



**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2024	2025	2026	2027	2028
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT*</b>	_____	_____	_____	_____	_____
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____
Is Item Included in Current Budget:	Yes	_____	No	_____	<u>X</u>
Does this item include use of Federal funds?	Yes	_____	No	_____	<u>X</u>
Does this item include the use of State funds?	Yes	_____	No	_____	<u>X</u>

Budget Account No: Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_ Program \_\_\_\_\_

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

This item carries no fiscal impact.

**C. Departmental Fiscal Review:** Robert Eric McMiller HABOM

**III. REVIEW COMMENTS**

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

<p><u>Lisa M...</u> 4/22/24 OFMB QA 4/12 DA 4/11</p>	<p><u>Pranda M...</u> 4/22/24 Contract Development and Control TOD 4/18/24</p>
--	--

**B. Legal Sufficiency:**

[Signature] 4/23/24  
Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
Department Director

1380 JOSEPH ABRUZZO  
1381 CLERK & COMPTROLLER

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

1382

1383 By: \_\_\_\_\_  
1384 Deputy Clerk

By: \_\_\_\_\_  
Mayor

1385

1386 APPROVED AS TO  
1387 LEGAL SUFFICIENCY

1388

1389 By:   
1390 Assistant County Attorney

1391

1392 EFFECTIVE DATE: Filed with the Department of State on the \_\_\_\_ day of  
1393 \_\_\_\_\_, 2024.  
1394

**ATTACHMENT 1**  
**Proposed Ordinance**



56 all prior Purchasing Ordinances and established a centralized purchasing system to  
57 govern the procurement of goods and services; and

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

61 **WHEREAS**, on April 20, 2010, the Board enacted Ordinance No. 2010-010,  
62 thereby amending the Palm Beach County Purchasing Code to include a process for  
63 purchases made for the Glades Utility Authority and for implementation of an Inspector  
64 General fee; and

65 **WHEREAS**, on January 13, 2015, the Board enacted Ordinance No. 2015-004,  
66 thereby amending the Palm Beach County Purchasing Code in order to facilitate and  
67 enhance the efficiency of the County's procurement process; and

68 **WHEREAS**, on October 16, 2018, the Board enacted Ordinance No. 2018-022,  
69 thereby amending the Palm Beach County Purchasing Code to include updated references  
70 to the newly enacted Equal Business Opportunity Ordinance; and

71 **WHEREAS**, the Board has deemed it necessary to repeal Ordinance No. 2005-  
72 062, as amended by Ordinance No. 2008-009, Ordinance No. 2010-010, Ordinance No.  
73 2015-004 and Ordinance No. 2018-022, in order to further streamline and enhance the  
74 efficiency of the County's procurement process.

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

77 **Article 1. REPEAL OF PRIOR ORDINANCES AND REPLACEMENT.**

78 Palm Beach County Ordinance No. 2005-062, as amended by Ordinance No.  
79 2008-009, Ordinance No. 2010-010, Ordinance No. 2015-004, and Ordinance No. 2018-  
80 022 (collectively Sections 2-51 through 2-58 of the Palm Beach County Code) is hereby  
81 repealed in its entirety and replaced with the following:

82  
83 **Sec. 2-51. - General Provisions.**

- 84 (a) *Authority.* The provisions of Sections 2-51 through 2-63 are based upon the  
85 authority granted to the Board of County Commissioners ("Board"), and the County  
86 Administrator ("Administrator") in Article VIII, Section 1, of the Florida  
87 Constitution; F.S. Ch. 125, Pt. IV; and the Palm Beach County Charter.
- 88 (b) *Short Title.* The provisions of Sections 2-51 through 2-63 shall be known and cited  
89 as the "Palm Beach County Procurement and/or Purchasing Code"  
90 ("Procurement/Purchasing Code").
- 91 (c) *General Purpose.* The purpose of this Procurement/Purchasing Code is to place the  
92 County's purchasing function under a centralized system which will enable the  
93 County and the County's Procurement Department to:
- 94 (1) Establish policies and procedures governing the procurement of goods and  
95 services, including those goods and services that are revenue generating;
  - 96 (2) Provide open, fair and transparent competition among all persons desiring to do  
97 business with the County in a manner that reduces the appearance and  
98 opportunity for favoritism, and inspires public confidence that contracts are  
99 awarded in an equitable manner;
  - 100 (3) Provide, encourage, and promote fair and equitable treatment for all persons  
101 desiring to do business and who currently do business with the County;
  - 102 (4) Obtain goods and services of satisfactory quality and quantity at a reasonable  
103 cost; and
  - 104 (5) Adopt and implement the generally accepted values and guiding principles of  
105 public procurement, including, but not limited to, accountability, ethics,  
106 impartiality, professionalism, service, and transparency.
- 107 (d) *Policy Decision.* The authority granted hereunder shall not include fundamental  
108 policy decisions regarding the County's purchasing functions and procedures. These  
109 powers, including the determination of the total funds to be spent pursuant to this  
110 Procurement/Purchasing Code by County Departments and the setting aside of those

111 funds, shall remain solely with the Board and are not and shall not be delegated.  
112 County Departments shall only request procurements that are fully budgeted and  
113 appropriated by the Board. All procurements funded from the operating budget shall  
114 be subject to the annual appropriation of the Board.

115 (e) *Requirements of Good Faith.* This Procurement/Purchasing Code requires all  
116 parties involved in procuring goods or services, or in administering the contracts for  
117 procured goods or services, to act in good faith.

118 (f) *Application/Exemptions.* Except as otherwise specified herein or by law, the  
119 Procurement/Purchasing Code shall apply to every purchase by the Board to be paid  
120 from County funds, including those purchases made by the County with state  
121 moneys, federal moneys, and grant moneys from any source. This  
122 Procurement/Purchasing Code is not applicable to procurements, unsolicited  
123 proposals or agreements involving the purchase, sale, lease or use of real property,  
124 including concession, development and operating agreements, which shall comply  
125 with the requirements of the Palm Beach County Real Property Acquisition,  
126 Disposition and Leasing Ordinance (“PREM Ordinance”) and/or other applicable  
127 law, County ordinance, federal rule or regulation.

128 (1) The competitive procurement requirements of Section 2-54 of this  
129 Procurement/Purchasing Code shall not apply to:

130 a. Agreements between the Board and nonprofit organizations or government  
131 entities; however, such agreements that involve real property acquisition,  
132 disposition, lease, development, operation, or the use of land or facilities are  
133 subject to the PREM Ordinance and/or other applicable County ordinance or  
134 policy.

135 b. Procurement of dues and memberships in trade or professional  
136 organizations; subscriptions to periodicals such as newspapers and  
137 magazines; advertisements; postage; utility services; copyrighted materials  
138 only available from one source; professional medical services; authorized



139 hospitality expenses; fees and costs of job-related seminars and training,  
140 including materials provided with, or as an integral part of, that training; and,  
141 admission fees for amusement parks and entertainment activities included in  
142 County recreational programs for youth, teens, adults, seniors, and persons  
143 with disabilities.

144 c. Presenters, lecturers, and facilitators for County employee training and  
145 events or for County initiated or sponsored summits, conventions,  
146 conferences or programs of a specialized nature, subject to the approval of  
147 the Director of Procurement.

148 d. Recreational instructors, sports league management, and sports officials.

149 e. Selection of services within the scope of the practice of architecture,  
150 professional engineering, landscape architecture or registered surveying and  
151 mapping that are governed by the provisions of the "Consultants Competitive  
152 Negotiation Act" ("CCNA"), F.S. § 287.055, and by applicable County  
153 policies and procedures. Selection of services of architects, professional  
154 engineers, landscape architects or registered surveyors and mappers that are  
155 exempt from the requirements, or that are below the statutory thresholds, of  
156 F.S. § 287.055, shall be made by the Construction Departments in  
157 accordance with this Procurement/Purchasing Code.

158 f. Vending machines.

159 g. Goods or services purchased with donations, gifts or bequests containing  
160 restrictions that would interfere with or prevent the application of the  
161 requirements of this Procurement/Purchasing Code.

162 h. Goods purchased with petty cash in accordance with established County  
163 procedures.

164 i. Labor negotiation services, legal services, including attorney, paralegal,  
165 expert witness, appraisal or mediator services, expert witnesses, court

166 reporter services, and other expenses pertaining to claims, negotiations, or  
167 litigation.

168 j. Insurance policies costing less than the Mandatory Bid or Proposal Amount.

169 k. Artwork as defined by applicable County policy and procedure.

170 l. Full or part-time contractual employees of the Board.

171 m. Event specific stage production or programming including, but not limited  
172 to, fireworks or individuals or groups providing musical or theatrical  
173 performances or lectures.

174 n. County sponsorships or the solicitation of sponsorships; however such  
175 agreements are subject to County policies and procedures.

176 o. Golf tee time advertising and sales services for County golf courses.

177 p. Bond underwriters.

178 q. Grant funded training, events, activities; and grant payments to recipients  
179 and sub-recipients;

180 r. Grant funded payments for goods and services under the federal micro-  
181 purchase threshold.

182 s. Codification of County Ordinances.

183 t. Pilot Programs for fuel or energy.

184 u. Pharmaceuticals and medical supplies to be administered by County  
185 personnel for County Department programs.

186 v. Implementation, programming, training, maintenance, enhancements and  
187 upgrade services available from the owner of proprietary software or its  
188 contracted vendor.

189 (2) *Procurement of Exempt Purchases.* Exempt purchases shall, where possible,  
190 be competitively procured by the County Department. The procurement of  
191 exempt purchases shall be made by written contract between the vendor and the

192 Board or authorized Designee; by direct payment in accordance with applicable  
193 County policy and procedure; or, by an exempt purchase order (“EPO”) when a  
194 purchase order must be sent to the vendor or by a direct special payable purchase  
195 order (“SPO”) when a Department wants to encumber funds prior to a direct  
196 payment. County Departments shall maintain an internal policy and procedure  
197 for procurement of all exempt purchases, which is approved by the Director of  
198 Procurement and aligns with this Procurement/Purchasing Code and any  
199 applicable County procurement policies and procedures or ordinances; except  
200 that exempt procurements under the CCNA statute are not subject to the review  
201 and approval of the Director of Procurement. All exempt purchases made above  
202 the Mandatory Bid Amount shall be presented to the Board of County  
203 Commissioners or Director of Procurement for final review and approval, except  
204 that exempt purchases under the CCNA statute will be governed by the County  
205 policies and procedures adopted for such procurements. If federal funds are being  
206 used, additional federal procurement requirements may apply.

207 (g) Ethical Standards in Procurement.

208 (1) *County Employees and Elected Officials of the Board.* In connection with any  
209 matter covered by this Procurement/Purchasing Code, County employees and  
210 elected officials of the Board must comply with the County’s Code of Ethics,  
211 Sections 2-441 to 2-448, Palm Beach County Code, as may be amended.

212 (2) *Vendors.* Any vendor who seeks to do business with the County must comply  
213 with the ethical standards stated within this Procurement/Purchasing Code. Any  
214 vendor that violates any of these ethical standards may be subject to suspension  
215 and debarment as provided within Sec. 2-56 of this Procurement/Purchasing Code.

216 a. No vendor shall discuss or consult with any other vendor intending to compete  
217 for the same or a similar County contract for the purpose of bid rigging, collusion,  
218 or other activities that are illegal, unethical, or are intended to or will result in  
219 limiting competition.

220 b. No vendor may submit any false or misleading information to the County in  
221 connection with or in response to any procurement.

222 c. No vendor may perform any action in connection with any procurement by the  
223 County, if such action would violate any applicable federal, state or local laws,  
224 statutes, ordinances, rules or regulations.

225 **Sec. 2-52. - Definitions.**

226 *Administrator* means the County Administrator or Designee.

227 *Best and Final Offer* means the process used in competitive proposal evaluation  
228 whereby final proposals containing the vendor's most favorable terms for price and  
229 services or goods to be delivered are requested and considered prior to proposal award.

230 *Bid* means a formal price offer by a vendor to furnish specific goods or services in  
231 response to an Invitation for Bid or a multistep bidding procedure.

232 *Board* means the Board of County Commissioners.

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

235 *Capital Improvement Project* means any public improvement which the County  
236 undertakes, including the construction or reconstruction in whole or in part of any  
237 building, road, highway, street improvements, plant, structure, or facility necessary in  
238 carrying out the functions of the County government.

239 *Centralized Purchase Order ("CPO")* means a contracting method generated from a  
240 requisition for a one-time purchase of goods or services and generally established through  
241 procurement methods such as an IFB, RFP, RFQ or RFS.

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

245 *Cone of Silence* has the meaning set forth in the Lobbyist Ordinance County Code  
246 Section 2-355.

