

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	* See below	_____	_____	_____	_____
# ADDITIONAL FTE	_____	_____	_____	_____	_____
POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included In Current Budget? Yes ___ No ___
 Budget Account No.: Fund ___ Dept ___ Unit ___ Object _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review:

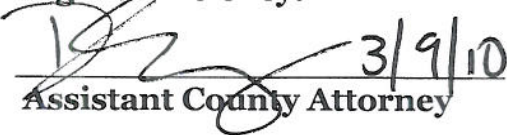
* This Amendment will increase revenue collected for the IG Fee; however, since the purchases made on behalf of the GUA are reimbursed to the County, there is no fiscal impact associated with the newly created alternative source selection method for GUA purchases.

III. REVIEW COMMENTS

A. OFMB Budget and/or Contract Dev. and Control Comments:

<p><i>3/3/10</i>  _____ OFMB/Budget <i>3/3/10</i></p>	<p> _____ Contract Development and Control <i>3/4/10</i> <i>6. Jones 3/4/10</i></p>
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B. Legal Sufficiency:



 Assistant County Attorney
3/9/10

C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.

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4
5 ORDINANCE NO. 2010 - _____
6

7 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
8 PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY
9 CODE CHAPTER 2, ARTICLE III, DIVISION 2, PART A (THE PALM
10 BEACH COUNTY PURCHASING CODE); AMENDING SECTION 2-52
11 "DEFINITIONS"; AMENDING SECTION 2-54 (f) "ALTERNATIVE SOURCE
12 SELECTION"; AMENDING SECTION 2-58 "CONFLICT OF INTEREST";
13 PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR
14 SEVERABILITY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING
15 FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND
16 PROVIDING FOR AN EFFECTIVE DATE.
17

18
19 **WHEREAS**, the Board of County Commissioners of Palm Beach County, Florida enacted
20 Ordinance No. 2005-062, referred to as the "Palm Beach County Purchasing Code", which
21 established a centralized purchasing system to govern the procurement of goods and services; and

22 **WHEREAS**, on April 15, 2008, the Board of County Commissioners of Palm Beach County,
23 Florida enacted Ordinance No. 2008-009 thereby amending the Palm Beach County Purchasing
24 Code in order to facilitate and enhance the efficiency of the County's procurement process; and

25 **WHEREAS**, there is a recognized need to make minor revisions to the Purchasing Code in
26 order to further facilitate the efficiency of the County's procurement process for purchases made for
27 the Glades Utility Authority and for implementation of the Inspector General Fee; and

28 **WHEREAS**, the Board of County Commissioners desires to amend the Palm Beach County
29 Purchasing Code as set forth herein.
30

31 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS**
32 **OF PALM BEACH COUNTY, FLORIDA**, that:

33
34 **SECTION 1. Palm Beach County Code Chapter 2, Article III, Division 2, Part A, Section 2-52**
35 **"Definitions", is amended as set forth below:**

36 Glades means the area from the Broward County line north along Canal L-36 to the
37 Loxahatchee National Wildlife Refuge, thence north to Southern Boulevard along Canal L-40,
38 thence west along Southern Boulevard to a north-south line 1 1/2 miles west of Canal L-8, which
39 coincides with a private agricultural road heading north from Southern Boulevard at that point
40 where State Road 880 intersects Southern Boulevard from the South, thence north along the
41 line of this north-south road to the boundary of the J.W. Corbett Wildlife Management Area,
42 thence east and north along the boundary of the J.W. Corbett Wildlife Management Area to the
43 Martin County line.

1
2 Glades business means a bidder or proposer which has a permanent place of business
3 within the Glades and which holds a business tax receipt issued by Palm Beach County that
4 authorizes the bidder or proposer to provide the goods, services, or construction to be built and
5 which is issued prior to the issuance of the invitation for bids/request for proposals for which a
6 preference is sought. If the business is a joint venture/partnership, it is sufficient for qualification
7 as a Glades business if at least one of the joint venturers/partners meets the requirements set
8 forth in this subsection.

9
10 Glades Utility Authority ("GUA") means that Authority that has been created pursuant to
11 Part 1 of Chapter 163, Florida Statutes (the Florida Interlocal Cooperation Act of 1969) for the
12 purpose of providing water, wastewater and reclaimed water service to the residents of the cities
13 of Belle Glade, Pahokee, South Bay and surrounding areas in an efficient and fiscally
14 responsible manner, and that is governed by its Board of Directors.

15
16 Inspector General Fee means the fee imposed pursuant to the Palm Beach County Inspector
17 General Ordinance (Ordinance No. 2009-049).

18
19 **SECTION 2. Palm Beach County Code Chapter 2, Article III, Division 2, Part A, Section 2-54**
20 **(f), "Alternative Source Selection", is amended as set forth below:**

21 (5) *Purchases off contracts of other entities ("piggyback purchases").* Notwithstanding
22 any requirements of the purchasing code, the purchase of goods or services under contract with a
23 federal, state or municipal government or any other governmental agency, political subdivision, or
24 government-related association, may be made providing that the originating entity utilized a
25 competitive process similar to the county's, as determined by the director of purchasing; and,
26 providing that the county accepts the same terms and conditions specified within the originating
27 contract; and providing that the contractor extends the same terms and conditions of the contract to
28 the county. In the event that the Inspector General Fee is not included in the original contract, the
29 County may impose the Inspector General Fee on piggyback purchases where the contractor is in
30 agreement with said Fee.

31
32 (11) Glades Utility Authority ("GUA") purchases under \$100,000. Any GUA purchase for
33 goods or services in an amount less than \$100,000 shall be made in accordance with this
34 Ordinance and the policies and procedures promulgated by the Purchasing Department; however,
35 the pool of responding vendors shall be limited to those located in the Glades unless there are no
36 Glades vendors providing that good or service. In the event that purchases are made through this
37 alternative source selection, the Palm Beach County Local Preference Ordinance shall not apply.

