director will request the change via a memorandum or email defining the change to the original request and deliver it to the Materials Management Division. Only the Materials Management Division will be authorized to change the original purchase order. If the change to the purchase order is \$5,000 or greater, the Director of Finance must also be copied in the request. Changes of this type are usually the result of a repair. Wherein once the unit is disassembled, the true cost is discovered. Any change order greater than the sealed bidding threshold requires Utilities Commission approval.

PROTESTS AND DISPUTES

SECTION XI

The Utilities Commission encourages prompt and ethical handling of all protests and disputes with the business community. In order to resolve disputed matters in an equitable manner without fear of retribution on the part of the vendor, the following procedures are adopted:

The Materials Management Division, or representative, shall post a tabulation of bids received along with the intended award recommendations or a short list of proposers on the Utilities Commission web site.

A. BID PROTESTS (*see ABA The Model Procurement Code for State and Local Governments R9 101.03*).

When filing a protest, it must be made in writing to the Materials Management Division and shall be filed in duplicate within 14 calendar days after the protestor knows or should have known of the facts giving rise thereto. For the Commission's purpose, the time period shall be either fourteen (14) calendar days before the bid opening or fourteen (14) calendar days after the bid opening, whichever applies. A protest is considered filed when received by the Materials Management Division. Protests filed after the fourteen (14) calendar day period shall not be considered.

To expedite handling, the envelope must be labeled "Protest" and must include: (a) name and address of protester; (b) appropriate identification of the procurement, and, if a contract has been awarded, its number; and (c) a statement of reasons.

Protests of solicitation specifications should be filed as soon as possible, but not less than 72 hours prior to bid closing. According to the Model Procurement Code guidelines, fourteen (14) days advance notice is recommended but not always practical. Requests for change or protest must include the reasons for the protest and any proposed changes to the specifications or provisions. The Utilities Commission is not required to consider such requests received after a pre-established deadline.

B. PROTEST POLICIES

A vendor / bidder may protest the award of any item, service, material or contract at any time. If prior to award, (*Per ABA Model Procurement 9-202*), it is determined that a solicitation or proposed award of a contract is in violation of law, the solicitation or proposed award shall be: a) Cancelled; or, b) Revised to comply with the law.

If after an award, it is determined that a solicitation or award of a contract is in violation of law then:
(Per ABA Model Procurement 9-203)

1. If the entity awarded the contract has acted responsibly and in good faith:
 - a. The contract may be ratified and affirmed, provided it is determined that doing so is in the best interest of the Utilities Commission; or
 - b. The contract may be terminated, and the entity awarded the contract shall be compensated for the actual expenses reasonably incurred under the contract, plus a reasonable profit, prior to the termination.
2. If the entity awarded the contract has acted fraudulently or in bad faith:
 - a. The contract may be declared null and void; or
 - b. The contract may be ratified and affirmed if such action is in the best interest of the Utilities Commission, without prejudice to the Utilities Commission's rights to such damages as may be appropriate.

C. TIME FOR DECISIONS (per ABA Model Procurement R9-101.07)

A decision on a protest shall be made by the Materials Management Division, CFO or General Manager/CEO as expeditiously as possible after receiving all relevant, requested information. If a protest is sustained, then the protesting bidder or offeror shall be entitled to the reasonable costs incurred in connection with the solicitation, including bid preparation costs other than attorney's fees.

SURPLUS PROPERTY

SECTION XII

A. RESPONSIBILITY

Disposal of surplus, worn out or obsolete material and equipment, including vehicles, shall be conducted by the Materials Management Division and shall be administered in the best interest of the Utilities Commission and its Departments. Various resolutions but not limited to Resolution Nos. 11-80, 17-80, 3-04, and 2020-02, provide guidelines and procedures as to the disposal of Utilities Commission property, which includes the requirements necessary for Utilities Commission approval.

B. NOTIFICATION TO MATERIALS MANAGEMENT DIVISION FOR DISPOSAL

Each department/division shall notify the Materials Management Division by Disposal form (Exhibits A-3 & A-4) of surplus items for disposal. The memorandum shall specify the following:

1. Number of items to be disposed.
2. Complete description of item(s) - example: M-5 Red 1971 Gremlin ID# E-17BAC98548
3. Asset Tag number (if available).
4. Location of items. Items available for surplus should also be moved to a location to be determined by the Materials Management Division.

C. STORAGE OF SURPLUS ITEMS

1. All surplus vehicles will be stored at a location to be determined by the Materials Management Division. The department/division director shall call the designated storage yard personnel just prior to delivery and turn over the keys and license plates to a designee of the yard for the Materials Management Division. The identifying vehicle number is to remain on the vehicle until determination is made by the Materials Management Division as to the correctness of the VIN # on the disposal slip for proper disposal.

