

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2015	2016	2017	2018	2019
Capital Expenditures	<u>\$2,494,949.00</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Program Income (County)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
In-Kind Match County	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
NET FISCAL IMPACT	<u>\$2,494,949.00</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Budget Account No.: Fund 4011 Dept 721 Unit W026 Object 6541

Reporting Category N/A

Is item Included in Current Budget Yes X No

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

One (1) time capital expenditure from user fees with balances brought forward.

C. Department Fiscal Review: Alma M. West

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

OFMB
[Signature] 2/9/15
 KJ JB
 2/10 9/14

Contract Development and Control
[Signature] 3/3/15
 3-3-15 B. Wheeler

B. Legal Sufficiency:

Assistant County Attorney
[Signature] 3/5/15

C. Other Department Review:

 Department Director

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

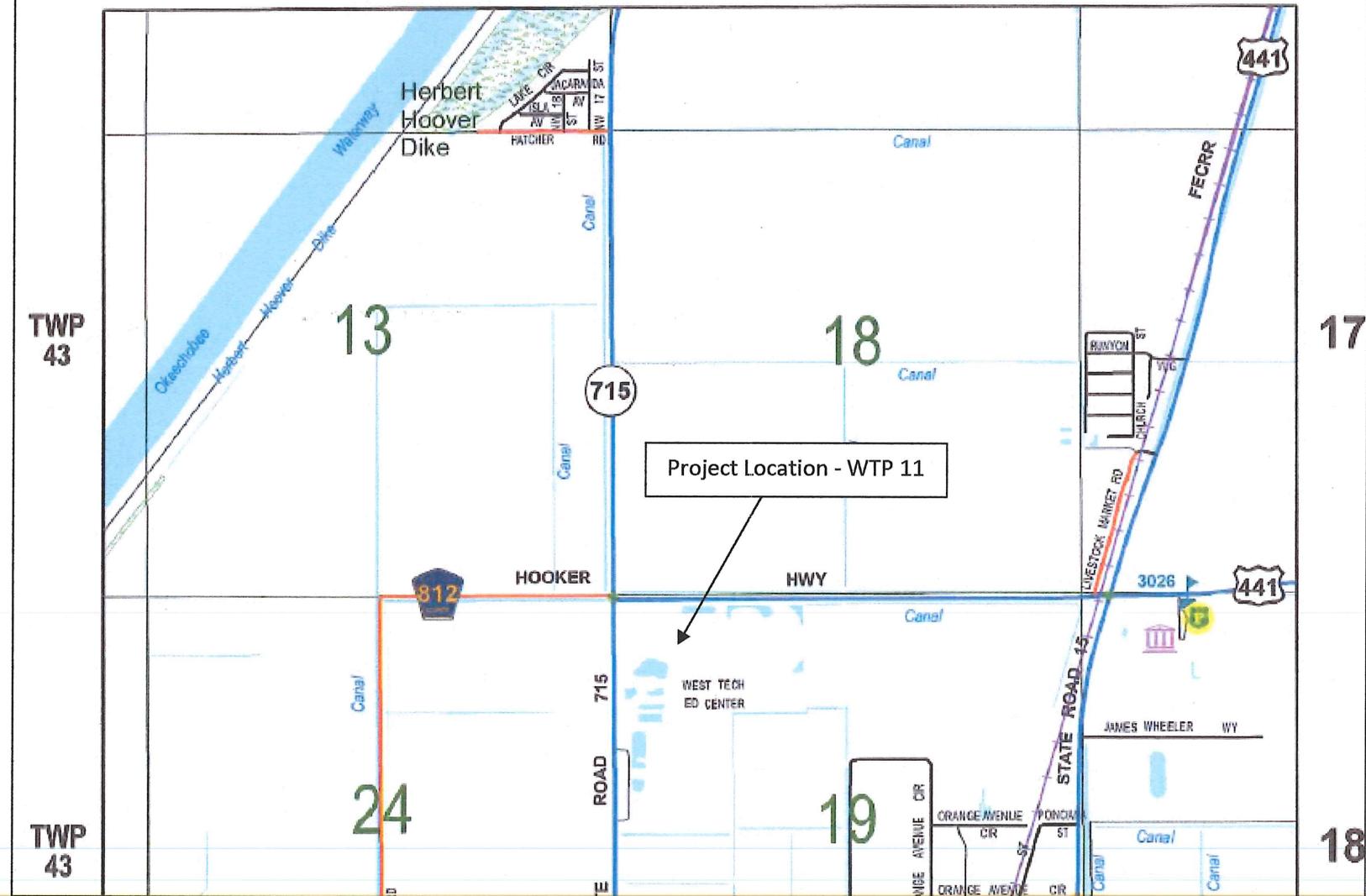
ATTACHMENT 2
Location Map

Page 151

PP

See pg 143

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WUD 13-059 WTP 11 5 MG Ground Storage Tank