1 The GUA Board may determine that there are no Glades vendors providing that good or service, or
2 that it is in the best interests of the GUA not to limit the pool of potential vendors to only Glades
3 vendors via this alternative source selection.
4

5 **SECTION 3. Palm Beach County Code Chapter 2, Article III, Division 2, Part A, Section 2-58**
6 **“Conflict of Interest”, is amended as set forth below:**

7 (a) *Special Masters.* Special Masters shall be subject to a policy and procedure
8 implemented by the Purchasing Department relating to outside counsel conflicts of interest. In
9 addition, the ethics rules promulgated by the Florida Bar pertaining to conflicts of interest shall apply.
10 If a special master is unable to provide a fair hearing for any reason, the special master shall not
11 accept the case and shall immediately notify the Director of Purchasing of the conflict. The
12 Purchasing Director shall reassign the case to a special master who does not have a conflict with
13 the case.

14 ~~(b) — Neither the Director of Purchasing, the Directors of the Construction Departments,~~
15 ~~nor any member of his/her staff shall be financially interested or have any personal beneficial~~
16 ~~interest, directly or indirectly, in any purchase or contract of any supplies, materials, equipment or~~
17 ~~services used by or furnished for the County pursuant to the Purchasing Code. Further, The~~
18 ~~Director of Purchasing, the Directors of the Construction Departments, and every member of his/her~~
19 ~~staff are prohibited from accepting or receiving from any person, firm or corporation to which any~~
20 ~~purchase or contract may be awarded, any money, rebate, gift or anything of value or any promise,~~
21 ~~obligation or contract for future reward or compensation.~~
22

23 **SECTION 4. Repeal of Laws In Conflict.**

24 All local laws and ordinances in conflict with any provision of this Ordinance are hereby
25 repealed to the extent of such conflict.
26

27 **SECTION 5. Severability.**

28 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
29 reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the
30 remainder of this Ordinance.
31

32 **SECTION 6. Savings Clause.**

33 All provisions of Ordinance No. 2005-062, the Palm Beach County Purchasing Code, as
34 amended, are specifically preserved and remain in full force and effect for the limited purpose of
35 enforcing any violation of said Ordinance, ~~which violations occurred prior to its appeal.~~
36

1 **SECTION 7. Inclusion In The Code Of Laws And Ordinance.**

2 The provisions of this Ordinance shall become and be made a part of the Code of Laws and
3 Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be re-numbered or
4 re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or
5 other appropriate word.

6

7 **SECTION 8. Effective Date.**

8 The provisions of this Ordinance shall become effective upon filing with the Department of
9 State.

10

11 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach County,
12 Florida, on this the _____ day of _____, 2010.

13

14

15 **SHARON R. BOCK,**
16 **CLERK & COMPTROLLER**
17 **PALM BEACH COUNTY**

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

18

19

20 By: _____
21 Deputy Clerk

By: _____
Burt Aaronson, Chair

22

23

24

25 **APPROVED AS TO FORM AND**
26 **LEGAL SUFFICIENCY**

27

28

29 By: _____
30 County Attorney

31

32

33

34 **EFFECTIVE DATE:** Filed with the Department of State on the _____ day of _____, 2010.

DIVISION 2. PURCHASES*

Part A. General Provisions†

Sec. 2-51. General provisions.

(a) *Authority.* The provisions of sections 2-51 through 2-58 are based upon the authority granted to the board of county commissioners and the county administrator, in Article VIII, Section 1, of the Florida Constitution; F.S. ch. 125, pt. IV; and the Palm Beach County Charter.

(b) *Short title.* The provisions of sections 2-51 through 2-58 shall be known and cited as the "Palm Beach County Purchasing Code."

(c) *General purpose.* The purpose of the purchasing code is to place the county's purchasing function under a centralized system which will enable the county and the county's purchasing department to:

- (1) Establish policies and procedures governing the purchase of goods and services, including those goods and services that are revenue generating;
- (2) Provide, encourage, and promote fair and equitable treatment for all persons desiring to do business and who currently do business with the county; and
- (3) Obtain goods and services of satisfactory quality and quantity at a reasonable cost.

(d) *Policy decision.* The authority granted hereunder shall not include fundamental policy decisions regarding the county's purchasing functions and procedures. These powers, including the determination of the total funds to be spent pursu-

*State law reference—Home rule powers of chartered counties, Fla. Const., Art. VIII, § 1(g).

†Editor's note—Ord. No. 05-062, §§ 1—9, adopted December 20, 2005, amended the Code by repealing former Part A, §§ 2-51—2-57, and adding a new Part A. Former Part A pertained to similar provisions, and derived from Ord. No. 90-25, adopted July 24, 1990; Ord. No. 93-27, adopted October 19, 1993; Ord. No. 93-28, adopted October 19, 1993; Ord. No. 94-27, adopted November 15, 1994; Ord. No. 95-25, adopted July 18, 1995; Ord. No. 96-17, adopted May 21, 1996; Ord. No. 98-7, adopted February 24, 1998; Ord. No. 98-33, adopted August 18, 1998; Ord. No. 98-50, adopted October 20, 1998; Ord. No. 00-037, adopted September 26, 2000; and Ord. No. 02-036, §§ 1—3, 8-20-02.

ant to the purchasing code by user county departments and the setting aside of those funds, shall remain solely with the board of county commissioners and are not and shall not be delegated. User county departments may not request procurements that are not budgeted or that are beyond the limitations imposed in the county's budgetary process, and shall make annual accountings to the board of county commissioners of their expenditure of these funds.

(e) *Requirements of good faith.* The purchasing code requires all parties involved in procuring goods or services, or in administering the contracts for procured goods or services to act in good faith.

(f) *Application/exemptions.* Except as otherwise specified herein or by law, the purchasing code shall apply to every purchase by the board of county commissioners to be paid from county funds, including those purchases made by the county with state and federal assistance moneys.

- (1) The purchasing code shall not apply to:
 - a. Agreements between the board of county commissioners and nonprofit organizations or other governments that provide for the transfer, sale or exchange of goods or services.
 - b. Procurement of dues and memberships in trade or professional organizations; subscriptions to periodicals; advertisements; postage; utility services; copyrighted materials; professional medical services; authorized hospitality expenses; fees and costs of job-related seminars and training, including materials provided with, or as an integral part of, that training; and, admission fees for amusement parks and entertainment activities included in county recreational programs for youth, teens, adults, seniors, and persons with disabilities.
 - c. Presenters and lecturers for county library programs.
 - d. Recreational instructors and sports officials.