247 *Consultant/Contractor/Supplier/Vendor* shall mean a provider of goods and/or  
248 services to the County department(s). These terms may be used interchangeably.

249 *Construction* includes, but is not limited to, the construction, improvement,  
250 alteration, demolition, renovation or major repair of any improvement to real property,  
251 facility, structure or building, in whole or in part. Construction may also include any  
252 maintenance, repair or other service that requires a building permit in order to legally  
253 perform the work. The Construction Departments shall be responsible for the  
254 procurement of construction or construction-related services. In the event a non-  
255 Construction Department requests a procurement of construction or construction-related  
256 services, regardless of how such services may be identified by the non-Construction  
257 Department, the Director of Procurement may refer the procurement of such services to  
258 the appropriate Construction Department to ensure the proper administration and  
259 enforcement of the contract.

260 *Construction Departments* collectively means the Departments of Engineering and  
261 Public Works, Water Utilities, Airports, Facilities Development and Operations, and  
262 Environmental Resources Management.

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

265 *Contract Administration* means the functions that are performed after all parties have  
266 signed a contract. Typical contract administration activities are goal-oriented and are  
267 aimed at ensuring compliance with the contract terms and conditions while giving  
268 attention to the achievement of the stated output and outcome of the contract. Contract  
269 Administration also involves payment for goods and services through the usage of  
270 invoice(s).

271 *Contract Notice Purchase Orders ("KPO")* means a form of purchase order used  
272 only for construction or construction related goods and services or CCNA services  
273 generally established through procurement methods such as an IFB, RFP, RFQ or RFS

274 under County policies and procedures promulgated by the Construction Departments  
275 consistent with this Procurement/Purchasing Code.

276 *Contract Renewal* means a clause in the contract that allows the contract term or  
277 period to renew for an additional time period as per contract conditions. The contract  
278 renewal shall be subject to satisfactory vendor performance, as specified by the contract  
279 terms and conditions.

280 *Contract Review Committee* means the committee established by Board Resolution  
281 R89-633, as may be amended, the duties and responsibilities of which are set forth in  
282 County policies and procedures, as may be amended.

283 *County* means the Palm Beach County Board of County Commissioners or any of its  
284 authorized representatives pursuant to ordinance, resolution, Board authorization, or  
285 administrative code.

286 *County Department* means any Department under the direction of the Board.

287 *Debarment* means the exclusion for cause of a vendor or contractor from responding  
288 to any County solicitation or from doing business with the County directly or indirectly.

289 *Decentralized Purchase Orders* means any non-repetitive purchase of value less than  
290 ten thousand dollars (\$10,000) that is not otherwise within the scope of an existing  
291 contract.

292 *Designee* means a duly authorized representative of the Board, the County  
293 Administrator, Director of Procurement, or a Director of a Construction Department, as  
294 applicable.

295 *Direct Special Payable Purchase Orders ("SPO") / Exempt Purchase Orders*  
296 *("EPO")* means a form of purchase order used only for the one time purchase of goods  
297 and services exempt from this Procurement/Purchasing Code.

298 *Emergency Purchase* means a procurement made in response to a need when the  
299 delay incident to complying with all governing rules, regulations, or procedures would be  
300 detrimental to the interests, health, safety, or welfare of the County.

301 *Equal Business Opportunity Ordinance* means the EBO Ordinance, as adopted by the  
302 Board and implemented through the Office of Equal Business Opportunity.

303 *Equal Business Opportunity Program Policies and Procedures* means the EBO PPM,  
304 as implemented through the Office of Equal Business Opportunity.

305 *Exempt Purchase* means a procurement identified as an exempt purchase in Section  
306 2-51(f)(1) of this Procurement/Purchasing Code.

307 *Glades* means the area from the Broward County line north along Canal L-36 to the  
308 Loxahatchee National Wildlife Refuge, thence north to Southern Boulevard along Canal  
309 L-40, thence west along Southern Boulevard to a north-south 1½ miles west of Canal L-  
310 8, which coincides with a private agricultural road heading north from Southern  
311 Boulevard at the point where State Road 880 intersects Southern Boulevard from the  
312 South, thence north along the line of this north-south road to the boundary of the J.W.  
313 Corbett Wildlife Management Area, thence east and north along the boundary of the J.W.  
314 Corbett Wildlife Management Area to the Martin County line.

315 *Goods* mean any tangible personal property other than services or real property.

316 *Invitation for Bid* ("IFB") means a solicitation used in the formal competitive bid  
317 process to solicit sealed bids for the purchase of goods or services that are equal to or  
318 greater than the Mandatory Bid or Proposal Amount where price is the determining factor  
319 for award.

320 *Invitation to Negotiate* ("ITN") means a solicitation used in the formal competitive  
321 proposal process to solicit sealed proposals for a good or service that is equal to or greater  
322 than the Mandatory Bid or Proposal Amount and where the evaluation is based on  
323 established criteria which may include, but is not limited to, price. After receipt of  
324 proposals, the County may short-list one or more responsive proposers to negotiate the  
325 best value.

326 *Local Preference Ordinance* means an ordinance adopted by the Board that applies a  
327 local preference to responses submitted by local vendors to solicitations for construction

328 and non-construction goods and services as defined in Sections 2-80.41 through 2-80.48  
329 of the Palm Beach County Code.

330 *Mandatory Bid or Proposal Amount* means the threshold dollar amount established  
331 by the Board whereby the formal competitive bid or proposal process must be used,  
332 except as otherwise provided herein. The Mandatory Bid or Proposal Amount shall be  
333 one hundred fifty thousand dollars (\$150,000) per annum.

334 *May* denotes the permissive.

335 *Notice of Award Recommendation* means a written notice publicly posted, in a  
336 designated location(s) or on a designated website, prior to announcing the award of a  
337 contract to notify interested parties of the intended award. The protest period shall  
338 commence upon posting of the Notice of Award Recommendation.

339 *Office of Equal Business Opportunity ("Office of EBO")* means the County Office  
340 responsible for implementing the EBO Ordinance and the EBO PPM.

341 *Posting* means an act whereby the County publicly notices, in a designated  
342 location(s) or on a designated website, the recommended awardee of an Invitation for  
343 Bid, Invitation to Negotiate, or a Request for Proposal.

344 *Pcard ("Procurement/Purchasing Card")* a payment method which may be used by  
345 certain authorized County staff to buy directly from suppliers within pre-approved  
346 authority levels and spending limits.

347 *Procurement or Purchasing (the terms will be used interchangeably throughout this*  
348 *Procurement/Purchasing Code)* means purchasing, renting, leasing, or otherwise  
349 obtaining any goods or services; includes all functions that pertain to the procurement,  
350 including description of requirements, selection, and solicitation of sources, preparation  
351 and award of contract, and all phases of contract administration. Also, procurement  
352 encompasses the combined functions of purchasing, inventory control, traffic and  
353 transportation, receiving, inspection, storekeeping, salvage, and disposal operations.



354 *Proposal* means a formal offer by a vendor to furnish goods or services in response  
355 to a Request for Proposal or Invitation to Negotiate.

356 *Proprietary* means there is only one (1) item that meets the need of the County  
357 Department as determined by a reasonably thorough analysis of the marketplace;  
358 however, the item may be obtained through more than one (1) vendor.

359 *Purchase Order* means a contract used to authorize a purchase from a vendor that  
360 includes specific goods or services ordered, applicable terms as to payment, discounts,  
361 date of performance and transportation; and other factors pertinent to the transaction. A  
362 Purchase Order is referred to herein as a Contract. The County utilizes various forms of  
363 purchase orders, such as Decentralized Purchase Orders (“DPO”), Centralized Purchase  
364 Orders (“CPO”), Exempt Purchase Orders (“EPO”), Direct Special Payable Purchase  
365 Orders (“SPO”) and Contract Notice Purchase Orders (“KPO”).

366 *Quotation* means a written informal offer by a vendor to furnish specific goods or  
367 services in response to a Request for Quotation.

368 *Request for Information* ("RFI") means a non-binding and non-competitive process  
369 used to obtain comments, feedback, information or reactions from potential vendors prior  
370 to the County issuing a solicitation. Generally, exact or specific pricing or cost is not  
371 required. Vendor feedback may include best practices, industry standards, licensing  
372 requirements, technology matters, etc. The RFI is used to inform the County on what  
373 procurement method is needed, if any, and assist the County in determining requirements  
374 or specifications for any subsequent solicitation.

375 *Request for Proposal* ("RFP") means a solicitation used in the formal competitive  
376 proposal process to solicit sealed proposals for a good or service that is equal to or greater  
377 than the Mandatory Bid or Proposal Amount and where the evaluation is based on  
378 established criteria which may include, but is not limited to, price.

379 *Request for Quotation* ("RFQ") means a solicitation used in the informal competitive  
380 bid process to solicit quotations for a specific good or service that is less than the  
381 Mandatory Bid or Proposal Amount where price is the determining factor.

382        *Request for Submittal* ("RFS") means a solicitation used in the informal competitive  
383 proposal process to solicit submittals for a good or service that is less than the Mandatory  
384 Bid or Proposal Amount and where the evaluation is based on criteria which may include,  
385 but is not limited to, price.

386        *Resource Manager* means the Director of a County Department, or Designee, who  
387 has the joint responsibility with the Procurement Department to monitor and approve the  
388 County's procurements of specific commodity groups as specified in the Procurement  
389 Department's policies and procedures.

390        *Responsible Bidder, Quoter, Proposer, or Respondent* means a bidder, quoter,  
391 proposer, or respondent who is fully capable of meeting all the requirements contained in  
392 the solicitation.

393        *Responsive Bid, Quote, Proposal, Submittal, or Response* means a bid, proposal,  
394 submittal, quotation, or response that conforms in all material respects to the solicitation.

395        *Services* mean the furnishing of labor, time, or effort by a contractor wherein the  
396 provisions of goods or other specific end products (other than reports, studies, plans,  
397 advisories, contractual documents, or other documents relating to the required  
398 performance) is secondary. Construction is a form of services.

399        *Shall* denotes mandatory.

400        *Small/Minority/Women Business Enterprise ("S/M/WBE")* means a business as  
401 defined in the EBO Ordinance and the EBO PPM.

402        *Sole Source* means there is only one (1) good or service that meets the need of the  
403 County Department and that good or service is available through only one (1) source as  
404 determined by a reasonably thorough analysis of the marketplace.

405        *Specification* means the description within a solicitation or contract for the good or  
406 service to be provided by a Contractor.

407        *Suspension* means the suspending for cause of a Vendor or Contractor from  
408 responding to any County solicitation, or from doing any new business with the County,  
409 for up to a two-year period.

410        *Utility Services* mean services such as water, sewer, electrical, gas or other regulated  
411 utility, communications and data transmission services subject to governmental rate  
412 control.

413        **Sec. 2-53. - Organization.**

414        (a)    *Procurement Department.* Except as provided otherwise in this  
415 Procurement/Purchasing Code, the Procurement Department shall conduct vendor  
416 onboarding and vendor record management, purchase all goods and services on  
417 behalf of the Board, shall procure and manage any inventory necessary to stock the  
418 County warehouse and administer and manage a procurement/purchasing card  
419 (“Pcard”) program for County departments.

420        (b)    *Director of Procurement/Chief Procurement Officer.* Under the direction of the  
421 Administrator, the Director of Procurement, also known as the Chief Procurement  
422 Officer (“Director of Procurement”), shall serve as the principal officer for the  
423 purchase and sale of goods and services for the County.

424        (c)    *Duties of the Director of Procurement.* The Director of Procurement shall:

425            (1) Administer the central procurement function for the County.

426            (2) Maintain a warehouse stock of commonly used items and a catalog system for  
427 use by County Departments and agencies.

428            (3) Conduct vendor onboarding and vendor record management to ensure vendors  
429 are registered with the County.

430            (4) Administer and manage a procurement/purchasing (“Pcard”) program for County  
431 Departments’ usage.

432            (5) Manage records of procurement activity in compliance with Chapter 119, Florida  
433 Statutes, (Public Records Act).

434 (6) Establish and implement policies and procedures with regard to the procurement  
435 of goods and services.

436 (7) Establish training and certification requirements for the Procurement  
437 Department, the Departments and Resource Managers related to procurement and  
438 contract administration and conduct necessary and applicable training for each.

439 (8) Assist the Departments with contract administration to ensure contractor  
440 performance in accordance with the awarded contract terms and conditions and  
441 to ensure prompt payment to contractors for good and services.

442 (9) Take all necessary action to further the objectives of all County ordinances,  
443 resolutions, policies and procedures that pertain to the procurement of goods and  
444 services by the County.

445 (10) Perform other duties as directed by the Board or the Administrator.