2. Small items of office equipment will be stored at a central location to be designated by the Materials Management Division. Small items consist of the following:
 - a. Office equipment
 - b. Furniture including desks, cabinets, bookcases, copiers, file cabinets, chairs, etc.
 - c. Refrigerators, coffee makers, etc.
 - d. Computers, printers, and all peripheral devices

D. METHODS OF DISPOSAL

Surplus, obsolete or worn out material may be disposed of by one of the following options. These disposal options are ultimately determined by the Materials Management Division:

1. Transfer to other departments
2. Trade-in on new equipment
3. Return to manufacturer or supplier for credit
4. Spot Quote/Direct Sale (for items no bids/quotes were received or of small dollar value, less than \$1,000 per item)
5. Donate to charitable organization
6. Advertise, for bids/quotes, and offer for sale via on-line bidding websites such as publicsurplus.com as deemed appropriate by the Materials Management Division, (*per Sections V and VI*).
7. Scrap sales
8. Junk / Trash
9. Auction

E. WITHDRAWAL FROM SURPLUS

No withdrawal of surplus items will be permitted once the notice of sale is published and/or posted. Departments will be furnished with a list of surplus items prior to advertising, to permit other departments/divisions the opportunity to request a transfer of the item for use in their department.

F. CONDITIONS OF SURPLUS

Surplus is offered for sale “**WHERE IS**” and “**AS IS**” without recourse against the Utilities Commission. Warranties are not issued or implied.

G. DISPOSAL OF SURPLUS OR OBSOLETE SUPPLIES, MATERIALS OR EQUIPMENT

1. No surplus or obsolete supplies, materials, or equipment valued at more than \$25,000 may be sold until written findings if required in compliance with Resolution No. 2020-02 (master bond resolution) and the Utilities Commission Commissioners have approved and declared them obsolete or surplus, and by resolution, if required.
 - a. In the event of a planned sale or auction (online or otherwise) of excess vehicles or other higher value UC equipment or vehicles, the Purchasing Department and the CFO will provide the COMMISSION advance notification of the sale that is scheduled to occur. After the sale has concluded, the CFO and Purchasing Department will provide an update on the disposal results.

H. PROHIBITION OF INTEREST

Sale of surplus property to Materials Management Division or their relatives is prohibited. All other employees are permitted to bid on any items for sale once publicly offered via sealed bidding, spot quotes or public auction.

I. REAL PROPERTY

ANY surplus real property or real property considered as available for sale **MUST** be approved through the normal procurement approval process including but not limited to the Department Director, CFO, CEO, and/or the Commission. Real property includes but is not limited to the following: items of a permanent nature over or under land, buildings, ponds, canals, roads, easements, improvements, etc.

**CENTRAL RECEIVING WAREHOUSE AND
RECEIPT OF GOODS AND MATERIALS**

SECTION XIII

A. FUNCTION

The Warehouse/Central Stores falls under the supervision of the Materials Management Division, which is a unit within the Finance Department. The Warehouse is responsible to inspect (or supervise the inspection), test and receive all commodities, supplies and equipment received into the warehouse and to determine their compliance with the specifications set forth in the purchase order or contract.

B. INSPECTION AUTHORIZATION

The Materials Management Division authorizes the requesting department/division to assist in the inspection and receiving on orders shipped directly to them against a Utilities Commission purchase order. The department/division representative shall use the following checklist to check for compliance:

1. Check all packages and weights against shipper's manifest.
2. Observe and record condition of packing or other evidence of rough or faulty handling, with carrier's representative present and prior to acceptance. Qualify acceptance accordingly.
3. Check all items to verify vendor's packing slip and receiving copy of purchase order for quantity ordered versus received.
4. Arrange for detailed inspection and testing of items to ensure specifications are met.
5. Record receipt, partial or complete, on warehouse copy of purchase order and forward a copy to the Accounting Division.
6. Mark, label and repackage as required.
7. Store, charge-out and provide inventory control for material.

C. DEPARTMENT ACCEPTANCE PROCEDURE (Direct Turnover)

Upon receipt of materials, and after inspection and testing, the receiving department will properly complete the receiving copy of purchase order or voucher request if no purchase order was issued for payment. Any variation in quantity will be noted on the receiving copy of the purchase order. If the quantity received does not agree with the vendor's packing slip, the Materials Management Division shall be notified at once of the discrepancy; or, if the materials delivered are not in compliance with the specifications and are not acceptable to the receiving department, they shall notify Materials Management at once of the reasons for withholding acceptance. The Materials Management Division will take immediate steps to resolve the discrepancy by either requesting replacement or ordering the needed material from an alternate supplier.