- e. Procurements for constitutional officers, specifically the clerk and comptroller, sheriff, supervisor of elections, property appraiser, state attorney, public defender, and tax collector.
 - f. Selection of professional services that are governed by the provisions of the "Consultants Competitive Negotiations Act" ("CCNA"), F.S. § 287.055, and by county policies and procedures. Selection of professional services that are exempt from the requirements of F.S. § 287.055 shall be made in accordance with the purchasing code.
 - g. Real property interests.
 - h. Food service and retail leases and concessions.
 - i. Vending machines.
 - j. Goods or services purchased with donations, gifts, or bequests containing restrictions that would interfere with or prevent the application of the requirements of the purchasing code.
 - k. Goods purchased with petty cash in accordance with established County procedures.
 - l. Any purchase of value less than one thousand dollars (\$1,000.00); however, the total dollar amount of such purchases shall not be exempt from the county's small business enterprise ordinance or from resource manager approval. These goods or services are not exempt in and of themselves but for the dollar value being less than one thousand dollars (\$1,000 00).
 - m. Legal services, expert witnesses, court reporter services, and other expenses pertaining to claims or litigation.
 - n. Insurance policies costing less than the mandatory bid or proposal amount.
 - o. Artwork as defined by applicable policy and procedure.
 - p. Full or part-time contractual employees of the board.
 - q. Event specific stage production or programming including individuals or groups providing musical or theatrical performances or lectures.
 - r. Solicitation of sponsorships.
- (2) *Procurement of exempt purchases.* Exempt purchases shall, where possible, be competitively procured by the user county department. The procurement of exempt purchases shall be made by written contract between the vendor and the board or authorized designee; by direct payment in accordance with applicable policy and procedure; or, by purchase order.
- (Ord. 05-062, § 2, 12-20-05; Ord. No. 08-009, § 1, 4-15-09)

Sec. 2-52. Definitions.

Administrator means the county administrator.

Best and final offer means the process used in competitive proposal evaluation whereby final proposals containing the vendors' most favorable terms for price and services or goods to be delivered are requested and considered prior to proposal award.

Bid means a formal price offer by a vendor to furnish specific goods or services in response to an invitation for bid or a multistep bidding procedure.

Board means the board of county commissioners.

Business means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.

Capital improvement project means any public improvement which the county undertakes, including the construction or reconstruction in whole or in part of any building, road, highway, street

improvements, plant, structure, or facility necessary in carrying out the functions of the county government.

Change order means a written document executed to direct a contractor to make changes or additions to a purchase order or contract, including monetary, time and specified changes.

Construction means the process of building, altering, improving, demolishing, or major repairing or renovating of any structure or building, or other improvements of any kind to any real property, or other activity specifically related to, or part of, these processes, as determined by the director of purchasing.

Contract means a binding written agreement, enforceable by law, between two (2) or more parties for the purchase or sale of goods or services. A purchase order is a contract.

Contractor means any awardee having a contract with the board of county commissioners.

Construction departments collectively means the departments of engineering, water utilities, airports, facilities development and operations, and environmental resources management.

County means the county board of county commissioners or any of its authorized representatives pursuant to ordinance, resolution, or administrative code.

Debarment means the exclusion for cause of a vendor, contractor or subcontractor from responding to any county solicitation or from doing business with the county directly or indirectly.

Designee means a duly authorized representative of the board, the county administrator, purchasing director, or a director of a construction department, as applicable.

Emergency purchase means a procurement made in response to a need when the delay incident to complying with all governing rules, regulations, or procedures would be detrimental to the interests, health, safety, or welfare of the county.

Goods means any tangible personal property other than services or real property.

Invitation for bid ("IFB") means a solicitation used in the formal competitive bid process to solicit sealed bids for the purchase of goods or services that are equal to or greater than the mandatory bid or proposal amount.

Living wage ordinance means an ordinance adopted by the board that requires construction contractors and subcontractors, as defined in chapter 2, article IV, division 3, of the County Code, to pay a living wage and provide minimal health benefits to employees directly providing construction-related services to the county pursuant to a contract.

Local preference ordinance means an ordinance adopted by the board that applies a local preference to bids or proposals submitted by local vendors, as defined in chapter 2, article III, division 2, part D of the County Code, in response to a solicitation of goods and services.

Mandatory bid or proposal amount means the threshold dollar amount established by the board whereby the formal competitive bid or proposal process must be used, except as otherwise provided herein. The mandatory bid or proposal amount shall be fifty thousand dollars (\$50,000.00).

May denotes the permissive.

Posting means an act whereby the county publicly notices, in a designated location(s), the recommended awardee of an invitation for bid or a request for proposal.

Professional services means those services as defined in section 2-80.21 of the County Code.

Proposal means a formal offer by a vendor to furnish goods or services in response to a request for proposal.

Proprietary means there is only one (1) item that meets the need of the using county department as determined by a reasonably thorough analysis of the marketplace; however, the item may be obtained through more than one vendor.

Purchase order means a contract used to authorize a purchase from a vendor that includes specific goods or services ordered, applicable terms as to payment, discounts, date of performance

and transportation; and other factors pertinent to the transaction. A purchase order is referred to herein as a "contract."

Quotation means a written informal offer by a vendor to furnish specific goods or services in response to a request for quotation.

Request for information ("RFI") means a solicitation that will satisfy a need or that will determine available sources rather than provide a firm specification; thereby giving the respondent latitude to develop a good or service that will fulfill the need, or thereby provide available sources for the good or service.

Request for proposal ("RFP") means a solicitation used in the formal competitive proposal process to solicit sealed proposals for a good or service that is equal to or greater than the mandatory bid or proposal amount; where the scope of work or specifications may not be closely defined; and, where the evaluation is based on established criteria which may include, but is not limited to, price.

Request for quotation ("RFQ") means a solicitation used in the informal competitive bid process to solicit quotations for a specific good or service that is less than the mandatory bid or proposal amount.

Request for submittal ("RFS") means a solicitation used in the informal competitive proposal process to solicit submittals for a good or service that is less than the mandatory bid or proposal amount; where the scope of work or specifications may not be closely defined; and, where the evaluation is based on criteria which may include, but is not limited to, price.

Resource manager means the director of a county department, or his designee, who has been given the responsibility of monitoring and approving the county's procurements of specific commodity groups as specified in the purchasing department's policies and procedures.

Responsible bidder, quoter, proposer or respondent means a vendor who has submitted a bid, proposal, submittal, quotation, or response demonstrating the capability in all respects to fully

perform the contract requirements and who has the integrity and reliability to provide reasonable assurance of good faith and performance.