446 (d) *Authority of the Director of Procurement.* Subject to the direction of the Board or  
447 the Administrator, the Director of Procurement is delegated all powers, duties and  
448 authority relating to the procurement of goods and services for the Board, including  
449 the authority to execute contracts to expend, reimburse, or to receive in revenues an  
450 amount less than three hundred thousand dollars (\$300,000) per annum, subject to the  
451 same limitations specified in Section (h) hereinbelow. The Director of Procurement  
452 may also execute contracts for the purchase of goods or services that are exempt from  
453 this Procurement/Purchasing Code, subject to the same limitations as specified  
454 herein. In consultation with the County Attorney's Office, the Director of  
455 Procurement may also terminate non-construction contracts, including exempt  
456 contracts, of any amount in accordance with the terms and conditions of the  
457 applicable contract, which may be with or without cause, provided that the contract  
458 provides for termination without cause. The Director of Procurement shall submit to  
459 the Board as a receive and file item a list of contracts terminated, if any, pursuant to  
460 the authority granted herein on at least a quarterly basis. The authority granted in this  
461 Procurement/Purchasing Code is specifically limited by the provisions herein and any

462 award must be made in strict compliance herewith. The Director of Procurement  
463 shall have no independent discretion in the award process except as specifically  
464 granted herein. In the absence of the Director of Procurement, the Director's  
465 Designee may assume the powers, duties, and authority vested in this  
466 Procurement/Purchasing Code.

467 (e) *Delegation of Authority.* Delegation of authority by the Director of Procurement  
468 may be made to the Assistant Director of Procurement and to subordinate staff as  
469 designated in writing by the Director of Procurement. Procurement Department  
470 employees designated in writing by the Director of Procurement may execute any  
471 contract to expend, reimburse, or to receive in revenues an amount less than three  
472 hundred thousand dollars (\$300,000) per annum, subject to the same limitations  
473 specified in Section (h) hereinbelow. All further references in this  
474 Procurement/Purchasing Code to the Director of Procurement shall include the  
475 Director's Designee.

476 (f) *Authority of the Construction Departments.* In addition to specific authority  
477 provided herein, the Directors of each of the Construction Departments may  
478 individually: Establish and implement policies and procedures regarding the  
479 procurement of construction services and integrate any statutory requirements for  
480 public works projects into such policies; take all necessary action to further the  
481 objectives of all County ordinances, resolutions, policies and procedures regarding  
482 the procurement of construction services by the County; establish training and  
483 certification requirements for staff involved with procurement and contract  
484 administration and conduct necessary and applicable training; approve source  
485 selection via a formal or informal competitive solicitation process; provide for the  
486 solicitation, cancellation or postponement of a procurement; conduct a Request for  
487 Information; approve procurement award or award recommendation as applicable;  
488 execute amendments/changes after award, including for time extensions; and approve  
489 alternate source selection for all construction and construction related contracts,

490 including but not limited to, construction, construction management or design-build  
491 contracts and all planning, architectural, professional engineering, landscape  
492 architectural or registered surveying and mapping services. The Directors of the  
493 Construction Departments are delegated the authority to execute any such contract to  
494 expend, reimburse, or to receive in revenues an amount less than three hundred  
495 thousand dollars (\$300,000) per annum, subject to the same limitations specified in  
496 Section (h) hereinbelow. Award of any such contract to expend, reimburse, or to  
497 receive in revenues an amount equal to or greater than three hundred thousand dollars  
498 (\$300,000) per annum, shall be approved by the Board. In consultation with the  
499 County Attorney's Office, the Directors of each of the Construction Departments  
500 may also terminate construction and construction related contracts of any amount in  
501 accordance with the terms and conditions of the applicable contract, which may be  
502 with or without cause, provided that the contract provides for termination without  
503 cause. The applicable Construction Department Director shall submit to the Board as  
504 a receive and file item a list of contracts terminated, if any, pursuant to the authority  
505 granted herein on at least a quarterly basis. For the procurement of construction or  
506 construction-related services, the Construction Department Directors shall have the  
507 same powers, duties, and authorities granted to, and the same limitations imposed  
508 upon, the Director of Procurement as set forth herein.

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

511 (h) *Board Approval.*

512 (1) The Board hereby approves every contract executed by the Director of  
513 Procurement and every award made in accordance with this  
514 Procurement/Purchasing Code in an amount less than three hundred thousand  
515 dollars (\$300,000) per annum, and for a duration not to exceed five (5) years.  
516 The Board hereby approves every contract executed by a Director of a  
517 Construction Department and every award made in accordance with this

518 Procurement/Purchasing Code in an amount less than three hundred thousand  
519 dollars (\$300,000) per annum. No purchase shall be artificially divided so as to  
520 not require Board approval. The Clerk and Comptroller as ex-officio Clerk and  
521 Accountant of the Board and as auditor, recorder, and custodian of all County  
522 funds, is authorized to accept and process all such contracts made on behalf of  
523 the Board pursuant to this Procurement/Purchasing Code as the act and deed of  
524 the Board.

525 (2) All awards in which the County is contracting to expend, to reimburse, or to  
526 receive revenues in an amount equal to or greater than three hundred thousand  
527 dollars (\$300,000) per annum shall be effective upon Board approval.

528 (3) All purchases of goods and services recommended to the Board for approval  
529 shall be reviewed by the Director of Procurement or by a Director of a  
530 Construction Department, as applicable, prior to Board approval.

531 **Sec. 2-54. - Source Selection.**

532 (a) The procurement of all goods or services, including those transactions through  
533 which the County shall receive revenue, in an amount equal to or greater than the  
534 Mandatory Bid or Proposal Amount of one hundred fifty thousand dollars  
535 (\$150,000), shall be awarded by a formal competitive bid or proposal process or as  
536 set forth herein, unless otherwise provided by state or federal law. As applicable, the  
537 provisions of the County's EBO Ordinance, the EBO PPM and the Local Preference  
538 Ordinance shall apply to all source selections, including alternate source selections,  
539 and awards that are subject to the provisions of this Procurement/Purchasing Code,  
540 unless application of the EBO Ordinance, the EBO PPM or the Local Preference  
541 Ordinance would be inconsistent with any state or federal law or regulation,  
542 including the terms of any state or federal funding agreement.

543 (b) Nothing in the foregoing shall prohibit the Board from renewing contracts entered  
544 into as a result of a competitive selection process or an alternate source selection  
545 process. Further, nothing in the foregoing shall prohibit the Board from extending

546 contracts, entered into as a result of a competitive or alternate source selection  
547 process, beyond the specified term or renewal period when the Board determines that  
548 such an extension of the term or renewal period is beneficial to the interest, health,  
549 safety or welfare of the County. However, any such extension of the term or renewal  
550 period by the Board shall not exceed twelve (12) months, unless the Director of  
551 Procurement or a Director of a Construction Department deems said extension to be  
552 an emergency as set forth hereinbelow or the Board finds that such extension is in the  
553 best interest of the County.

554 (c) *Formal Competitive Bid Process.*

555 (1) *Invitation for Bid.* An Invitation for Bid shall be issued which shall include the  
556 scope of work and specifications for the purchase of the goods or services  
557 sought. Terms and conditions may include, but not be limited to, the requirement  
558 of insurance or surety.

559 (2) *Public Notice.* Public notice of opportunities for Invitation for Bids shall be  
560 electronically posted online using the County's vendor self-service website and  
561 as may be otherwise required by applicable state or federal law. Additional  
562 public notice or advertisement may be used to increase competition at the  
563 discretion of the Director of Procurement.

564 (3) *Bid Submission.* Bids should state the name and address of the bidder on the  
565 outside of the envelope, package or container, and must be received no later than  
566 the time and date and at the location or submitted electronically as specified in  
567 the Invitation for Bid. Bids received later than the time and date or at a location  
568 other than specified shall be deemed non-responsive.

569 (4) *Bid Opening.* All bids timely received shall be opened internally by the  
570 Director of Procurement or Designee, except as otherwise required by law. A list  
571 of bidders that have submitted bids in response to an Invitation for Bid shall be  
572 recorded and maintained within the solicitation file.



573 (5) *Bid Cancellation or Postponement.* The Director of Procurement may, prior to  
574 Bid Opening, elect to cancel a bid or postpone the date or time of Bid  
575 Submission or opening. After Bid Opening, the Director of Procurement may  
576 cancel a bid if no or only one (1) responsive, responsible bid is received, or if the  
577 lowest responsive, responsible bid is in excess of the funding limits established  
578 by the County for that bid. In addition, the Administrator or Designee may cancel  
579 the bid after bid opening in the event: (a) of a discovery of a procedural flaw or  
580 patent irregularity which is so severe as to render the process invalid; (b) the  
581 County determines that the need for the procurement no longer exists and will  
582 not exist in the immediate future; or (c) the cancellation or postponement is in the  
583 best interest of the County.

584 (6) *Corrections, Additions to and Withdrawal of Bids.*

585 a. The following shall govern the correction of information submitted in a bid  
586 when that information is a determinant of the responsiveness of the bid:

587 1. Errors in the extension, addition or multiplication of unit prices stated in  
588 a bid or in multiplication, division, addition, or subtraction in a bid shall  
589 be corrected by the Director of Procurement prior to award  
590 recommendation. However, actual unit prices included in the bid shall  
591 not be changed under this or any other circumstance.

592 2. A bidder shall be permitted to correct a minor irregularity after bid  
593 opening, up to five (5) business days, with the exception of pricing  
594 errors. For purposes of correction, an irregularity is minor where: (1) its  
595 waiver would not deprive the County of its assurance that the contract  
596 will be entered into, performed and guaranteed according to its specified  
597 requirements, and (2) the irregularity is of such a nature that its waiver  
598 would not adversely affect competitive bidding by placing a bidder in a  
599 position of advantage over other bidders or by otherwise undermining  
600 the necessary common standard of competition.

601 3. Nothing herein is intended to prohibit the acceptance of a voluntary  
602 reduction in price from the lowest responsive, responsible bidder after  
603 bid opening, provided such reduction is not conditioned on, or does not  
604 result in, the modification or deletion of any specifications or conditions  
605 contained in the Invitation for Bid or alter the determination of which  
606 bidder is to be awarded the bid or portion thereof.

607 b. A bidder who has made a clearly evident mistake of fact may be permitted  
608 to withdraw its bid only when it is determined by the Director of  
609 Procurement that there is reasonable proof that such a mistake was made.  
610 However, if a bidder unilaterally withdraws its bid without permission after  
611 bid opening, the Director of Procurement may suspend the bidder for up to  
612 two (2) years from the date of the unilateral withdrawal. Further, if the  
613 apparent lowest responsive, responsible bidder has made a mistake of any  
614 kind in a lump sum construction-related bid, the bid bond may not be  
615 returned.

616 (7) *Bid Evaluation.*

617 a. The County reserves the right to accept or reject any and all bids and to  
618 make award to the lowest responsive and responsible bidder (or in the case  
619 of a revenue contract to make award to the highest responsive and  
620 responsible bidder) whose bid meets the requirements and criteria set forth in  
621 the Invitation for Bid and whose award will, in the opinion of the County, be  
622 in the best interest of and most advantageous to the County.

623 b. A bid shall be considered responsive only if it conforms to the material  
624 requirements of the Invitation for Bid.

625 c. Information in a bid that concerns the responsibility of the bidder shall not  
626 necessarily be considered conclusive at the time of bid opening, except when  
627 the Invitation for Bid unequivocally states that the bid shall not be

628 considered responsive unless the particular information is provided in the bid  
629 at the time of submittal.

630 1. The bidder shall supply information requested by the County  
631 concerning the responsibility of such bidder. If such bidder fails to  
632 supply the requested information, the County shall base the  
633 determination of responsibility upon available information and may find  
634 the bidder non-responsible and reject the bid.

635 2. The Director of Procurement may determine the information submitted  
636 concerning the responsibility of the bidder is so inadequate as to warrant  
637 a recommendation of rejection of the bid based upon a lack of  
638 demonstrated responsibility on the part of the bidder.

639 3. Pursuant to the particular solicitation, the Director of Procurement, after  
640 bid opening, may request additional information of the bidder  
641 concerning the bidder's responsibility to perform. The Director of  
642 Procurement shall consider this and all other information gained prior to  
643 award recommendation.

644 d. Notwithstanding Sections 2-54(c)(7)b. and c., a lack of conformity as to an  
645 issue(s) of responsiveness or responsibility that is non-substantive in nature  
646 may be considered a technicality or irregularity that may be waived by the  
647 Director of Procurement.