D. OUTSIDE TESTING

The Materials Management Division will make the necessary arrangements to procure outside testing services when requested and/or required.

E. PARTIAL RECEIVING REPORTS

When partial shipment is made on an order, the partial receiving report will be annotated on the warehouse copy of the purchase order, noting quantity received and attaching the packing slip with a copy of the purchase order. These documents are then forwarded to the Accounting Division for payment.

F. RECEIVING DOCUMENTS SENT TO ACCOUNTING

When sending receiving documents to the Accounting Division for posting items ordered into warehouse inventory, the following procedures and set-up shall be adhered to by the receiving person.

Place the documents in the following order from top to bottom:

1. Original Invoice, if received,
2. Receiving documents/packing slips,
3. Copy of PO [Annotate the quantities received (circle it) next to the Quantities ordered].
 - a. If this is a partial or complete order, denote as such on PO copy sent to Accounting.

FORMS PURPOSE

SECTION XIV

A. VENDOR INFORMATION (Exhibit A-1)

A new vendor who wishes to do business with the Utilities Commission is required to complete a vendor information form. This form provides the Commission the proper name of the entity, the mailing and remit to addresses, telephone and facsimile numbers, web and email addresses, Federal ID or SS numbers, tax status, business status, and commodity or service supplied. The form will be submitted to the Materials Management staff, which is responsible for assigning a vendor number and entering into the supplier data base.

B. VENDOR REVIEW (Exhibit A-2)

The Utilities Commission utilizes a “Vendor Review” form for the purpose of providing a standard means for all requesting department/divisions to report to Materials Management any discrepancies or deficiencies on the part of a vendor, or the products/services furnished by the vendor, which do not meet the standards and specifications of the purchase order/contract. The form further provides a means by which the requesting department/division may obtain factual reports relative to the performance of a vendor to furnish supplies, equipment, material and/or services to the Utilities Commission. Since this form will become a permanent record in the vendor’s performance file, it is important that all pertinent facts, including a recommended action, be completely documented, using additional pages attached to the form when necessary. The form is to be completed by the individual who has experienced the problem(s) and shall be signed by the director of the division. A copy is to remain in the requesting department/division and the original sent to the Materials Management Division. Upon receipt of the form, the Materials Management Division will discuss the issue with the vendor.

Departments having problems with a vendor need to fill out a Vendor Review Form (Exhibit A-2) and submit this to the Materials Management Division. The Materials Management staff will contact the vendor in an effort to compromise within the best interests of the Utilities Commission, if possible, or to rectify the problem. If the problem continues, the vendor will be placed on notice that failure to correct any existing problems shall be grounds for removal from Utilities Commission active supplier base for 30 – 60 days or as determined appropriate by the Materials Management Division. After reinstatement of a removed vendor, as determined by the Materials Management Division, they will be put on a probationary period of one (1) year. Any failure to deliver the product/service may result in permanent removal from Utilities Commission vendor database.

C. PROPERTY DISPOSAL CERTIFICATE – (Exhibit A-3)

The department director shall prepare the Property Disposal Certificate form for disposal of all Utilities Commission property that is considered a fixed asset. The description shall be in sufficient detail to allow positive identification. List the property identification tag number which may have been affixed to the property. This form is sent to the Material Management staff for disposal or transfer of this item. Once the disposal process is complete, the form is given a number, recorded and sent to the Fixed Asset Accountant to calculate the book value. The form is finally signed by the CFO.

D. REQUEST FOR DISPOSAL OF EXPENSED PROPERTY- (Exhibit A-4)

The Request for Disposal of Expensed Property form will be used to dispose of materials which have been previously expensed and are no longer required or useful to the operations of the Utilities Commission. This form is to be completed by the requesting division. The date, description and quantity of the material to be disposed of shall be in sufficient detail to properly identify. The form shall be signed by the director of the division and sent to the Material Management staff for disposal or transfer of this item(s). The form is given a number and recorded in a disposal log for a bid, auction, transfer, trade-in or trash. The final disposal action is noted, when completed in the surplus log book.

E. SOLE SOURCE JUSTIFICATION (Exhibit A-5)

The Sole Source Justification form is to be completed by the requesting department/division when making a request for a sole source purchase and signed by the requisitioner and the Department Director, stating the reason this purchase can only be obtained from a specific supplier or manufacturer. The department is to attach any backup documentation along with the sole source justification form request. The Materials Management staff reserves the right to challenge the eligibility of the purchase when deemed appropriate. If the Materials Management staff finds that the commodity or service cannot be competitively bid or would not be in the best interest of the Utilities Commission to do so, then approval will be granted. If approved, the Sole Source Justification form will be assigned a number by the Materials Management Division and the original is placed in the sole source log with a copy being attached to the file copy of the purchase order.