Responsive bidder, quoter, proposer, or respondent means a vendor who has submitted a bid, proposal, submittal, quotation, or response that conforms in all material respects to the solicitation. "Responsive" also applies, where applicable, to compliance with specified small business enterprise requirements or local preference requirements. A vendor can be responsive to a solicitation but may be deemed non-responsive to small business enterprise requirements or to local preference requirements.

Services means the furnishing of labor, time, or effort by a contractor wherein the provisions of goods or other specific end products (other than reports, studies, plans, advisories, contractual documents, or other documents relating to the required performance) is incidental or secondary. This term shall not include construction, employment agreements, or collective bargaining agreements.

Shall denotes mandatory.

Small business enterprise ("SBE") means a business as defined in chapter 2, article III, division 2, part C of the County Code.

Sole source means there is only one (1) good or service that meets the need of the using county department and that good or service is available through only one (1) source as determined by a reasonably thorough analysis of the marketplace.

Specification means the description within a solicitation or contract for the good or service to be provided by a contractor.

Suspension means the suspending for cause of a vendor, contractor or subcontractor from responding to any county solicitation, or from doing any new business with the county directly or indirectly, for up to a two-year period.

Vendor means an actual or potential supplier of a good or service. A vendor can be a quoter, bidder, respondent, or proposer; however, upon execution of a contract with the board or designee, the vendor is referenced herein as a "contractor."

(Ord. 05-062, § 3, 12-20-05; Ord. No. 08-009, § 2, 4-15-08)

Sec. 2-53. Organization.

(a) Purchasing department. Except as provided otherwise in the purchasing code, the purchasing department shall purchase all goods and services on behalf of the board, and shall procure and manage any inventory necessary to stock the county warehouse.

(b) Director of purchasing. Under the direction of the administrator, the director of purchasing shall serve as the principal officer for the purchase and sale of goods and services for the county.

(c) Duties of the director of purchasing. The director of purchasing shall:

- (1) Administer the central purchasing function for the county.
- (2) Maintain a warehouse stock of commonly used items and a catalog system for the use of county departments and agencies.
- (3) Maintain a current list of vendors that supply goods and services purchased by the county.
- (4) Establish and implement policies and procedures with regard to the procurement of goods and services.
- (5) Take all necessary action to further the objectives of all county ordinances, resolutions, policies and procedures that pertain to the procurement of goods and services by the county.
- (6) Perform other duties as directed by the board or the administrator.

(d) Authority of the director of purchasing. Subject to the direction of the board or the administrator, all powers, duties and authority relating to the procurement of goods and services for the board, including the authority to execute contracts to expend, reimburse, or to receive in revenues an amount less than two hundred thousand dollars (\$200,000.00) per annum, subject to the same limitations specified in subsection (h) hereinbelow. Upon direction by the administrator,

the director of purchasing may also execute contracts for the purchase of goods or services that are exempt from the purchasing code, subject to the same limitations as specified herein. The authority granted in the purchasing code is specifically limited by the provisions herein and any award must be made in strict compliance herewith. The director of purchasing shall have no independent discretion in the award process except as specifically granted herein. In the absence of the director of purchasing, the administrator or his designee, may assume the powers, duties, and authority vested in the purchasing code.

(e) Delegation of authority by the director of purchasing to subordinate staff. Purchasing department employees designated in writing by the director of purchasing may execute any contract to expend, reimburse, or to receive in revenues an amount less than two hundred thousand dollars (\$200,000.00) per annum, subject to the same limitations specified in subsection (h) hereinbelow.

(f) Authority of the departments of engineering, water utilities, airports, facilities development and operations, and environmental resources management (hereinafter collectively referred to as the "construction departments"). In addition to specific authority provided herein, the directors of the construction departments may: Approve source selection via a formal or informal competitive solicitation process; provide for the solicitation, cancellation or postponement of a procurement; approve procurement award or award recommendation as applicable; execute amendment/changes after award; and approve alternative source selection for construction related contracts, including but not limited to, design-build contracts and all architectural, professional engineering, landscaping architectural or registered land surveying services. Award of any construction contract to expend, reimburse, or to receive in revenues an amount equal to or greater than two hundred thousand dollars (\$200,000.00) shall be approved by the board. This authority shall be subject to the provisions of the purchasing code and shall be limited to the same powers, duties, and authorities granted to the director of purchasing as set forth herein.

(g) The authority to purchase goods or services on behalf of the board shall not be delegated unless provided for herein or otherwise delegated by the board.

(h) Board approval.

- (1) The board of county commissioners hereby approves every contract entered into and every award made in accordance with the purchasing code in an amount less than two hundred thousand dollars (\$200,000.00) per annum, and for a duration not to exceed five (5) years. No purchase shall be artificially divided so as to not require board approval. The clerk and comptroller as ex-officio clerk and accountant of the board and as auditor, recorder, and custodian of all county funds, is authorized to accept and process all such contracts made on behalf of the board pursuant to the purchasing code as the act and deed of the board.
- (2) All awards in which the county is contracting to expend, to reimburse, or to receive in revenues in an amount equal to or greater than two hundred thousand dollars (\$200,000.00) or more per annum shall be effective upon board approval.
- (3) All purchases of goods and services recommended to the board for approval shall be reviewed by the director of purchasing or by a director of a construction department prior to board approval.

(Ord. 05-062, § 4, 12-20-05)

Sec. 2-54. Source selection.

(a) The procurement of all goods or services, including those transactions through which the board shall receive revenue in an amount equal to or greater than the mandatory bid or proposal amount of fifty thousand dollars (\$50,000.00), shall be awarded by a formal competitive bid or proposal process or as set forth herein, unless otherwise provided by state or federal law. As applicable, the provisions of the county's SBE ordinance and the local preference ordinance shall apply to all source selections, including alternate source selections, and awards which are subject to the provisions of the purchasing code.

(b) Nothing in the foregoing shall prohibit the board from renewing contracts entered into as a result of a competitive selection process, an alternate source selection process, or from purchasing goods or services for inclusion in a capital improvement project, whose price has been incorporated as part of a bid or proposal selected in a competitive or alternate source solicitation process provided for herein. Further, nothing in the foregoing shall prohibit the board from extending contracts, entered into as a result of a competitive or alternate source selection process, beyond the specified term or renewal period when the board determines that such an extension of the term or renewal period is beneficial to the interest, health, safety or welfare of the county. However, any such extension of the term or renewal period by the board shall not exceed twelve (12) months, unless the director of the purchasing department or a director of a construction department, deem said extension to be an emergency as set forth hereinbelow.