Inter-Office Memorandum

Palm Beach County



Water Utilities
Department

DATE: November 14, 2014
TO: Jim Stiles
Director
FROM: Maurice Tobon, P.E. *mt*
Director of Engineering
RE: Notice of Award Recommendation
Water Treatment Plant 11 - 5 MG Ground Storage Tank
Project No. WUD 13-059

2014 NOV 14 PM 12 41

The bid opening for the above referenced project was held on Wednesday, October 8, 2014. Proposals were received from nine (9) contractors. The complete Bid Tabulation is attached. The engineer's opinion of probable construction cost was \$2,560,000 for Bid Items 1 and 2. An evaluation of the low bid is as follows:

1. The Bid Form provided in the Contract Documents was properly executed.
2. Bid security equal to 5% of the total base bid was enclosed with the bid.
3. Florida Design Drilling Corporation holds a valid state contractor's license. A copy of the license information is included.
4. Florida Design Drilling Corporation has Local Preference and has submitted the required documentation. (see attached Palm Beach County Tax Collector receipt).
5. SBE-M/WBE Schedules #1 and #2 were provided. The low bid submitted has met the 15% SBE goal established under the SBE Ordinance, (see attached SBE-M/WBE compliance review stating Florida Design Drilling Corporation has 35.80% SBE participation).
6. The County Attorney has reviewed the bid and Bid Review Comments for Florida Design Drilling Corporation and determined that the bid is responsive.

As a result of this evaluation we recommend Florida Design Drilling Corporation as the successful, responsive, low bidder. Florida Design Drilling Corporation holds a valid general contractor license and has experience in the construction of prestressed concrete tanks. Crom Corporation will be performing the actual construction of the tank. Contract award is recommended to the lowest responsive bidder in the amount not to exceed \$2,494,949.00 subject to formal approval by the Board of County Commissioners. A copy of this notice has been emailed to all bidders and is posted at the bid opening location and will be left there for a minimum of five (5) business days.

c: Hassan Hadjimiry, P.E. Assistant Director of Engineering & Environmental Health & Safety
Maurice Tobon, P.E. Director of Engineering
Stephen McGrew, P.E. Plant Design Manager
Craig C. Williams, Assistant Director of Finance & Administration
Michael W. Jones, CAO

BID TABULATION SHEET

Water Treatment Plant #11 – 5 MG Storage Tank

TITLE

BID#

13-059

PAGE **1** OF **2**

	Cardinal Contractors, Inc.	Close Construction, LLC	Florida Design Contractors	Florida Design Drilling	Globaltech
BASE BID	\$2,720,000.00	\$2,573,254.00	\$2,577,000.00	\$2,494,949.00	\$2,750,000.00
Addendum #1, #2	<input checked="" type="radio"/> Y <input type="radio"/> N				
Attachment #1 BID BOND	<input checked="" type="radio"/> Y <input type="radio"/> N				
Attachment #2 SBE-M/WBE Schedules	<input checked="" type="radio"/> Y <input type="radio"/> N				
Attachment #3 Certification of Business Location	<input checked="" type="radio"/> Y <input type="radio"/> N				
Attachment #3A Certification of Business Location Glades Subcontractors	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	Y <input checked="" type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N
Attachment #4 List of Subcontractors	<input checked="" type="radio"/> Y <input type="radio"/> N				
Attachment #5 Trench Safety	<input checked="" type="radio"/> Y <input type="radio"/> N				