648 (8) *Bid Award.* Awards in which the County is contracting to expend, reimburse,  
649 or receive in revenue an amount less than three hundred thousand dollars  
650 (\$300,000) per annum shall be made to the lowest responsive, responsible bidder  
651 (or in the case of a revenue contract to the highest responsive, responsible bidder)  
652 and shall be effective upon issuance of a Contract by the Director of  
653 Procurement. Awards in which the County is contracting to expend, reimburse,  
654 or receive revenues in an amount equal to or greater than three hundred thousand  
655 dollars (\$300,000) per annum shall be made to the lowest responsive, responsible

656 bidder (or in the case of a revenue contract to the highest responsive, responsible  
657 bidder) and shall be effective upon Board approval. The Board may reject any  
658 bid prior to issuance of an award. Recommended awards equal to or greater than  
659 the Mandatory Bid or Proposal Amount shall be posted at a designated  
660 location(s) or on a designated website for a period of five (5) business days. In  
661 the event only one (1) responsive, responsible bid is received, an award may be  
662 made to the sole bidder or rebid or canceled as provided herein.

663 (9) *Execution of Contracts.* Execution of contracts shall be addressed in  
664 accordance with Sections 2-53(d)-(h) and 2-54(f)(4).

665 (10) *Changes After Award.*

666 a. For contracts executed and approved by the Director of Procurement, the  
667 Director of Procurement may authorize decreases or increases to the  
668 authorized revenue or expenditure amount(s) of a satisfactorily performing  
669 contract, including exempt and/or alternate source contracts, for increased  
670 demand or usage up to ten percent (10%) and with the Administrator's  
671 approval up to fifteen percent (15%); except that increases of more than  
672 fifteen percent (15%) to authorized expenditure amounts which have  
673 reached or exceeded three hundred thousand dollars (\$300,000) per annum  
674 must be approved by the Board. After Board approval of an increased  
675 authorized expenditure amount, the Director of Procurement may authorize  
676 additional increases of up to ten percent (10%) and with the  
677 Administrator's approval up to fifteen percent (15%) of the increased  
678 authorized expenditure amount.

679 b. For contracts executed and approved by the Board, the Director of  
680 Procurement may authorize decreases or increases to the authorized  
681 revenue or expenditure amount(s) of a satisfactorily performing contract,  
682 including exempt and/or alternate source contracts, for increased demand or  
683 usage up to ten percent (10%) and with the Administrator's approval up to

684 fifteen percent (15%); except that increases of more than fifteen percent  
685 (15%) to authorized expenditure amounts which have reached or exceeded  
686 three hundred thousand dollars (\$300,000) but are less than five hundred  
687 thousand dollars (\$500,000) per annum must be approved by the Contract  
688 Review Committee. After Contract Review Committee approval of an  
689 increased authorized expenditure amount, the Director of Procurement may  
690 authorize additional increases of up to ten percent (10%) and with the  
691 Administrator's approval up to fifteen percent (15%) of the increased  
692 authorized expenditure amount. Any individual increase to a Board  
693 approved contract that is equal to or exceeds \$500,000 must be approved by  
694 the Board.

695 c. For contracts either approved by the Board or by the Director of  
696 Procurement, the Director of Procurement may approve extensions of  
697 delivery dates or performance time on all satisfactorily performing  
698 contracts, including exempt and/or alternate source contracts, to a  
699 maximum of six (6) months provided that any changes to the existing  
700 authorized expenditure amount comply with the provisions of this  
701 Procurement/Purchasing Code. After Board approval of an extension of  
702 delivery dates or performance time, the Director of Procurement may  
703 authorize additional delivery dates or performance time extensions up to six  
704 (6) months. Further, changes to the Contract, including exempt and/ or  
705 alternate source contracts, may be made by the Director of Procurement if  
706 considered minor or non-material in nature.

707 d. Should an awardee fail to perform or termination of the contract is  
708 necessary, the County has the option, to be exercised in the County's sole  
709 discretion, of awarding the contract to the next low bidder willing to enter  
710 into a contract with the County; provided that, the contract is within the  
711 initial award period as specified in the contract.

712 e. The authority of the Directors of the Construction Departments and the  
713 Contract Review Committee to make monetary and time changes to  
714 construction and construction related contracts shall be in accordance with  
715 the applicable County policies and procedures.

716 (11) *Termination of Contracts.* Termination of contracts shall be addressed in  
717 accordance with Sections 2-53(d) and (f).

718 (d) *Formal Competitive Proposal Process.* The following competitive proposal  
719 process is applicable to Requests for Proposals and Invitations to Negotiate.

720 (1) If it is neither practical nor in the best interest of the County to procure a  
721 good or service by a formal competitive bidding process, the Director of Procurement  
722 may determine that the use of a competitive proposal process may be used, utilizing  
723 either a Request for Proposal or an Initiation to Negotiate:

724 a. *Requests for Proposals.* A Request for Proposal shall be issued which  
725 shall include a scope of work and specifications for the purchase of goods or  
726 services sought, and shall also include evaluation criteria to be used in evaluating  
727 proposals. Terms and conditions included in a Request for Proposal may include,  
728 but not be limited to, the requirement of insurance or surety.

729 b. *Invitation to Negotiate.* An Invitation to Negotiate shall be issued which  
730 shall include a scope of work and specifications for the purchase of goods or  
731 services sought, the evaluation criteria to be used in evaluation proposals, any  
732 required terms and conditions, and, a statement to the effect that the County may  
733 short-list one or more responsive proposers to negotiate the best value.

734 (2) Requests for Proposals and Invitation to Negotiate shall be noticed, and  
735 cancelled or postponed, in accordance with Section 2-54(c)(2) and (5)  
736 hereinabove.

737 (3) *Proposal Submission.* Proposals should state the name and address of the  
738 proposer on the outside of the envelope, package or container, and must be

739 received no later than the time and date and at the location or through electronic  
740 means (e.g., electronic submission) as specified in the Request for Proposal or  
741 Invitation to Negotiate. Proposals received later than the time and date or at a  
742 location other than specified shall be deemed non-responsive.

743 (4) *Proposal Opening.* All proposals timely received shall be opened internally by  
744 the Director of Procurement or Designee. A list of proposers that have submitted  
745 proposals in response to a Request for Proposal or Invitation to Negotiate shall  
746 be recorded.

747 (5) Corrections, additions to, and withdrawal of proposals shall be addressed in  
748 accordance with Section 2-54(c)(6) hereinabove.

749 (6) *Proposal Evaluation.*

750 a. The County reserves the right to accept or reject any and all proposals. The  
751 County further reserves the right to award to the responsive, responsible proposer  
752 whose proposal conforms to the material requirements of the solicitation and is  
753 determined to be the most advantageous to the County taking into consideration  
754 the evaluation criteria set forth in the Request for Proposal or Invitation to  
755 Negotiate.

756 b. Evaluation of the responsiveness of proposals shall be performed by the  
757 Procurement Department. Evaluation of the responsibility of a proposer  
758 shall be made by a selection committee and shall be based upon the  
759 evaluation criteria as set forth in the Request for Proposal or Invitation to  
760 Negotiate and upon any other relevant information obtained through the  
761 evaluation process.

762 c. Issues of responsiveness and responsibility shall be addressed in accordance  
763 with Sections 2-54(c)(7)b., c. and d. hereinabove.

764 d. Upon concurrence by the Director of Procurement, the selection committee  
765 may determine that it is not in the best interest of the County to award solely

766 on the basis of initial proposals and may request oral presentations and/or  
767 utilize a "Best and Final Offer" process to further evaluate the proposals for  
768 both Request for Proposals or Invitation to Negotiate.

769 e. *Shortlist for Invitation to Negotiate only.* When utilizing an Invitation to  
770 Negotiate process, the selection committee may recommend to short-list one  
771 or more proposers to negotiate the best value for the County.

772 (7) *Proposal Award.* Upon recommendation by the selection committee, award  
773 shall be made to the responsive, responsible proposer whose proposal is in the  
774 best interest of the County, and shall be effective upon issuance of a contract by  
775 the Director of Procurement. Awards in which the County is contracting to  
776 expend, reimburse, or receive revenues in an amount equal to or greater than  
777 three hundred thousand dollars (\$300,000) per annum shall be effective upon  
778 Board approval. The Board may reject any proposal prior to issuance of an  
779 award. Recommended awards equal to or greater than the Mandatory Bid or  
780 Proposal Amount shall be posted at a designated location(s) or on a designated  
781 website for a period of five (5) business days. In the event only one (1)  
782 responsive, responsible proposal is received, an award may be made to the sole  
783 proposer or re-solicited or canceled as provided herein. Where consultants,  
784 contractors, or special masters are selected through a formal competitive  
785 proposal process and more than one (1) award and contract are issued, individual  
786 orders for projects may be assigned or awarded upon justification of availability,  
787 cost to perform the project, conflict of interest, and/or specific and necessary  
788 expertise of the required consultant, Contractor, or special master.

789 (8) *Execution of Contracts.* Execution of contracts shall be addressed in accordance  
790 with Sections 2-53(d)-(h) and 2-54(f)(4).

791 (9) *Amendments/Changes after Award.* Amendments or changes after award of the  
792 proposal shall be made in the same manner and in accordance with Section 2-



793 54(c)(10) hereinabove. Amendments to the contract may be made by the Director  
794 of Procurement if considered minor or non-material in nature.

795 (10) *Termination of Contracts*. Termination of contracts shall be addressed in  
796 accordance with Sections 2-53(d) and (f).

797 (e) *Request for Information*.

798 (1) A Request for Information is a non-competitive and non-binding process which  
799 may be used to obtain comments, feedback, information or reactions from  
800 potential vendors for needed goods or services. The Request for Information  
801 shall specify a need or provide a description of the goods or services, and shall  
802 allow vendors the latitude to provide feedback on best practices, industry  
803 standards, licensing requirements, technology matters, etc. that may assist the  
804 County in determining what procurement method is needed, if any, or assist the  
805 County in determining requirements or specifications for a subsequent  
806 solicitation.

807 (2) Public notice of opportunities for Requests for Information shall be noticed in  
808 accordance with Section 2-54(c)(2) hereinabove.

809 (3) Based upon the statements of interest received from vendors responding to the  
810 Request for Information, the County Department, upon approval from the  
811 Director of Procurement, may request a trial use of two (2) or more of the  
812 products for a limited period of time. Upon receipt of the statements of interest or  
813 at the end of the trial period for approved goods, the Procurement Department  
814 may initiate a competitive process for the goods or services. A Request for  
815 Information shall not result in a purchase without a competitive or alternate  
816 source selection process conducted by the Procurement Department. If goods or  
817 services are exempt, the Request for Information may be conducted by a County  
818 Department, with the review and approval of the Procurement Department;  
819 except that a Request for Information for an exempt purchase under the CCNA  
820 statute is not subject to the review and approval of the Procurement Department.

821 (4) The Procurement Department shall have unlimited use of the information  
822 included within the statements of interest submitted in response to a Request for  
823 Information. The County is required to comply with F.S. Ch. 119, Public  
824 Records Act, and therefore accepts no responsibility for the protection of the  
825 information submitted unless the vendor requests that privileged or confidential  
826 information be protected in the manner prescribed by law. The County shall have  
827 no further obligation to any vendor who furnishes information.

828 (f) *Alternate Source Selection.*

829 (1) *Decentralized Purchase Order (DPO).* Any purchase for an amount less than ten  
830 thousand dollars (\$10,000) shall be made in accordance with the County policies  
831 and procedures promulgated by the Procurement Department. Such purchases  
832 must be non-repetitive and not otherwise within the scope of an existing contract.  
833 This purchase shall not be artificially divided or split so as to qualify under this  
834 definition

835 (2) *Sole Source Purchases.* The Director of Procurement may make or authorize the  
836 purchase of goods or services without competitive solicitation when the Director  
837 of the County Department, or Designee, has documented in writing and has  
838 provided information supporting the fact, that the good or service requested is the  
839 only item that meets their need and that the good or service is available through  
840 only one (1) source. The Director of Procurement or Designee shall review and  
841 approve the request for sole source designation.

842 Upon receiving a request for a Sole Source procurement, the Director of  
843 Procurement shall post a Notice of Intent to Designate Sole Source on the  
844 County's vendor self-service website, for goods and services that have not been  
845 the subject to a Request for Information within the preceding six (6) months. The  
846 notice shall identify the goods and services sought to be procured. Vendors shall  
847 have up to ten (10) business days after the posting of the Notice to submit written  
848 explanation or other documentation contesting that proposed designation as a

849 Sole Source. The Director of Procurement or designee shall consider such  
850 submittals and notify all submitting vendors of the decision whether the  
851 procurement will be designated as a Sole Source, which decision shall not be  
852 subject to objection, protest, or appeal under this Procurement/Purchasing Code.  
853 Sole Source procurements may be effective up to five (5) years, but annually the  
854 sole source procurement shall be certified by the Procurement Department to  
855 verify that same sole source conditions exist.