(c) Formal competitive bid process.

- (1) *Invitation for bid.* An invitation for bid shall be issued which shall include the scope of work and specifications for the purchase of the goods or services sought. Terms and conditions may include, but not be limited to, the requirement of insurance or surety.
- (2) *Public notice.* Public notice of the invitation for bid shall be published in a newspaper of general circulation for a reasonable period prior to bid opening or in accordance with applicable federal or state law.
- (3) *Bid submission.* Bids should state the name and address of the bidder on the outside of the envelope, package or container, and must be received no later than the time and date and at the location specified for bid opening in the invitation for bid. No bids shall be accepted after such time and date or at any location other than specified, and any bids received later or at any location other than specified shall be returned unopened to the bidder.

- (4) *Bid opening.* Bids shall be opened publicly at the date, time, and location specified in the invitation for bid. The name of each bidder and such other relevant information shall be recorded.
- (5) *Bid cancellation or postponement.* The director of purchasing may, prior to bid opening, elect to cancel a bid or postpone the date or time of bid submission or opening. After bid opening, the director of purchasing may cancel a bid if no or only one (1) responsive, responsible bid is received, or if the lowest responsive, responsible bid is in excess of the funding limits established by the county for that bid. In the event of discovery after bid opening of a patent irregularity or procedural flaw which is so severe as to render the process invalid, or in the event that the county determines that the need for the procurement no longer exists and will not exist in the immediate future, the county administrator or designee may cancel the bid.
- (6) *Corrections, additions to and withdrawal of bids.*
- a. The following shall govern the correction of information submitted in a bid when that information is a determinant of the responsiveness of the bid:
1. Errors in the extension, addition or multiplication of unit prices stated in a bid or in multiplication, division, addition, or subtraction in a bid shall be corrected by the director of purchasing or designee prior to award recommendation. However, actual unit prices included in the bid shall not be changed under this or any other circumstance.
 2. No bidder shall be permitted to correct a bid mistake after bid opening.
 3. Nothing herein is intended to prohibit the acceptance of a voluntary reduction in price from

the lowest responsive, responsible bidder after bid opening, provided such reduction is not conditioned on, or does not result in, the modification or deletion of any specifications or conditions contained in the invitation for bid or alter the determination of which bidder is to be awarded the bid or portion thereof.

- b. A bidder who has made a clearly evident mistake of fact may be permitted to withdraw his/her bid only when it is determined by the director of purchasing that there is reasonable proof that such a mistake was made. However, if a bidder unilaterally withdraws his/her bid without permission after bid opening, the director of purchasing may suspend the bidder for up to two (2) years from the date of the unilateral withdrawal. Further, if the apparent lowest responsive, responsible bidder has made a mistake of any kind in a lump sum construction-related bid, the bid bond shall not be returned.

(7) *Bid evaluation.*

- a. The county reserves the right to accept or reject any and all bids and to make award to the lowest responsive and responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bid and whose award will, in the opinion of the county, be in the best interest of and most advantageous to the county.
- b. A bid shall be considered responsive only if it conforms to the requirements of the invitation for bid.
- c. Information in a bid that concerns the responsibility of the bidder shall not necessarily be considered conclusive at the time of bid opening, except when the invitation for bid unequivocally states that the bid shall not be considered responsive unless

the particular information is provided in the bid at the time of submittal.

1. Factors to be considered in determining whether the standard of responsibility has been met may include, but not be limited to, whether a bidder has:
 - A. The appropriate financial, material, equipment, facility, and personnel resources and expertise, or the ability to obtain them, necessary to indicate its capability to meet all contractual requirements;
 - B. A satisfactory record of performance and experience;
 - C. A satisfactory record of integrity;
 - D. The capacity to legally contract with the county; and
 - E. Supplied all necessary information in connection with the inquiry concerning responsibility, including but not limited to any licenses, permits, or organization papers required.
2. The bidder shall supply information requested by the county concerning the responsibility of such bidder. If such bidder fails to supply the requested information, the county shall base the determination of responsibility upon available information and may find the bidder non-responsible.
3. The director of purchasing or designee may determine the information submitted concerning the responsibility of the bidder is so inadequate as to warrant a recommendation of rejection of the bid based upon

a lack of demonstrated responsibility on the part of the bidder.

4. Pursuant to the particular solicitation, the director of purchasing or designee may, after bid opening, request additional information of the bidder concerning his responsibility to perform. The director of purchasing or designee shall consider this and all other information gained prior to award recommendation.
 - d. Notwithstanding subsections (c)(7)b. and c. above, a lack of conformity as to an issue(s) of responsiveness or responsibility that is nonsubstantive in nature may be considered a technicality or irregularity that may be waived by the director of purchasing.
- (8) *Bid award.* Awards in which the county is contracting to expend, reimburse, or receive in revenue an amount less than two hundred thousand dollars (\$200,000.00) shall be made to the lowest responsible, responsive bidder and shall be effective upon issuance of a contract by the director of purchasing. Awards in which the county is contracting to expend, reimburse, or receive revenues in an amount equal to or greater than two hundred thousand dollars (\$200,000.00) shall be made to the lowest responsive, responsible bidder and shall be effective upon board approval. The board may reject any bid prior to issuance of an award. Recommended awards equal to or greater than the mandatory bid or proposal amount shall be posted at a designated location(s) for a period of five (5) business days. In the event only one (1) responsive, responsible bid is received, that bid may be awarded to the sole bidder or rebid or canceled as provided herein. The director of purchasing is authorized and delegated the authority to execute contracts on behalf of the board of county commissioners. Con-

tracts executed by the director of purchasing in which the county is contracting to expend, to reimburse, or to receive in revenues an amount of two hundred thousand dollars (\$200,000.00) or more per annum shall not be effective until approved by the board of county commissioners.

- (9) *Changes after award.* The director of purchasing may authorize decreases or increases to the authorized revenue or expenditure amount(s) of a contract, except that increases of more than ten (10) percent to authorized expenditure amounts which have reached or exceeded two hundred thousand dollars (\$200,000.00) per annum must be approved by the board. After board approval of an increased authorized expenditure amount, the director of purchasing may authorize additional increases of up to ten (10) percent of the increased authorized expenditure amount. Authority to increase any authorized expenditure amount is predicated on the condition that all provisions of the original award, including the level of SBE participation, remain intact and unchanged. The director of purchasing may approve extensions of delivery dates or performance time on all contracts to a maximum of three (3) months provided that any changes to the existing authorized expenditure amount comply with the provisions of the purchasing code.