Page 2 of 6

ATTACHMENT 3

BIDS PICKED UP BY 

ENGINEER

DATE 10/8/2014

BID TABULATION SHEET

Water Treatment Plant #11 – 5 MG Storage Tank

TITLE

BID#

13-059

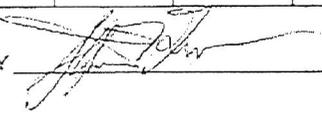
PAGE **2** OF **2**

	Hinterland Group, Inc.		Poole & Kent		Precon Corporation		Wharton-Smith, Inc.			
BASE BID	\$2,794,885.00		\$2,577,000.00		\$2,610,000.00		\$2,612,000.00		\$	
Addendum #1, #2	<input checked="" type="radio"/>	N	Y	N						
Attachment #1 BID BOND	<input checked="" type="radio"/>	N	Y	N						
Attachment #2 SBE-M/WBE Schedules	<input checked="" type="radio"/>	N	Y	N						
Attachment #3 Certification of Business Location	<input checked="" type="radio"/>	N	Y	N						
Attachment #3A Certification of Business Location Glades Subcontractors	<input checked="" type="radio"/>	N	Y	N						
Attachment #4 List of Subcontractors	<input checked="" type="radio"/>	N	Y	N						
Attachment #5 Trench Safety	<input checked="" type="radio"/>	N	Y	N						

Page 3 of 6

ATTACHMENT 3

BIDS PICKED UP BY



ENGINEER

DATE

10/8/2014

RICK SCOTT, GOVERNOR KEN LAWSON, SECRETARY

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
CONSTRUCTION INDUSTRY LICENSING BOARD

LICENSE NUMBER

CGC1522104

The GENERAL CONTRACTOR
Named below IS CERTIFIED
Under the provisions of Chapter 489 FS.
Expiration date: AUG 31, 2016

HOLST, JEFFREY TURNER
FLORIDA DESIGN DRILLING CORPORATION
7733 HOOPER RD
WEST PALM BEACH FL 33411




ISSUED 08/22/2014 DISPLAY AS REQUIRED BY LAW SEQ # L1406020001183



ANNE M. GANNON
CONSTITUTIONAL TAX COLLECTOR
Serving Palm Beach County

Serving you.

P.O. Box 3353, West Palm Beach, FL 33402-3353
www.pbctax.com Tel: (561) 355-2204

"LOCATED AT"

7733 HOOPER ROAD
WEST PALM BEACH, FL 33411

TYPE OF BUSINESS	OWNER	CERTIFICATION #	RECEIPT #/DATE PAID	AMT PAID	BILL #
23 0561 GENERAL CONTRACTOR	HOLST JEFFREY TURNER	CGC1522104	B14.1319320 - 07/07/14	\$32.00	B-119711

This document is valid only when receipted by the Tax Collector's Office.

B0 - 196

FLORIDA DESIGN DRILLING CORP
FLORIDA DESIGN DRILLING CORP
7733 HOOPER RD
WEST PALM BEACH, FL 33411



STATE OF FLORIDA
PALM BEACH COUNTY
2014/2015 LOCAL BUSINESS TAX RECEIPT

LBTR Number: 201472016
EXPIRES: SEPTEMBER 30, 2015

This receipt grants the privilege of engaging in or managing any business profession or occupation within its jurisdiction and MUST be conspicuously displayed at the place of business and in such a manner as to be open to the view of the public.



ANNE M. GANNON
CONSTITUTIONAL TAX COLLECTOR
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Serving you.

P.O. Box 3353, West Palm Beach, FL 33402-3353
www.pbctax.com Tel: (561) 355-2204

"LOCATED AT"

7733 HOOPER ROAD
WEST PALM BEACH, FL 33411

TYPE OF BUSINESS	OWNER	CERTIFICATION #	RECEIPT #/DATE PAID	AMT PAID	BILL #
23 0102 CIVIL GENERAL CONTRACTOR	HOLST JEFFREY TURNER	CGC1522104	B14.1319320 - 07/07/14	\$32.00	B-0192478

This document is valid only when receipted by the Tax Collector's Office.

B1 - 197

FLORIDA DESIGN DRILLING CORP
FLORIDA DESIGN DRILLING CORP
7733 HOOPER RD
WEST PALM BEACH, FL 33411



STATE OF FLORIDA
PALM BEACH COUNTY
2014/2015 LOCAL BUSINESS TAX RECEIPT

LBTR Number: 201472017
EXPIRES: SEPTEMBER 30, 2015

This receipt grants the privilege of engaging in or managing any business profession or occupation within its jurisdiction and MUST be conspicuously displayed at the place of business and in such a manner as to be open to the view of the public.