856 (3) *Proprietary Purchases.* The Director of Procurement may make or authorize  
857 the purchase of goods or services via a competitive solicitation when the Director  
858 of the County Department, or Designee, has documented in writing that the good  
859 or service is the only item that meets their need and that the good or service is  
860 available through more than one (1) source.

861 (4) *Emergency Purchases.* The Director of Procurement, upon receipt of written  
862 verification of the emergency circumstance by the Director of the County  
863 Department or Designee, may authorize emergency purchases. Emergency  
864 purchases must meet the definition provided for in Section 2-52 above.  
865 Emergency purchases in which the County is to expend or to reimburse an  
866 amount of three hundred thousand dollars (\$300,000) or more per annum shall be  
867 approved by the Board. However, in emergency circumstances where approval  
868 by the Board cannot be obtained in a timely manner, the Director of Procurement  
869 may authorize a purchase(es) of three hundred thousand dollars (\$300,000) or  
870 more provided that said purchase(es) and expenditure(s) of funds shall be  
871 presented to the Board for ratification as soon as possible following signature or  
872 approval by the Director of Procurement.

873 (5) *Purchases Off Contracts of Other Entities ("piggyback purchases").*  
874 Notwithstanding any requirements of this Procurement/Purchasing Code, the  
875 purchase of goods or services under contract with a federal, state or municipal  
876 government or any other governmental agency, political subdivision, or

877 government-related association, may be piggybacked or purchased off contracts  
878 of other entities providing that:

879 a. The County Department, in consultation with the Director of Procurement, has  
880 determined that the piggyback purchase is deemed advantageous to the  
881 County;

882 b. The contractor (i) extends the terms and conditions specified in the  
883 originating contract to the County and the County accepts the terms and  
884 conditions specified; and (ii) in the event the County requires additional  
885 contract language, the vendor agrees to such additional County terms and  
886 conditions;

887 c. The goods or services available under the originating contract meet the  
888 County's needs and specifications;

889 d. The specifications of the goods or scope of services being purchased from  
890 the originating contract do not substantially differ from the specifications or  
891 scope in the originating contract;

892 e. For originating contracts not procured by cooperatives or which are not  
893 indefinite quantity contracts, the Director of Procurement, in consultation  
894 with the County Attorney's Office, will determine whether the quantity  
895 needed by the County can be purchased under the originating contract;

896 c. The Procurement and County Department determines and documents that  
897 the impact to local vendors is minimally negative or is a benefit to the  
898 County that positively outweighs any negative impact to local vendors;

899 d. There are no certified S/M/WBE vendors, with capacity, that can provide  
900 the service as required, and to the extent required by the County Department;

901 e. The originating entity utilized a competitive process similar to the County's,  
902 as determined by the Director of Procurement. However, this provision (e) is  
903 not applicable to contracts procured or solicited by the State of Florida or the

904 Florida Sheriff's Association or the U.S. General Services Administration  
905 (GSA Schedules).

906 (6) *Cooperative Purchases.* The County may participate in, sponsor, conduct, or  
907 administer a cooperative purchase with other government entities for the  
908 procurement of goods or services.

909 (7) *Direct Purchases.* Notwithstanding the provisions of this  
910 Procurement/Purchasing Code, in the event that no bids, proposals, quotes,  
911 responses or submittals are received, or that no responsive, responsible bids,  
912 proposals, quotes, responses or submittals are received, and the Director of  
913 Procurement documents that no significant alteration in the specifications,  
914 qualifications, or terms and conditions can be made to encourage competition,  
915 the Administrator or Designee may authorize the Director of Procurement to  
916 make a direct purchase of the goods or services from any vendor identified as  
917 being qualified and capable of meeting the original specifications. A direct  
918 purchase may be made for items for resale that, subsequent to a market analysis,  
919 meet the definition of a sole source.

920 (8) *Prequalification.*

921 a. *Prequalification of Vendors.* Prospective vendors may be prequalified for  
922 specified types of goods or services when deemed advantageous to the County,  
923 regardless of whether the amount of each order for a good or service is above or  
924 below the County's Mandatory Bid or Proposal Amount. The method for  
925 submitting prequalification information and the information required in order to  
926 be prequalified shall be set forth in the applicable solicitation for prequalified  
927 vendors. All vendors deemed responsive and responsible shall be considered  
928 prequalified for the specific good or service. Once a vendor is prequalified, they  
929 are permitted to submit price offers and/or qualifications for each individual  
930 order for a good or service, or take turns via rotation, depending upon the  
931 language within the applicable solicitation. Projects over the Mandatory Bid

932 Amount or Proposal Amount shall be advertised on the County's vendor self-  
933 service website in accordance with Section 2-54(c)(2) hereinabove.

934 b. *Prequalification of Contractors by Construction Departments for*  
935 *Construction Services.* A Construction Department may prequalify prospective  
936 construction contractors for specified types of trades or services. Work  
937 authorizations issued by Construction Departments to such prequalified  
938 construction contractors are not required to be less than the County's Mandatory  
939 Bid or Proposal Amount. The Construction Department shall set forth in the  
940 applicable solicitation for prequalified contractors the method for submitting  
941 prequalification information and the information required in order to become  
942 prequalified. All contractors deemed responsive and responsible shall be  
943 considered prequalified for the specific trade or service. Once a contractor is  
944 prequalified, the contractor is permitted to submit price offers for each work  
945 authorization for construction depending on the language in the applicable  
946 solicitation. Contractors will be allowed to qualify at any time and be added to  
947 the prequalified list. Projects over the Mandatory Bid or Proposal Amount will  
948 be advertised on the County's vendor self-service website in accordance with  
949 Section 2-54(c)(2) hereinabove. Newspaper advertisement may be required  
950 depending on the estimated construction cost in accordance with Section  
951 255.0525, Florida Statutes, or as otherwise required by law.

952 (9) *Items for Resale.* All applicable County Departments, working jointly with the  
953 Procurement Department, shall implement policies and procedures regarding the  
954 procurement of items for resale. The County Department, with Procurement's  
955 review and approval, shall conduct a thorough market research analysis of the  
956 available items for resale in order to determine the specific types of goods to be  
957 procured. A market analysis shall not result in the purchase of goods without a  
958 competitive or alternate source selection process conducted by the Procurement  
959 Department.

960 (10) *Sales Tax Recovery Program for Construction-related Purchases.* Purchase  
961 orders for the purchase of goods, materials, or equipment in any dollar amount,  
962 additive or deductive, included in a Capital Improvement Project, and the  
963 corresponding Change Order required to implement those purchases, may be  
964 approved by the Director of Procurement or by the Director of the appropriate  
965 Construction Department in accordance with the County's sales tax recovery  
966 program.

967 (g) *Informal Competitive Solicitation Process.* Solicitations for goods or services  
968 valued at less than the Mandatory Bid or Proposal Amount shall be made in  
969 accordance with policies and procedures established by the Procurement Department  
970 for Requests for Quotes and Requests for Submittals. However, the Director of  
971 Procurement has the sole discretion to utilize the IFB process or the RFP process or  
972 ITN process if the procurement is complex or for other sound reason, even though  
973 the specific good or service is budgeted less than the Mandatory Bid or Proposal  
974 Amount.

975 (h) *Waiver of Requirements for Competitive Selection for Consulting Services.* The  
976 Board may waive the requirements for competitive selection and approve consulting  
977 services upon recommendation of the Administrator.

978 (i) *Pcard Services.* Pcard ("Procurement/Purchasing Card") is a payment method  
979 used by authorized County staff to buy directly from suppliers within pre-  
980 approved authority levels and spending limits. The Procurement Department shall  
981 administer and manage the County's pcard program, including the development  
982 and implementation of County policy and procedures for pcard usage, and training  
983 for the County's pcard participants.

984 **Sec. 2-55. - Protested Awards.**

985 (a) *Right to Protest.* After posting of the recommended awardee, any bidder or  
986 proposer who is aggrieved in connection with the recommended award may protest in  
987 writing to the Director of Procurement. The right to protest is limited to those

988 procurements of goods or services solicited through an Invitation for Bid or a  
989 Request for Proposal or Invitation to Negotiate. Recommended awards less than the  
990 Mandatory Bid or Proposal Amount cannot be protested. Notwithstanding the above,  
991 the County may, in the sole discretion of the Director of Procurement, include the  
992 right to protest in any solicitation process if in the best interests of the County.

993 (b) *Notice of Protest.* The protest must be received by the Director of Procurement  
994 within five (5) business days after posting of the award recommendation. The protest  
995 shall be in writing and shall identify the protestor and the solicitation, shall include a  
996 factual summary of the basis of the protest and shall include a protest bond in the  
997 amount of: 1) one thousand five hundred dollars (\$1,500) for solicitations less than  
998 one million dollars (\$1,000,000); 2) three thousand dollars (\$3,000) for solicitations  
999 one million dollars (\$1,000,000) to less than five million dollars (\$5,000,000) or 3)  
1000 five thousand dollars (\$5,000) for solicitations five million dollars (\$5,000,000) or  
1001 greater, which bond shall be remitted in the form of a money order, a certified check,  
1002 a cashier's check, or a bank check payable to Palm Beach County. Such protest is  
1003 considered filed when it is received and date/time stamped by the Department of  
1004 Procurement. The date/time stamp of the Procurement Department shall control when  
1005 determining whether the protest was received by the Director of Procurement within  
1006 the time frame specified for the notice of protest. Neither the Director of Procurement  
1007 nor a special master shall consider any issue not submitted in writing within the time  
1008 frame specified for the notice of protest.

1009 (c) *Authority to Resolve.* Protests filed in accordance with Section 2-55(b) hereinabove  
1010 shall be resolved under the provisions of this Section.

1011 (1) The Director of Procurement shall have the authority to:  
1012 a. Uphold the Protest. The protest may be upheld based upon a violation of the  
1013 provisions of this Procurement/Purchasing Code or of any other County  
1014 Ordinance, resolution, policy, or procedure, or upon discovery of an  
1015 irregularity or procedural flaw that is so severe as to render the process



1016 invalid. If the upholding of the protest will result in a change of the  
1017 recommended awardee, a new recommended award shall be posted in  
1018 accordance with Section 2-54(c)(8) and 2-54(d)(7) hereinabove. If the  
1019 upholding of the protest will result in a cancellation of the protested  
1020 solicitation, a recommendation to uphold the protest and cancel the  
1021 solicitation will be made to the Administrator, who may then direct the  
1022 cancellation of the solicitation. If the protest is upheld, the Procurement  
1023 Department shall return the protestor's bond to the protestor.

1024 b. Deny the Protest. If the protest is denied, the protestor has the right to  
1025 request that the protest be referred to a special master in accordance with  
1026 Section 2-55(c)(4) hereinbelow. If the protestor requests a special master, the  
1027 Procurement Department shall retain the protestor's bond pending the  
1028 outcome of the special master hearing. If the protestor does not request a  
1029 special master, then the protestor's bond shall be forfeited.

1030 c. Refer the protest directly to a special master with no determination made by  
1031 the Director of Procurement. In this instance, the Procurement Department  
1032 shall retain the protestor's bond pending the outcome of the special master  
1033 hearing.

1034 (2) When a protest is filed by a certified S/M/WBE or where the protest involves  
1035 an S/M/WBE issue, the Director of Procurement shall review the protest to  
1036 determine whether the protest involves an S/M/WBE or an S/M/WBE issue; if so  
1037 determined, the Director of Procurement shall work in conjunction with the  
1038 Director of the Office of EBO to resolve the protest. After reviewing the facts  
1039 surrounding the issues raised in the written protest, the Director of Procurement  
1040 and the Director of the Office of EBO may make the determination to:

1041 a. Uphold the protest in accordance with Section 2-55(c)(1)a. hereinabove.

1042 b. Deny the protest in accordance with Section 2-55(c)(1)b. hereinabove.

1043 c. Refer the protest to a special master, in those instances when a  
1044 determination is not unanimous between the Director of Procurement and the  
1045 Director of the Office of EBO. In this instance, the Procurement Department  
1046 shall retain the protestor's bond pending the outcome of the special master  
1047 hearing.

1048 (3) If the Director of Procurement upholds or denies the protest, then the Director  
1049 of Procurement shall issue a written statement of the determination within a  
1050 reasonable period of time. The written statement shall provide the general  
1051 rationale for said determination and shall be provided to the protestor and to any  
1052 other party to the protest. If the Director of Procurement refers the protest to a  
1053 special master without making a determination, then the Director of Procurement  
1054 will notify the protestor and any other party to the protest of the date and time of  
1055 the special master hearing.