(d) *Formal competitive proposal process.* If it is neither practical nor in the best interest of the county to procure a good or service by a formal competitive bidding process, the director of purchasing may determine that the use of a competitive proposal process may be used.

- (1) *Requests for proposals.* A request for proposal shall be issued which shall include a scope of work and specifications for the purchase of goods or services sought, and shall also include evaluation criteria to be used in evaluating proposals. Terms and conditions included in a request for proposal may include, but not be limited to, the requirement of insurance or surety.

- (2) Requests for proposals shall be noticed, and cancelled or postponed, in accordance with subsections (c)(2) and (5) hereinabove.
- (3) *Proposal submission.* Proposals should state the name and address of the proposer on the outside of the envelope, package or container, and must be received no later than the time and date and at the location specified in the request for proposal. No proposal shall be accepted after such time and date or at any location other than specified. Any proposals received later or at any location other than specified shall be returned unopened to the proposer, if requested, at the proposer's sole expense. The proposer shall be notified by the purchasing department that the proposal was late and the proposer shall be given ten (10) business days from the date of notification to request the return of the unopened proposal. If no such request is received from the proposer within the designated time frame, the purchasing department shall discard the unopened and untimely proposal.
- (4) *Proposal opening.* All proposals timely received shall be opened internally by the director of purchasing or designee. A list of proposers that have submitted proposals in response to a request for proposal shall be recorded.
- (5) Corrections, additions to, and withdrawal of proposals shall be addressed in accordance with subsection (c)(6) hereinabove.
- (6) *Proposal evaluation.* The county reserves the right to accept or reject any and all proposals. The county further reserves the right to award to the responsive, responsible proposer whose proposal conforms to the solicitation and is determined to be the most advantageous to the county taking into consideration the evaluation factors set forth in the request for proposal.
- a. Evaluation of proposals shall be made by a selection committee and shall be based upon the evaluation criteria as set forth in the request for

- proposal and upon any other relevant information obtained through the evaluation process.
- b. Proposal evaluation as to issues of responsiveness and responsibility shall be addressed in accordance with subsections (c)(7)b., c., and d. herein above.
 - c. Upon concurrence by the director of purchasing, the selection committee may determine that it is not in the best interest of the county to award solely on the basis of initial proposals and may utilize a "best and final offer" process to further evaluate the proposals.
- (7) *Proposal award.* Upon recommendation by the selection committee, award shall be made to one or more responsive, responsible proposers whose proposals are in the best interest of the county, and shall be effective upon issuance of a contract by the director of purchasing. However, all awards in which the county is contracting to expend, to reimburse, or to receive in revenue an amount of two hundred thousand dollars (\$200,000.00) or more per annum shall be effective upon board approval. The board may reject any proposal prior to the issuance of an award. Award recommendations equal to or greater than the mandatory bid or proposal amount shall be posted at a designated location(s) for a period of five (5) business days. In the event only one (1) responsive, responsible proposal is received, an award may be made to the sole proposer or resolicited or canceled as provided in the purchasing code. Where consultants or special masters are selected through a formal competitive proposal process and more than one (1) award and contract are issued, individual orders for projects may be assigned or awarded upon justification of availability, cost to perform the project, conflict of interest, and/or specific and necessary expertise of the required consultant or special master.
- (8) *Amendments / changes after award.* Amendments or changes after award of the proposal shall be made in the same manner and in accordance with subsection (c)(9) hereinabove. Amendments to the contract may be made by the director of purchasing if considered minor or non-material in nature.
 - (e) *Request for information.*
 - (1) A request for information may be used to satisfy a need or to determine available sources for goods or services. The request for information shall specify a need or provide a description of the goods or services, and shall provide vendors the latitude to develop goods or services that will fulfill the county's need.
 - (2) Notice. Public notice of the request for information may be published in a newspaper of general circulation or may be mailed directly to potential vendors.
 - (3) Based upon the statements of interest received from vendors responding to the request for information, the user county department, upon approval from the director of purchasing, may request a trial use of two (2) or more of the products for a limited period of time. Upon receipt of the statements of interest or at the end of the trial period for approved goods, the purchasing department may initiate a competitive process for the goods or services. A request for information shall not result in a purchase without a competitive or alternate source selection process conducted by the purchasing department.
 - (4) The purchasing department shall have unlimited use of the information included within the statements of interest submitted in response to a request for information. The county is required to comply with F.S. ch. 119, Public Records Act, and therefore accepts no responsibility for the protection of the information submitted unless the vendor requests that trade secret information be protected in the

manner prescribed by law. The county shall have no further obligation to any vendor who furnishes information.

(f) *Alternative source selection.*

- (1) *Small purchases.* Any purchase for an amount less than the mandatory bid or proposal amount may be made in accordance with policies and procedures promulgated by the purchasing department; however, no purchase shall be artificially divided so as to constitute a small purchase under this section.
- (2) *Sole-source purchases.* The director of purchasing may make or authorize the purchase of goods or services without competitive solicitation when the director of the using county department, or designee, has documented in writing and has provided information supporting the fact, that the good or service requested is the only item that meets their need and that the good or service is available through only one (1) source.
- (3) *Proprietary purchases.* The director of purchasing may make or authorize the purchase of goods or services via a competitive solicitation when the director of the using county department, or designee, has documented in writing that the good or service is the only item that meets their need and that the good or service is available through more than one (1) source.
- (4) *Emergency purchases.* The director of purchasing, upon receipt of written verification of the emergency circumstance by the director of the using county department or designee, may authorize emergency purchases. However, all emergency purchases in which the county is to expend or to reimburse an amount of two hundred thousand dollars (\$200,000.00) or more per annum shall be approved by the board. This authority shall not be delegated.
- (5) *Purchases off contracts of other entities ("piggyback purchases").* Notwithstanding any requirements of the purchasing code, the purchase of goods or services under contract with a federal, state or municipal government or any other governmental agency, political subdivision, or government-related association, may be made providing that the originating entity utilized a competitive process similar to the county's, as determined by the director of purchasing; and, providing that the county accepts the same terms and conditions specified within the originating contract; and providing that the contractor extends the same terms and conditions of the contract to the county.
- (6) *Cooperative purchases.* The county may participate in, sponsor, conduct, or administer a cooperative purchase with other government entities for the procurement of goods or services.
- (7) *Direct purchases.* Notwithstanding the provisions of the purchasing code, in the event that no proposals, quotes, responses or submittals are received, and the director of purchasing documents that no significant alteration in the specifications, qualifications, or terms and conditions can be made to encourage competition, the county administrator or designee may authorize the director of purchasing to make direct purchase of the goods or services from any vendor identified as being qualified and capable of meeting the original specifications. A direct purchase may be made for items for resale, that, subsequent to a market analysis, meet the definition of a sole source.
- (8) *Prequalification of vendors.* Prospective vendors may be prequalified for specified types of goods or services when deemed advantageous to the county and when the amount of each order for a good or service is less than the county's mandatory bid or proposal amount. The method for submitting prequalification information and the information required in order to be prequalified shall be set forth in the applicable solicitation for prequalified vendors. All vendors deemed responsive and responsible shall be placed on a prequalification list for the specific good