Office of
Small Business Assistance
50 South Military Trail, Suite 202
West Palm Beach, FL 33415
(561) 616-6840
Fax: (561) 616-6850
www.pbc.gov/osba

**Palm Beach County
Board of County
Commissioners**

Priscilla A. Taylor, Mayor
Paulette Burdick, Vice Mayor

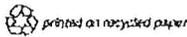
Hal R. Velez
Shelley Vana

Steven L. Abrams
Mary Lou Berger
Jess B. Santamaría

County Administrator

Robert Weisman

"An Equal Opportunity
Affirmative Action Employer"



DATE: November 3, 2014

TO: Tish Fox
WUD Engineering Division

THROUGH: Allen F. Gray, Manager *A. Gray*
Office of Small Business Assistance

FROM: *AW* Patricia Wilhelm, Small Business Development
Specialist II

SUBJECT: Compliance Review on Project No. WUD 13-059
Water Tx. Plant 11-5 MG Ground Storage Tank

The following is a compliance review of SBE participation
on the above-mentioned project.

Low Bidder: Florida Design Drilling Corp.
7733 Hooper Rd.
W. Palm Beach, FL 33411
Phone: 561-844-2966
Bid Opening: October 8, 2014
Bid Amount: \$2,494,949.00
Goal: 15% Overall
Goal Achieved: 35.80 %

SBE Participation:

(SB) Fl. Design Drilling	\$750,000.00	30.06 %
(SB) Clipco	\$ 13,469.00	.54 %
(SB) C.R. Dunn, Inc.	\$129,870.00	5.20 %
	\$893,339.00	35.80%

2nd Low Bidder: Close Construction LLC.
301 NW 4th Ave
Okeechobee, Fl. 34972
Phone: 863-467-0831
Bid Opening: October 8, 2014
Bid Amount: \$2,573,254.00
Goal: 15% Overall
Goal Achieved: 10.29%

SBE Participation:

(HI) Industrial Cons. Sol Inc.	\$33,000.00	1.28%
(SB) Clipco	\$13,469.00	.52%
(SB) C.R. Dunn, Inc.	\$218,485.00	8.49%
	\$264,954.00	10.29%



Page 2.

3rd Low Bidder: Fl. Design Contr, Inc.
 1326 Killian Dr.
 Lake Park, FL 33403
 Phone: 561-845-1233
 Bid Opening: October 8, 2014
 Bid Amount: \$2,577,000.00
 Goal: 15% Overall
 Goal Achieved: 19.94%

SBE Participation:

(SB)Agricultural Land. Svs.	\$10,000.00	.388 %
(SB)Clipco	\$14,000.00	.543 %
(SB)Utility Supply	\$220,000.00	8.54 %
(SB)Rangeline Tapping	\$45,000.00	1.74 %
(SB)Lidberg Land Surveying	\$5,000.00	.194 %
(SB) C.R. Dunn, Inc.	\$220,000.00	8.54 %
	\$514,000.00	19.94%

EVALUATION:

The low bidder, Florida Design Drilling Corp. has met the SBE goal for this project

The second low bidder, Close Construction, LLC did not meet the SBE goal for this project.

The third low bidder, Florida Design Contractors, Inc. has met the SBE goal for this project, and is within the range of ranking of responsive bidders.

c: Allen Gray, Manager OSBA
 Tammy Fields, Chief Assistant County Attorney



Purchasing Department
50 South Military Trail, Suite 110
West Palm Beach, FL 33415-3199
(561) 616-6800
FAX: (561) 616-6811
www.pbcgov.com/purchasing

December 5, 2014

VIA FedEx: 561/845-1233
VIA FAX: 561/848-5992

Mr. Thomas H. Clarke, President
Florida Design Contractors, Inc.
1326 South Killian Drive
Lake Park, Florida 33403

**RE: Palm Beach County Project No. WUD 13-059
Water Treatment Plant No. 11-5 MG Ground Storage Tank
Notice of Protest**

Dear Mr. Clarke:

This is in response to your letter we received on November 17, 2014, in which you lodged a formal protest ("Protest") pertaining to Palm Beach County ("County") Bid No. WUD 13-059 ("Project"). Along with your Protest, I have reviewed and taken into consideration all pertinent information, including your protest letter, Sections 2-51 through 2-58 of the Palm Beach County Code ("Purchasing Code") and the Project. For the reasons set forth below, it is my determination that your protest be denied.

As you noted in your Protest, Instructions To Bidders Section 6.3.1 of the Project states:

"To demonstrate qualifications to perform the Work, each Bidder must be prepared to submit within two (2) days of the County's request, the Post Bid Information identified in Appendix B to the General Conditions."