1056 (4) Upon receipt of a denial of the protest, the protestor may request a hearing  
1057 before a special master. The request for a hearing shall be in writing to the  
1058 Director of Procurement and must be received by the Director of Procurement  
1059 within five (5) business days of issuance of the Director of Procurement's  
1060 determination. The date/time stamp of the Procurement Department shall control  
1061 when determining whether the request was received by the Director of  
1062 Procurement within the time frame specified for a request for hearing.

1063 (5) At no time shall a protestor, party, or any other person, contact a special master  
1064 regarding any issue pertaining to or involving the protest. Contact between the  
1065 County and the special master shall be limited to scheduling and other  
1066 administrative issues, including the provision and copying of public records  
1067 pertinent to the protest.

1068 (d) *Establishment of Rules.* The Procurement Department shall establish rules and  
1069 regulations by separate policy and procedure detailing the selection of special  
1070 masters, the protest process, and the conduct governing protest hearings.

1071 (e) *Authority of Special Masters.* Special masters shall have the jurisdiction and  
1072 authority to hear and make recommendations on protests.

1073 (1) The special master shall make a recommendation as to whether the protest  
1074 should be upheld or denied.

1075 (2) The special master may recommend that the protest be upheld based on a  
1076 violation of the provisions of this Procurement/Purchasing Code or of any other  
1077 County Ordinance, resolution, policy, or procedure, or upon discovery of an  
1078 irregularity or procedural flaw that is so severe as to render the process invalid. If  
1079 the special master recommends to uphold the protest, the special master shall  
1080 make a recommendation to the Director of Procurement to either: a) change the  
1081 recommended award and post a new recommended award or b) cancel the  
1082 protested solicitation. In these instances, the Procurement Department shall  
1083 return the protestor's bond to the protester.

1084 (3) If the special master recommends denial of the protest, the special master shall  
1085 recommend that the Director of Procurement proceed with the posted award  
1086 recommendation. In these instances, the protestor's bond shall be forfeited.

1087 (4) In making contract awards for procurements in an amount equal to or greater  
1088 than three hundred thousand dollars (\$300,000) per annum, the Board may  
1089 accept or reject the recommendation of the special master.

1090 (5) In making contract awards for procurements of less than three hundred  
1091 thousand dollars (\$300,000) per annum, the Director of Procurement may accept  
1092 the special master's recommendation or, if the Director of Procurement  
1093 determines the special master's recommendation is not in the County's best  
1094 interest, the original award recommendation shall be referred to the Board for  
1095 approval. At that time, the Board may accept or reject the recommendation of the  
1096 special master.

1097 (6) Nothing contained herein shall limit or divest the Board of its authority  
1098 pursuant to F.S. Ch. 125, Pt. IV, as referenced in Section 2-51 of this  
1099 Procurement/Purchasing Code.

1100 (f) *Stay of Procurement During Protests.* Notwithstanding anything contained herein to  
1101 the contrary, in the event of a timely protest, the Director of Procurement shall stay  
1102 the award of the contract unless the Director of Procurement, with the advice of the  
1103 County Attorney and after consultation with the County Department, makes a  
1104 determination that the award of the contract without delay is necessary to protect  
1105 substantial interests of the County.

1106 **Sec. 2-56. - Suspension and Debarment.**

1107 (a) *Authority.* The Director of Procurement may suspend or debar for cause the right of  
1108 a vendor, contractor or subcontractor to be included in the renewal of an existing  
1109 contract or any solicitation process, including a vendor, contractor or subcontractor  
1110 on an exempt contract, alternate source contract, or contract governed by the PREM  
1111 Ordinance; and any bid, proposal, submittal, or quote received from that vendor,  
1112 contractor or subcontractor shall be rejected.

1113 (b) *Suspension and Debarment.* A vendor, contractor or subcontractor may be  
1114 suspended for a period not to exceed two (2) years as determined by the Director of  
1115 Procurement, or may be permanently debarred. However, any suspension imposed  
1116 pursuant to the provisions of subsections (b)(3) and (4) below shall be in effect  
1117 during the pendency of the applicable proceeding, regardless of duration. A  
1118 suspended or debarred vendor or contractor shall not bid or propose as a  
1119 subcontractor during their suspension or debarment; and, a suspended or debarred  
1120 subcontractor shall not bid or propose as a vendor or contractor during their  
1121 suspension or debarment. A suspension or debarment may be based upon the  
1122 following:

1123 (1) Failure to fully comply with the conditions, specifications or terms of a  
1124 contract with the County, including but not limited to the unilateral withdrawal

1125 of a bid, quote, submittal, or proposal that has been received from the  
1126 recommended awardee.

1127 (2) Any misrepresentation in connection with a solicitation or any  
1128 misrepresentation of fact upon which the County has based a decision, including  
1129 but not limited to a misrepresentation by a vendor, contractor or subcontractor on  
1130 a small business application, or a local preference affidavit.

1131 (3) Charged or convicted with the commission of a criminal offense as an incident  
1132 to obtaining or attempting to obtain a public or private contract or subcontract, or  
1133 in the performance of such contract or subcontract. If charges are dismissed or  
1134 the vendor, contractor or subcontractor is found not guilty, the suspension or  
1135 debarment shall be lifted automatically upon written notification and proof of  
1136 final court disposition. However, nothing herein shall preclude the Director of  
1137 Procurement from imposing an additional suspension or debarment following  
1138 said dismissal or finding of not guilty where the Director of Procurement  
1139 determines that the additional suspension or debarment is otherwise supported by  
1140 this Procurement/Purchasing Code. In such case, the suspended or debarred  
1141 vendor, contractor, or subcontractor may avail themselves of the protest  
1142 procedure set forth in subsection (e) below.

1143 (4) Charged or convicted for embezzlement, theft, forgery, bribery, falsification or  
1144 destruction of records, receiving stolen property, or any other offense indicating  
1145 a lack of business integrity or business honesty which currently, seriously, and  
1146 directly affects responsibility as a County government contractor. If charges are  
1147 dismissed or the vendor, contractor or subcontractor is found not guilty, the  
1148 suspension or debarment shall be lifted automatically upon written notification  
1149 and proof of final court disposition. However, nothing herein shall preclude the  
1150 Director of Procurement from imposing an additional suspension or debarment  
1151 following said dismissal or finding of not guilty where the Director of  
1152 Procurement determines that the additional suspension or debarment is otherwise

1153 supported by this Procurement/Purchasing Code. In such case, the suspended or  
1154 debarred vendor, contractor, or subcontractor may avail themselves of the protest  
1155 procedure set forth in subsection (e) below.

1156 (5) Any other cause the Director of Procurement determines to be so serious and  
1157 compelling as to materially and adversely affect the responsibility of a vendor,  
1158 contractor or subcontractor, including but not limited to suspension by another  
1159 governmental entity for substantial cause.

1160 (6) Violation of the ethical standards set forth in local, state or federal law.

1161 (7) Violation of a County Ordinance.

1162 (c) *Decision.* Upon a determination to suspend or debar a vendor, contractor or  
1163 subcontractor, the Director of Procurement shall notify the vendor, contractor or  
1164 subcontractor in writing of the suspension or debarment along with the reasons for  
1165 the action taken.

1166 (d) *Finality of Decision.* The suspension or debarment shall be final and conclusive  
1167 unless the suspended or debarred vendor, contractor or subcontractor initiates protest  
1168 proceedings.

1169 (e) *Protest of Suspension or Debarment.* Upon receipt of the notification of suspension  
1170 or debarment, the vendor, contractor or subcontractor may submit a protest to the  
1171 Director of Procurement.

1172 (1) *Notice of Protest.* The protest must be in writing to the Director of Procurement,  
1173 must be received by the Director of Procurement within ten (10) business days of the  
1174 issuance of the Director of Procurement's determination, must include a factual  
1175 summary of the basis of the protest and must include a protest bond of three thousand  
1176 dollars (\$3,000), which shall be remitted in the form of a money order, a certified  
1177 check, a cashier's check, or a bank check payable to Palm Beach County. Such  
1178 protest is considered filed when it is received and date/time stamped by the  
1179 Department of Procurement. The date/time stamp of the Procurement Department

1180 shall control when determining whether the protest was received by the Director of  
1181 Procurement within the time frame specified for the notice of protest. Neither the  
1182 Director of Procurement nor a special master shall consider any issue not submitted  
1183 in writing within the time frame specified for the notice of protest. The suspension or  
1184 debarment shall be in effect pending the result of the protest.

1185 (2) *Authority to Resolve.* Protests filed in accordance with Section 2-56(e)  
1186 hereinabove shall be resolved under the provisions of this Section.

1187 a. The Director of Procurement shall have the authority to:

1188 i) Uphold the Protest. The Director of Procurement may uphold the protest and  
1189 lift the suspension or debarment. The protest may be upheld based upon a  
1190 determination by the Director of Procurement that grounds for suspension or  
1191 debarment under Section 2-56(b) are not present. If the protest is upheld, the  
1192 Procurement Department shall return the protestor's bond to the protestor  
1193 and send protestor written notification that the suspension or debarment has  
1194 been lifted.

1195 ii) Deny the Protest. If the protest is denied, the Protestor has the right to  
1196 request a special master in accordance with Section 2-56(e)(2)d hereinbelow.  
1197 The Procurement Department shall retain the protestor's bond pending the  
1198 outcome of the special master hearing. If protestor does not request a special  
1199 master hearing within the time frame specified, the protestor's bond is  
1200 forfeited.

1201 iii) Refer the protest directly to a special master, with no determination made by  
1202 the Director of Procurement on the protest. In this instance, the Procurement  
1203 Department shall retain the protestor's bond pending the outcome of the  
1204 special master hearing.

1205 b. When a protest is filed by a certified S/M/WBE or where the protest involves an  
1206 S/M/WBE issue, the Director of Procurement shall review the protest to  
1207 determine whether the protest involves an S/M/WBE or an S/M/WBE issue; if so

1208 determined, the Director of Procurement shall work in conjunction with the  
1209 Director of the Office of EBO to resolve the protest. After reviewing the facts  
1210 surrounding the issues raised in the written protest, the Director of Procurement  
1211 and the Director of the Office of EBO may make the determination to:

1212 i) Uphold the protest in accordance with Section 2-56(e)(2)(a)(i) hereinabove.

1213 ii). Deny the protest in accordance with Section 2-56(e)(2)(a)(ii) hereinabove.

1214 iii) Refer the protest directly to a special master with no determination made  
1215 on the protest by the Director of Procurement and the Director of the Office  
1216 of EBO.

1217 c. If the Director of Procurement upholds or denies the protest, then the Director of  
1218 Procurement shall issue a written statement of the determination within a  
1219 reasonable period of time to the protestor. The written statement shall provide the  
1220 general rationale for said determination. If the Director of Procurement refers the  
1221 protest to a special master without making a determination, then the Director of  
1222 Procurement will notify the protestor of the date and time of the special master  
1223 hearing

1224 d. Upon receipt of a denial of the protest, the protestor may request a hearing  
1225 before a special master. The request for a hearing shall be in writing to the  
1226 Director of Procurement and must be received by the Director of Procurement  
1227 within five (5) business days of issuance of the Director of Procurement's  
1228 determination. The date/time stamp of the Procurement Department shall control  
1229 when determining whether the request was received by the Director of  
1230 Procurement within the time frame specified for a request for hearing.

1231 e. At no time shall a protestor, party, or any other person, contact a special master  
1232 regarding any issue pertaining to or involving the protest. Contact between the  
1233 County and the special master shall be limited to scheduling and other  
1234 administrative issues, including the provision and copying of public records  
1235 pertinent to the protest.



1236 f. Under rules established under Section 2-55(d), the special master shall have  
1237 authority to make a recommendation to:

1238 i) Uphold the Protest. The special master may recommend that the protest be  
1239 upheld and make a recommendation to the Director of Procurement to lift the  
1240 suspension or debarment based upon a determination by the special master  
1241 that grounds for suspension or debarment under Section 2-56(b) are not  
1242 present. In this instance, the Procurement Department shall return the  
1243 protestor's bond to the protester.

1244 ii) Deny the Protest. If the special master recommends denial of the protest, the  
1245 special master shall recommend to the Director of Procurement that the  
1246 suspension and debarment remain and not be lifted. In this instance, the  
1247 protestor's bond shall be forfeited.

1248 g. The Director of Procurement may accept the special master's recommendation  
1249 or, if the Director of Procurement determines the special master's  
1250 recommendation is not in the County's best interest, reject the recommendation.  
1251 The decision of the Director of Procurement shall be final.

1252 **Sec. 2-57. - Vendor Preferences.**

1253 The Procurement Department and the Construction Departments shall strictly comply  
1254 with the EBO Ordinance, the EBO PPM, the Local Preference Ordinance, and all  
1255 pertinent County policies and procedures, to ensure that the vendor preferences are  
1256 awarded in accordance with adopted Board policy, to the extent permitted by state and  
1257 federal law and regulations, including the terms of any state or federal funding  
1258 agreements.