However, if the Materials Management Division feels the purchase can be obtained from other sources, competitive quotes, a Request for Proposal (RFP) or an Invitation to Bid (ITB) will be issued. The CFO along with the Materials Management Manager can also review the sole source justification to determine the best course of action for the Utilities Commission.

F. PURCHASING CARD REQUEST/CERTIFICATION/RECEIPT (Exhibit A-6)

The Purchasing Card Request/Certification/Receipt form is used to order a Visa Purchasing Card for a Utilities Commission employee. It is to be filled out and approved by the director of the division and the original is sent to the Purchasing Card Administrator for processing. Information needed is the employee name, department/division, single purchase limit (up to \$1,000) and the 30-day limit (up to \$5,000), travel allowance, and the division director's signature. The Purchasing Card Administrator orders the card, sets up the account, and completes the rest of the information. When the card is ready for pick up, the training will be scheduled. The employee signs the form stating he/she understands the duties and obligations of the Utilities Commission Purchasing Card Program. A file is set up for each card holder and retained in the Material Manager's office.

G. SINGLE SOURCE (Exhibit A-7)

The Single Source Form shall be filled out for purchases where after a thorough analysis of all possible suppliers is completed, the supplier is chosen largely based on price. The provider also may be chosen based on the quality of the goods it offers. After evaluating price and quality, the single source vendor is the one that most closely matches your needs and wants.

H. SMALL PURCHASE PRICING MEMORANDUM (Exhibit A-8)

The Small Purchase Pricing Memorandum form is to be used by the Materials Management staff to document price reasonableness for purchases of less than \$7,500. This form documents the reasons for restricting competition anytime a purchase is made from only one source or when competition has been restricted.

I. NOTICE OF EMERGENCY PURCHASE (Exhibit A-9)

The Notice of Emergency Purchase form shall be filled out for all emergency purchases over \$5,000. Materials Management will assign a number and maintain a log of all emergency purchases requested from the departments/divisions.

J. NEW ITEM/DESCRIPTION CHANGE FORM (Exhibit A-10)

The New Item/Description Change form is to be completed by the requesting department/division and approved by the director of the department when a new item is to be added to the Central Stores Warehouse inventory. The New Item/Description Change form shall be completed by filling out the manufacturer's part number, requesting department/division, a complete description, a reorder point, a high stock limit, and unit of issue, (i.e. each, box, ft etc.). The completed form is sent to the Materials Management Division to review and assign a stock number. It is then forwarded to the Purchasing Assistant to enter into the inventory data base. The first order will be placed once the item is entered into the system and appears on the reorder report, which is generally in the following week.

K. VOUCHER REQUEST (Exhibit A-11)

A voucher request is an internal form used to request payment for routine sole source type items, such as subscriptions, warranty/maintenance agreements, legal ads, professional dues, and other miscellaneous items as deemed appropriate and as identified in these procedures. The form is normally completed by the requesting department/division after an invoice has been received. The requesting Department must supply the following information obtained from the invoice: name, address, date, invoice number, amount and total. The requesting director shall sign and verify the information provided as being correct. Voucher Requests are not to be used to process payment for goods and services which can be acquired via Purchase Order.

L. PROJECT REQUEST FOR EXPENDITURE (Exhibit A-12)

The Project Request for Expenditure Form (PRE) is filled out in accordance with Section V. This form is to be used for all O&M and Capital expenditures. See the excel template for complete form and instructions. In general, for purchases, between \$5,000 and \$10,000, the Director and the CFO are to approve. For purchases in excess of \$10,000, the CEO must also approve – See Section V for complete approval levels.

M. PIGGYBACK CHECKLIST (Exhibit A-13)

To obtain the benefits of volume purchases or reduce administrative expenses and time when procuring similar goods or services, the Commission may utilize a process commonly known as “piggybacking”. This term refers to the use of competitive bids or RFP’s obtained by other governmental entities.

In accordance with authority granted by Chapter 287 of the Florida Statutes, the Commission may utilize a competitive Bid or RFP solicited by any other municipal, county, state or federal governmental agency if such Bid or RFP is deemed to be in the best interest of the public but only if certain requirements are met. The piggyback checklist shall be sent to Materials Management with the requisition when the requesting department intends on piggybacking an existing agreement for a purchase. “Piggybacking” is intended to be used for common, non-specialized materials and certain services. It is NOT to be used for consulting or other professional services.