On October 20, 2014, the County requested via email that Florida Design Drilling Corporation ("FL Drilling") submit the Post Bid Information. FL Drilling submitted the Post Bid Information via email on October 20, 2014, and was therefore timely in its response.

In your Protest you assert that "the qualifications submitted by Florida Design Drilling Corporation...in their Bid Package were that of the individual, Jeffrey Turner Holst, and not the items as requested in Questions 17, 18, and 19 of Appendix B." In its Bid Package, FL Drilling submitted supplemental information regarding its employee, Jeffrey Turner Holst; however, the information submitted by FL Drilling in response to the County's request for the Post Bid Information was correctly provided as requested in Questions 17, 18 and 19 of Appendix B.

In addition, you state in your Protest that "...the General Contractors License #CGC 1522104 ...submitted with the bid package ...has not constructed a 5 MG ground Storage Tank." Instructions To Bidders Section 5.1.6 of the Project provides that: "The Bidder shall provide...the names and license...numbers of **major subcontractors** who will perform that portion of work." In its bid package FL Drilling listed Crom Corp. (License No. CGC047109) as its subcontractor who would be utilized on the Project regarding the ground storage tank. Crom Corp holds a

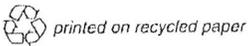
**Palm Beach County
Board of County
Commissioners**

- Shelley Vana, Mayor
- Mary Lou Berger, Vice Mayor
- Hal R. Valeche
- Paulette Burdick
- Steven L. Abrams
- Melissa McKinlay
- Priscilla A. Taylor

County Administrator

Robert Weisman

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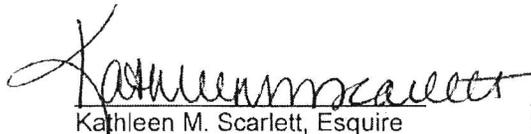
ATTACHMENT 4

Mr. Thomas H. Clarke, President
Page Two
December 5, 2014

valid certified general contractors license and has completed ten (10) 5 MG Ground Storage Tanks and several smaller tanks for the County and thus, meets the experience requirements for the ground storage tank construction.

Based upon the information herein, it is my determination that the recommended award for the PBC Project proceed as posted. I have received input on your protest from the Director of OSBA, Ms. Tonya Johnson, and she concurs with my determination. This determination will be final as to the County unless you request a hearing before a Special Master pursuant to Section 2-55 of the Purchasing Code (extract attached). This request must be made in writing and received in my office no later than 5:00 p.m., December 12, 2014. Your written request to convene the hearing must be accompanied by a protest bond in the amount of \$1,000.00 remitted by money order, certified, cashier's or bank check payable to Palm Beach County. You are advised to familiarize yourself with the Purchasing Code, which provides that your protest bond shall be forfeited if your protest is not upheld by the Special Master. Please note that the hearing before the Special Master is limited to those issues related to this determination and the issues raised in your protest letter referenced hereinabove. Lastly, it is your obligation to ensure that a verbatim record of the hearing is made, in case you decide to appeal the decision of the Special Master to the Circuit Court.

Sincerely,



Kathleen M. Scarlett, Esquire



Samara J. Cooper, Esquire

Attachments

cc: Michael W. Jones, Assistant County Attorney
Jim Stiles, Director, WUD
Maurice Tobon, WUD
Steve McGrew, WUD
Tish Fox, WUD
Tonya Davis Johnson, Director, OSBA

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.
- (11) *Glades utility authority ("GUA") purchases under one hundred thousand dollars (\$100,000.00).* Any GUA purchase for goods or services in an amount less than one hundred thousand dollars (\$100,000.00) shall be made in accordance with this division and the policies and procedures promulgated by the purchasing department; however, the pool of responding vendors shall be limited to those located in the Glades unless there are no Glades vendors providing that good or service. In the event that purchases are made through this alternative source selection, the county local preference ordi-

nance shall not apply. The GUA board may determine that there are no Glades vendors providing that good or service, or that it is in the best interests of the GUA not to limit the pool of potential vendors to only Glades vendors via this alternative source selection.

(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; Ord. No. 2010-010, § 2, 4-20-10)

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.

ATTACHMENT 4

§ 2-55

PALM BEACH COUNTY CODE

(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 pur-

chasing, 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 compelling 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 sub-

contractor 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.

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.

(Ord. 05-062, § 9, 12-20-05; Ord. No. 2010-010, § 3, 4-20-10)

Secs. 2-59—2-70. Reserved.