1259 **Sec. 2-58. - Conflict of Interest.**

1260 *Special Masters.* Special masters shall be subject to a policy and procedure  
1261 implemented by the Procurement Department relating to outside counsel conflicts of  
1262 interest. In addition, the ethics rules promulgated by the Florida Bar pertaining to

1263 conflicts of interest shall apply. If a special master is unable to provide a fair hearing for  
1264 any reason, the special master shall not accept the case and shall immediately notify the  
1265 Director of Procurement of the conflict. The Director of Procurement shall reassign the  
1266 case to a special master who does not have a conflict with the case.

1267 **Sec. 2-59. – Construction Services.**

1268 Construction Departments shall competitively solicit construction services  
1269 pursuant to F.S. Sec. 255.20 and other applicable laws including compliance with the  
1270 bonding requirements of F.S. Sec. 255.05 and the advertisement requirements of F.S.  
1271 Sec. 255.0525. Construction Departments are subject to all of the provisions of the  
1272 Procurement/Purchasing Code when soliciting construction services. In addition to the  
1273 procurement methods authorized elsewhere in this Procurement/Purchasing Code, this  
1274 section expressly allows contracts for construction management or construction manager  
1275 at risk services; design-build contracts; continuing, annual and pre-qualification contracts  
1276 solicited in accordance with County policies and procedures. Protests of construction  
1277 awards shall be subject to and processed under the procedures set out in Sec. 2-55 hereof.  
1278 Suspension or debarment of construction contractors shall be subject to and processed  
1279 under the procedures set out in Sec. 2-56 hereof.

1280 **Sec. 2-60. – CCNA Services.**

1281 Construction Departments shall solicit contracts for architectural, professional  
1282 engineering, landscape architectural or registered surveying and mapping services in  
1283 accordance with F.S. Sec. 287.055 and applicable County policies and procedures.

1284 **Sec. 2-61. – Automation Permitted.**

1285 Subject to all applicable laws, the procurement of construction and non-  
1286 construction goods and services may be conducted by electronic means or in electronic  
1287 form upon the development of policies and procedures by the Director of Procurement.  
1288 The Director of Procurement may develop procedures regarding identification, security,  
1289 the use of digital and electronic signatures and conversion of electronic forms and  
1290 information into a medium which permits inspection and copying.

1291 The Director of Procurement may: 1) require vendors, contractors and  
1292 subcontractors to register by an electronic registration process, 2) electronically distribute  
1293 RFQs, RFSs, IFBs, RFPs, ITNs or any other solicitation documents and 3) authorize the  
1294 receipt of quotes, submittals, bids, proposals or any solicitation responses electronically.

1295 **Sec. 2-62. – Unsolicited Proposals.**

1296 (a) *Submission.* Private entities may submit unsolicited proposals for goods and services  
1297 to the Director of Procurement. Unsolicited proposals involving County owned real  
1298 property should be submitted to the Director, Facilities Development and Operations.

1299 (b) *Contents.* Any unsolicited proposal must include:

1300 (1) An application fee of twenty-five thousand dollars (\$25,000) in the form of  
1301 cash, cashier's check or other non-cancelable instrument; and

1302 (2) Sufficient detail and information as set out in Section 255.065, Florida  
1303 Statutes, for the County to evaluate the proposal in an objective and timely  
1304 manner.

1305 (c) *Board Notification.* Upon receipt of an unsolicited proposal, the Director of  
1306 Procurement or the Director, Facilities Development and Operations, as applicable, will  
1307 notify the Board in writing of receipt of the unsolicited proposal. Any Board member  
1308 may request that the unsolicited proposal be placed on a future Board meeting agenda for  
1309 a determination of whether to reject the unsolicited proposal or whether to advise staff to  
1310 proceed with evaluation of the unsolicited proposal. If no request is received, County  
1311 staff may reject and not review the unsolicited proposal, or County staff may place the  
1312 unsolicited proposal on the next available meeting agenda for direction from the Board. If  
1313 placed on the next available Board meeting agenda, then the Board at such meeting may  
1314 by majority vote:

1315 (1) Reject the unsolicited proposal; or

1316 (2) Advise staff to proceed with evaluation of the unsolicited proposal.

1317 (d) *Evaluation.* If so advised by the Board, County staff will evaluate the unsolicited  
1318 proposal and publish notice in accordance with the requirements of section 255.065,  
1319 Florida Statutes, and in accordance with any applicable County ordinances, policies and

1320 procedures. If the initial application fee does not cover the County's costs to evaluate the  
1321 unsolicited proposal, the County shall request additional fees from the proposer. The  
1322 proposer must remit the requested additional amount within thirty (30) days of receipt of  
1323 the request or the County will stop review of the unsolicited proposal and recommend its  
1324 rejection by the Board.

1325 (e) *Notice of Competitive Proposals.* If County staff publishes notice of competitive  
1326 proposals under (d) above, the County will use the procedures for soliciting and  
1327 evaluating proposals as set forth in section 255.065, Florida Statutes, and in accordance  
1328 with any applicable County ordinances, policies and procedures. The submitter of the  
1329 unsolicited proposal shall respond to the competitive solicitation and offer the County a  
1330 proposal with terms not less favorable to the County than its original unsolicited  
1331 proposal.

1332 (f) *Rejection.* If the unsolicited proposal is rejected by the County, County staff will  
1333 notify the proposer of the County's decision and return the proposer's application fee.  
1334 The County is not required to give a reason for its decision. The County reserves the right  
1335 to determine, in its sole discretion, whether to reject or evaluate an unsolicited proposal.  
1336 The rejection of an unsolicited proposal shall create no rights in the proposer and such  
1337 decision shall not be subject to protest or appeal.

1338 (g) Nothing contained herein shall limit or divest the Board of its authority pursuant to  
1339 F.S. Ch. 125, Pt. IV, as referenced in Section 2-51 of this Procurement/Purchasing Code.

1340 **Sec. 2-63. – Indexing of the Approval Authority Amount.**

1341 Every three (3) years, beginning January 1, 2028, the approval authority of three hundred  
1342 thousand dollars (\$300,000), as specified in Section 2-53 hereof, shall be adjusted by the  
1343 percentage change in the Engineering News-Record's Building Cost Index from January  
1344 1, 2025, to January 1 of the year in which the adjustment is scheduled to begin. The  
1345 Director of Procurement, in consultation with the Director, Facilities Development and  
1346 Operations, is responsible for calculating and publishing the adjusted amount every three  
1347 (3) years.

1348 **Secs. 2-64—2-70. - Reserved.**

1349 **Article 2. REPEAL OF LAWS AND ORDINANCES IN CONFLICT:**

1350 All local laws and ordinances in conflict with any provision of this  
1351 Ordinance are hereby repealed to the extent of any such conflict.

1352 **Article 3. SEVERABILITY:**

1353 If any provision, article, paragraph, sentence, clause, phrase, or work of this  
1354 Ordinance is for any reason held by a court to be unconstitutional, inoperative, or  
1355 void, such holding shall not affect the remainder of this Ordinance.

1356 **Article 4. CAPTIONS:**

1357 The captions, sections headings, and section designations used in this  
1358 Ordinance are for convenience only and shall have no effect on the interpretation of  
1359 the provisions of this Ordinance.

1360 **Article 5. SAVINGS CLAUSE:**

1361 Notwithstanding anything to the contrary, all provisions of the Palm Beach  
1362 County Ordinance No. 2005-062, as amended by Ordinance No. 2008-009,  
1363 Ordinance No. 2010-010, Ordinance No. 2015-004 and Ordinance No. 2018-022,  
1364 which are codified in Sections 2-51 through 2-58 of the Palm Beach County Code,  
1365 are specifically preserved and remain in full force and effect for the limited purpose  
1366 of enforcing any alleged violations of said Code which occurred prior to its repeal  
1367 or amendment.

1368 **Article 6. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

1369 The provisions of this Ordinance shall become and be made a part of the  
1370 Code of Laws and Ordinances of Palm Beach County, Florida. The articles and  
1371 sections of this Ordinance may be renumbered or relettered to accomplish such, and  
1372 the word "Ordinance" may be changed to "Section", "Article", or other appropriate  
1373 word.

1374 **Article 7. EFFECTIVE DATE:**

1375 The provisions of this Ordinance shall become effective one hundred  
1376 and eighty (180) days after filing with the Department of State.

1377 APPROVED and ADOPTED by the Board of County Commissioners of  
1378 Palm Beach County, Florida, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

1379

1380 JOSEPH ABRUZZO  
1381 CLERK & COMPTROLLER  
1382

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

1383 By: \_\_\_\_\_  
1384 Deputy Clerk

By: \_\_\_\_\_  
Mayor

1385  
1386 APPROVED AS TO  
1387 LEGAL SUFFICIENCY

1388  
1389 By:   
1390 Assistant County Attorney

1391  
1392 EFFECTIVE DATE: Filed with the Department of State on the \_\_\_\_ day of  
1393 \_\_\_\_\_, 2024.  
1394

**ATTACHMENT 2**

**Proposed Revisions to the Purchasing Ordinance (redline to current Code)**





55 Purchasing Ordinances and established a centralized purchasing system to govern the  
56 procurement of goods and services; and

57 **WHEREAS**, on April 15, 2008, the Board enacted Ordinance No. 2008-009,  
58 thereby amending the Palm Beach County Purchasing Code in order to facilitate and  
59 enhance the efficiency of the County’s procurement process; and

60 **WHEREAS**, on April 20, 2010, the Board enacted Ordinance No. 2010-010,  
61 thereby amending the Palm Beach County Purchasing Code to include a process for  
62 purchases made for the Glades Utility Authority and for implementation of an Inspector  
63 General fee; and

64 **WHEREAS**, on January 13, 2015, the Board enacted Ordinance No. 2015-004,  
65 thereby amending the Palm Beach County Purchasing Code in order to facilitate and  
66 enhance the efficiency of the County’s procurement process; and

67 **WHEREAS**, on October 16, 2018, the Board enacted Ordinance No. 2018-022,  
68 thereby amending the Palm Beach County Purchasing Code to include updated references  
69 to the newly enacted Equal Business Opportunity Ordinance; and

70 **WHEREAS**, the Board has deemed it necessary to repeal Ordinance No. 2005-062,  
71 as amended by Ordinance No. 2008-009, Ordinance No. 2010-010, Ordinance No. 2015-  
72 004 and Ordinance No. 2018-022, in order to further streamline and enhance the efficiency  
73 of the County’s procurement process.

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

76 **Article 1. REPEAL OF PRIOR ORDINANCES AND REPLACEMENT.**

77 Palm Beach County Ordinance No. 2005-062, as amended by Ordinance No. 2008-  
78 009, Ordinance No. 2010-010, Ordinance No. 2015-004, and Ordinance No. 2018-022  
79 (collectively Sections 2-51 through 2-58 of the Palm Beach County Code) is hereby  
80 repealed in its entirety and replaced with the following:

81  
82 **Sec. 2-51. - General provisions**Provisions.

- 83 (a) *Authority*. The provisions of Sections 2-51 through 2-5863 are based upon the  
84 authority granted to the Board of County Commissioners ("Board"), and the County  
85 Administrator ("Administrator") in Article VIII, Section 1, of the Florida Constitution;  
86 F.S. Ch. 125, Pt. IV; and the Palm Beach County Charter.
- 87 (b) *Short ~~title~~Title*. The provisions of Sections 2-51 through 2-5863 shall be known and  
88 cited as the "Palm Beach County Procurement and/or Purchasing Code"  
89 ("Procurement/Purchasing Code").
- 90 (c) *General ~~purpose~~Purpose*. The purpose of ~~the~~ this Procurement/Purchasing Code is  
91 to place the County's purchasing function under a centralized system which will enable  
92 the County and the County's ~~Purchasing~~Procurement Department to:
- 93 (1) Establish policies and procedures governing the ~~purchase~~procurement of goods  
94 and services, including those goods and services that are revenue generating;
  - 95 (2) Provide open, fair and ~~open~~transparent competition among all persons desiring  
96 to do business with the County in a manner that reduces the appearance and  
97 opportunity for favoritism, and inspires public confidence that contracts are  
98 awarded in an equitable manner;
  - 99 (3) Provide, encourage, and promote fair and equitable treatment for all persons  
100 desiring to do business and who currently do business with the County; ~~and~~
  - 101 (4) Obtain goods and services of satisfactory quality and quantity at a reasonable  
102 cost; and
  - 103 (5) Adopt and implement the generally accepted values and guiding principles of  
104 public procurement, including, but not limited to, accountability, ethics,  
105 impartiality, professionalism, service, and transparency.
- 106 (d) *Policy Decision*. The authority granted hereunder shall not include fundamental  
107 policy decisions regarding the County's purchasing functions and procedures. These  
108 powers, including the determination of the total funds to be spent pursuant to ~~the~~ this  
109 Procurement/Purchasing Code by County Departments and the setting aside of those

110 funds, shall remain solely with the Board and are not and shall not be delegated. County  
111 Departments ~~may not~~shall only request procurements that are ~~not~~fully budgeted ~~or that~~  
112 ~~are beyond the limitations imposed in and appropriated by the Board. All procurements~~  
113 funded from the County's budgetary process, and shall make annual  
114 accountings operating budget shall be subject to the Board annual appropriation of their  
115 expenditure of these funds the Board.