or service. Once on the list, prequalified contractors shall issue quotes for each individual order or take turns via rotation, depending upon the language within the applicable solicitation.

- (9) *Items for resale.* All applicable user county departments shall implement policies and procedures regarding the procurement of items for resale. The user county department shall conduct a thorough market research analysis of the available items for resale in order to determine the specific types of goods to be procured. A marketing analysis shall not result in the purchase of goods without a competitive or alternate source selection process conducted by the purchasing department.
- (10) *Sales tax recovery program for construction-related purchases.* Purchase orders for the purchase of goods, materials, or equipment in any dollar amount, additive or deductive, included in a capital improvement project, and the corresponding change order required to implement those purchases, may be approved by the director of purchasing or by the director of the appropriate construction department in accordance with the county's sales tax recovery program.

(g) *Informal competitive solicitation process.* Solicitations for goods or services valued less than the mandatory bid or proposal amount shall be made in accordance with policies and procedures established by the purchasing department for requests for quotes and requests for submittals.

(h) *Waiver of requirements for competitive selection for professional and consultant services.* The board may waive the requirements for competitive selection and approve professional or consulting services upon recommendation of the administrator.

(Ord. 05-062, § 5, 12-20-05; Ord. No. 08-009, §§ 3, 4, 4-15-08)

Sec. 2-55. Protested solicitations and awards.

(a) *Right to protest.* After posting of the recommended awardee, any bidder or proposer who is aggrieved in connection with the recommended

award may protest in writing to the director of purchasing. The right to protest is limited to those procurements of goods or services solicited through an invitation for bid or a request for proposal. Recommended awards less than the mandatory bid or proposal amount cannot be protested.

(b) *Notice of protest.* The protest shall be submitted within five (5) business days after posting of the award recommendation. The protest shall be in writing and shall identify the protestor and the solicitation, and shall include a factual summary of the basis of the protest. Such protest is considered filed when it is received and date/time stamped by the department of purchasing. Neither the director of purchasing nor a special master shall consider any issue not submitted in writing within the time frame specified for the notice of protest.

(c) *Authority to resolve.* Protests filed in accordance with subsection (b) hereinabove shall be resolved under the provisions of this section.

(1) The director of purchasing shall have the authority to:

- a. Uphold the protest. The protest may be upheld based upon a violation of the provisions of this purchasing code or of any other county ordinance, resolution, policy, or procedure, or upon discovery of an irregularity or procedural flaw that is so severe as to render the process invalid. If the upholding of the protest will result in a change of the recommended awardee, a new recommended award shall be posted in accordance with subsections 2-54(c)(8) and (d)(7) herein above. If the upholding of the protest will result in a cancellation of the protested solicitation, a recommendation to uphold the protest and cancel the solicitation will be made to the administrator, who may then direct the cancellation of the solicitation.
- b. Deny the protest. If the protest is denied, the protestor has the right to

request that the protest be referred to a special master in accordance with subsection (c)(4) hereinbelow.

- c. Refer the protest directly to a special master with no determination made by the director of purchasing, in accordance with subsection (c)(4) hereinbelow.
- (2) When a protest is filed by a certified SBE contractor or where the protest involves a small business issue, the director of the office of small business assistance will act in conjunction with, and with authority equal to, the director of purchasing in arriving at the determination to be made in this step of the process. After reviewing the facts surrounding the issues raised in the written protest, the director of purchasing, and the director of the office of small business assistance may make the determination to:
- a. Uphold the protest in accordance with subsection (c)(1)a. herein above.
 - b. Deny the protest in accordance with subsection (c)(1)b. herein above.
 - c. Refer the protest to a special master in accordance with subsection (c)(4) hereinbelow, in those instances when a determination is not unanimous between the director of purchasing and the director of the office of small business assistance. In this specific instance, the protestor will be exempt from posting a protest bond.
- (3) The director of purchasing shall issue a written statement of the determination within a reasonable period of time. The written statement shall provide the reason(s) for said determination and shall be provided to the protestor and to any other party to the protest.
- (4) Upon receipt of a denial of the protest, the protestor may request a hearing before a special master. The request for a hearing shall be in writing to the director of purchasing and shall be made within five (5) business days of issuance of the director

of purchasing's determination. The request for a hearing shall be accompanied by a protest bond of one thousand dollars (\$1,000.00) which shall be remitted in the form of a money order, a certified check, a cashier's check, or a bank check payable to the county.

- (5) At no time shall a protestor, party, or any other person, contact a special master regarding any issue pertaining to or involving the protest. Contact between the county and the special master shall be limited to scheduling and other administrative issues, including the provision and copying of public records pertinent to the protest.

(d) *Establishment of rules.* The purchasing department shall establish rules and regulations by separate policy and procedure detailing the selection of special masters, the protest process, and the conduct governing protest hearings.

(e) *Authority of special masters.* Special masters shall have the jurisdiction and authority to hear and decide protests.

- (1) The special master shall make a recommendation as to whether the protest should be upheld or denied.
- (2) If the special master determines the solicitation or the award recommendation is in violation of federal, state or local law, policy, procedure, or regulation, the special master shall either make a recommendation to cancel the solicitation, or to cancel the award recommendation and post a new award recommendation after reevaluation based on the special master's determination of the facts in the case. In these instances, the purchasing department shall return the protestor's bond to the protestor.
- (3) If the special master upholds the solicitation or award recommendation, the special master shall recommend that the director of purchasing proceed with the posted award recommendation. In these instances, the protestor's bond shall be forfeited.

- (4) In making contract awards for procurements in an amount equal to or greater than two hundred thousand dollars (\$200,000.00), per annum, the board, upon recommendation of the director of purchasing, may accept or reject the recommendation of the special master.
- (5) In making contract awards for procurements of less than two hundred thousand dollars (\$200,000.00) per annum, the director of purchasing may accept the special master's recommendation or, if the director of purchasing determines the special master's recommendation is not in the county's best interest, the original award recommendation may be referred to the board for approval. At that time, the board may accept or reject the recommendation of the special master.
- (6) Nothing contained herein shall limit or divest the board of its authority pursuant to F.S., ch. 125, part IV, as referenced in section 2-51 of the purchasing code.

(f) *Stay of procurement during protests.* Notwithstanding anything contained herein to the contrary, in the event of a timely protest, the director of purchasing shall stay the award of the contract unless the director of purchasing, with the advice of the county attorney and after consultation with the using county department, makes a determination that the award of the contract without delay is necessary to protect substantial interests of the county.

(Ord. 05-062, § 6, 12-20-05; Ord. No. 08-009, § 5, 4-15-08)

Sec. 2-56. Suspension and debarment.

(a) *Authority.* The director of purchasing may suspend or debar for cause the right of a vendor, contractor or subcontractor to be included in the renewal of an existing contract or any solicitation process; and any bid, proposal, submittal, or quote received from that vendor, contractor or subcontractor shall be rejected. Board shall have the power to waive or lift such suspension or debarment.

(b) *Suspension and debarment.* A vendor, contractor or subcontractor may be suspended for a period not to exceed two (2) years as determined by the director of purchasing, or may be permanently debarred. A suspended or debarred vendor or contractor shall not bid or propose as a subcontractor during their suspension or debarment; and, a suspended or debarred subcontractor shall not bid or propose as a vendor or contractor during their suspension or debarment. A suspension or debarment may be based upon the following:

- (1) Failure to comply with the conditions, specifications or terms of a contract with the county, including but not limited to the unilateral withdraw of a bid, quote, submittal, or proposal that has been received from the recommended awardee.
- (2) Any misrepresentation in connection with a solicitation or any misrepresentation of fact upon which the county has based a decision, including but not limited to a misrepresentation by a vendor, contractor or subcontractor on a small business application, or a local preference affidavit.
- (3) Charged and convicted by a court of competent jurisdiction with the commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract.
- (4) Charged and convicted by a court of competent jurisdiction for embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a county government contractor. If charges are dismissed or the vendor, contractor or subcontractor is found not guilty, the suspension or debarment shall be lifted automatically upon written notification and proof of final court disposition.
- (5) Any other cause the director of purchasing determines to be so serious and com-

PELLING as to materially and adversely affect the responsibility of a vendor, contractor or subcontractor, including but not limited to suspension by another governmental entity for substantial cause.

- (6) Violation of the ethical standards set forth in local, state or federal law.

(c) *Decision.* Upon a determination to suspend or debar a vendor, contractor or subcontractor, the director of purchasing shall notify the vendor, contractor or subcontractor in writing of the suspension or debarment along with the reasons for the action taken.

(d) *Finality of decision.* The suspension or debarment shall be final and conclusive unless the suspended or debarred vendor, contractor or subcontractor initiates protest proceedings. Protests will be initiated under the procedures provided in section 2-55 hereinabove except that:

- (1) The preliminary review by the director of purchasing as set forth in section 2-55(c)(3) hereinabove will be waived.
- (2) The suspension or debarment shall be in effect pending result of the protest.
- (3) The allowable time for protesting the suspension or debarment shall be ten (10) calendar days after the date of notification of said suspension or debarment.
- (4) The board of county commissioners, upon recommendation of the director of purchasing, may accept or reject the recommendation of the special master.

(Ord. 05-062, § 7, 12-20-05; Ord. No. 08-009, § 6, 4-15-08)

Sec. 2-57. Vendor preferences.

The purchasing department shall strictly comply with the small business enterprise (SBE) ordinance, the local preference ordinance, and all pertinent county policies and procedures, to ensure that the SBE preference and the local preference are awarded accordingly.

(Ord. 05-062, § 8, 12-20-05)

Sec. 2-58. Conflict of interest.

(a) *Special masters.* Special masters shall be subject to a policy and procedure implemented by the purchasing department relating to outside counsel conflicts of interest. In addition, the ethics rules promulgated by the Florida Bar pertaining to conflicts of interest shall apply. If a special master is unable to provide a fair hearing for any reason, the special master shall not accept the case and shall immediately notify the director of purchasing of the conflict. The purchasing director shall reassign the case to a special master who does not have a conflict with the case.

(b) Neither the director of purchasing, the directors of the construction departments, nor any member of his/her staff shall be financially interested or have any personal beneficial interest, directly or indirectly, in any purchase or contract of any supplies, materials, equipment or services used by or furnished for the county pursuant to the purchasing code. Further, the director of purchasing, the directors of the construction departments, and every member of his/her staff are prohibited from accepting or receiving from any person, firm or corporation to which any purchase or contract may be awarded, any money, rebate, gift or anything of value or any promise, obligation or contract for future reward or compensation.

(Ord. 05-062, § 9, 12-20-05)

Secs. 2-59—2-70. Reserved.

*Part B. Minority/Women Business Enterprises**

Sec. 2-71. Short title.

This part B shall be known and may be cited as the "Palm Beach County Minority/Women Business Enterprise Ordinance."

*Editor's note—Ord. No. 88-4, adopted Feb. 23, 1988, effective Mar. 7, 1988, amended this Code by adding provisions designated by the editor as ch. 2, art. III, div. 2, pt. B, §§ 2-71—2-79. The existing provisions of div. 2, § 2-51 et seq., were designated pt. A. Subsequently, Ord. No. 88-4, as amended by Ord. No. 91-27, was repealed by § XXVI of Ord. No. 91-34, adopted Sept. 17, 1991, effective Sept. 27, 1991. Sections I, III—XXV of Ord. No. 91-34 were included as a new pt. B.