116 (e) *Requirements of Good Faith.* ~~The~~ This Procurement/Purchasing Code requires all  
117 parties involved in procuring goods or services, or in administering the contracts for  
118 procured goods or services, to act in good faith.

119 (f) *Application/exemptions*Exemptions. Except as otherwise specified herein or by law,  
120 the Procurement/Purchasing Code shall apply to every purchase by the Board to be  
121 paid from County funds, including those purchases made by the County with state  
122 moneys, federal moneys, and grant moneys from any source. This  
123 Procurement/Purchasing Code is not applicable to procurements, unsolicited proposals  
124 or agreements involving the purchase, sale, lease or use of real property, including  
125 concession, development and operating agreements, which shall comply with the  
126 requirements of the Palm Beach County Real Property Acquisition, Disposition and  
127 Leasing Ordinance ("PREM Ordinance") and/or other applicable law, County  
128 ordinance, federal rule or regulation.

129 ~~(1) The~~ (1) The competitive procurement requirements of Section 2-54 of this  
130 Procurement/Purchasing Code shall not apply to:

131 a. Agreements between the Board and nonprofit organizations or other  
132 governments that provide for the transfer, sale or exchange of goods or  
133 services government entities; however, such agreements that involve real  
134 property acquisition, disposition, lease, development, operation, or the use of  
135 land or facilities are subject to the PREM Ordinance and/or other applicable  
136 County ordinance or policy.

137 b. Procurement of dues and memberships in trade or professional organizations;  
138 subscriptions to periodicals such as newspapers and magazines;  
139 advertisements; postage; utility services; copyrighted materials only available  
140 from one source; professional medical services; authorized hospitality  
141 expenses; fees and costs of job-related seminars and training, including  
142 materials provided with, or as an integral part of, that training; and, admission  
143 fees for amusement parks and entertainment activities included in County  
144 recreational programs for youth, teens, adults, seniors, and persons with  
145 disabilities.

146 c. Presenters, lecturers, and facilitators for County sponsored  
147 ~~program~~ employee training and events or for County initiated or sponsored  
148 summits, conventions, conferences or programs of a specialized nature,  
149 subject to the approval of the Director of Procurement.

150 d. Recreational instructors, sports league management, and sports officials.

151 e. ~~Procurements for Constitutional officers, specifically the Clerk and~~  
152 ~~Comptroller, Sheriff, Supervisor of Elections, Property Appraiser, State~~  
153 ~~Attorney, Public Defender, and Tax Collector.~~

154 ~~f.~~ Selection of services within the scope of the practice of architecture,  
155 professional services engineering, landscape architecture or registered  
156 surveying and mapping that are governed by the provisions of the "Consultants  
157 Competitive Negotiation Act" ("CCNA"), F.S. § 287.055, and by applicable  
158 County policies and procedures. Selection of services of architects,  
159 professional services engineers, landscape architects or registered surveyors  
160 and mappers that are exempt from the requirements, or that are ~~above~~ below  
161 the statutory ~~threshold~~ thresholds, of F.S. § 287.055, shall be made by the  
162 Construction Departments in accordance with ~~the~~ this  
163 Procurement/Purchasing Code.

164 1. ~~Decentralized Purchase Orders.~~ Said purchases shall be procured in  
165 accordance with the applicable policy and procedure and shall not be  
166 exempt from the County's Equal Business Opportunity Ordinance ("EBO  
167 Ordinance"), the Equal Business Opportunity Program Policies and  
168 Procedures ("EBO PPM"), or from Resource Manager approval. These  
169 goods or services are not exempt in and of themselves but for the dollar  
170 value being less than Five Thousand Dollars (\$5,000.00). No purchase  
171 shall be artificially divided so as to constitute a decentralized purchase  
172 under this Section.

173 g. ~~Real property interests or any acquisition, disposition or lease made pursuant~~  
174 ~~to the Palm Beach County Real Property Acquisition, Disposition, and~~  
175 ~~Leasing Ordinance, applicable law, or Federal rule/regulation.~~

176 h. ~~Concessions as defined in 49 CFR Part 23.~~

177 i. ~~f.~~        Vending machines.

178 jg. Goods or services purchased with donations, gifts or bequests containing  
179 restrictions that would interfere with or prevent the application of the  
180 requirements of the this Procurement/Purchasing Code.

181 kh. Goods purchased with petty cash in accordance with established County  
182 procedures.

183 l. ~~Decentralized Purchase Orders; however, said purchases shall not be exempt~~  
184 ~~from the County's Small Business Enterprise Ordinance or any~~  
185 ~~Minority/Women Business Enterprise Ordinance, if adopted, or from~~  
186 ~~Resource Manager approval. These goods or services are not exempt in and of~~  
187 ~~themselves but for the dollar value being less than five thousand dollars~~  
188 ~~(\$5,000.00). No purchase shall be artificially divided so as to constitute a~~  
189 ~~decentralized purchase under this Section.~~

- 190 mi. Labor negotiation services, legal services, including attorney, paralegal,  
191 expert witness, appraisal or mediator services, expert witnesses, court reporter  
192 services, and other expenses pertaining to claims, negotiations, or litigation.
- 193 nj. Insurance policies costing less than the Mandatory Bid or Proposal Amount.
- 194 ok. Artwork as defined by applicable County policy and procedure.
- 195 pl. Full or part-time contractual employees of the Board.
- 196 qm. Event specific stage production or programming including, but not limited  
197 to, fireworks or individuals or groups providing musical or theatrical  
198 performances or lectures.
- 199 rn. County sponsorships or the solicitation of sponsorships; however such  
200 agreements are subject to County policies and procedures.
- 201 so. Golf tee time advertising and sales services for County golf courses.
- 202 tp. Bond underwriters.
- 203 uq. Grant funded training, events, activities; and grant payments to recipients  
204 and sub-recipients;
- 205 vr. Grant funded payments for goods and services under the federal micro-  
206 purchase threshold.
- 207 s. Codification of County Ordinances.
- 208 t. Pilot Programs for fuel or energy.
- 209 u. Pharmaceuticals and medical supplies to be administered by County  
210 personnel for County Department programs.
- 211 v. Implementation, programming, training, maintenance, enhancements and  
212 upgrade services available from the owner of proprietary software or its  
213 contracted vendor.

214 (2) *Procurement of Exempt Purchases.* Exempt purchases shall, where possible, be  
215 competitively procured by the County Department. The procurement of exempt

216 purchases shall be made by written contract between the vendor and the Board or  
217 authorized ~~designee~~ Designee; by direct payment in accordance with applicable  
218 County policy and procedure; or, by an exempt purchase order (“EPO”) when a  
219 purchase order must be sent to the vendor or by a direct special payable purchase  
220 order (“SPO”) when a Department wants to encumber funds prior to a direct  
221 payment. County Departments shall maintain an internal policy and procedure for  
222 procurement of all exempt purchases—, which is approved by the Director of  
223 Procurement and aligns with this Procurement/Purchasing Code and any  
224 applicable County procurement policies and procedures or ordinances; except that  
225 exempt procurements under the CCNA statute are not subject to the review and  
226 approval of the Director of Procurement. All exempt purchases made above the  
227 Mandatory Bid Amount shall be presented to the Board of County Commissioners  
228 or Director of Procurement for final review and approval, except that exempt  
229 purchases under the CCNA statute will be governed by the County policies and  
230 procedures adopted for such procurements. If federal funds are being used,  
231 additional federal procurement requirements may apply.

232 (g) Ethical Standards in Procurement.

233 (1) County Employees and Elected Officials of the Board. In connection with any  
234 matter covered by this Procurement/Purchasing Code, County employees and  
235 elected officials of the Board must comply with the County’s Code of Ethics,  
236 Sections 2-441 to 2-448, Palm Beach County Code, as may be amended.

237 (2) Vendors. Any vendor who seeks to do business with the County must comply  
238 with the ethical standards stated within this Procurement/Purchasing Code. Any  
239 vendor that violates any of these ethical standards may be subject to suspension and  
240 debarment as provided within Sec. 2-56 of this Procurement/Purchasing Code.

241 a. No vendor shall discuss or consult with any other vendor intending to compete  
242 for the same or a similar County contract for the purpose of bid rigging, collusion,

243 or other activities that are illegal, unethical, or are intended to or will result in  
244 limiting competition.

245 b. No vendor may submit any false or misleading information to the County in  
246 connection with or in response to any procurement.

247 c. No vendor may perform any action in connection with any procurement by the  
248 County, if such action would violate any applicable federal, state or local laws,  
249 statutes, ordinances, rules or regulations.

250 **Sec. 2-52. - Definitions.**

251 *Administrator* means the County Administrator ~~or~~ Designee.

252 *Best and Final Offer* means the process used in competitive proposal evaluation  
253 whereby final proposals containing the vendor's most favorable terms for price and services  
254 or goods to be delivered are requested and considered prior to proposal award.

255 *Bid* means a formal price offer by a vendor to furnish specific goods or services in  
256 response to an Invitation for Bid or a multistep bidding procedure.

257 *Board* means the Board of County Commissioners.

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

260 *Capital Improvement Project* means any public improvement which the County  
261 undertakes, including the construction or reconstruction in whole or in part of any building,  
262 road, highway, street improvements, plant, structure, or facility necessary in carrying out  
263 the functions of the County government.

264 *Centralized Purchase Order ("CPO")* means a contracting method generated from a  
265 requisition for a one-time purchase of goods or services and generally established through  
266 procurement methods such as an IFB, RFP, RFQ or RFS.

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



270 Cone of Silence has the meaning set forth in the Lobbyist Ordinance County Code  
271 Section 2-355.

272 Consultant/Contractor/Supplier/Vendor shall mean a provider of goods and/or  
273 services to the County department(s). These terms may be used interchangeably.

274 Construction means the process of building, altering, improving,  
275 ~~demolishing,~~includes, but is not limited to, the construction, improvement, alteration,  
276 demolition, renovation or major repairing or renovating repair of any improvement to real  
277 property, facility, structure or building, in whole or in part. Construction may also include  
278 any maintenance, repair or other improvements of any kind to any real property, or other  
279 activity specifically service that requires a building permit in order to legally perform the  
280 work. The Construction Departments shall be responsible for the procurement of  
281 construction or construction-related to, or part of, these processes, as determined services.  
282 In the event a non-Construction Department requests a procurement of construction or  
283 construction-related services, regardless of how such services may be identified by the non-  
284 Construction Department, the Director of Purchasing/Procurement may refer the  
285 procurement of such services to the appropriate Construction Department to ensure the  
286 proper administration and enforcement of the contract.

287 Construction Departments collectively means the Departments of Engineering and  
288 Public Works, Water Utilities, Airports, Facilities Development and Operations, and  
289 Environmental Resources Management.

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

292 ~~Contractor~~ means any awardee having a contract with the Board.Contract  
293 Administration means the functions that are performed after all parties have signed a  
294 contract. Typical contract administration activities are goal-oriented and are aimed at  
295 ensuring compliance with the contract terms and conditions while giving attention to the  
296 achievement of the stated output and outcome of the contract. Contract Administration also  
297 involves payment for goods and services through the usage of invoice(s).

298 Contract Notice Purchase Orders (“KPO”) means a form of purchase order used only  
299 for construction or construction related goods and services or CCNA services generally  
300 established through procurement methods such as an IFB, RFP, RFQ or RFS under County  
301 policies and procedures promulgated by the Construction Departments consistent with this  
302 Procurement/Purchasing Code.

303 Contract Renewal means a clause in the contract that allows the contract term or period  
304 to renew for an additional time period as per contract conditions. The contract renewal shall  
305 be subject to satisfactory vendor performance, as specified by the contract terms and  
306 conditions.

307 Contract Review Committee means the committee established by Board Resolution  
308 R89-633, as may be amended, the duties and responsibilities of which are set forth in  
309 County policies and procedures, as may be amended.

310 County means the Palm Beach County Board of County Commissioners or any of its  
311 authorized representatives pursuant to ordinance, resolution, Board authorization, or  
312 administrative ~~Code~~code.

313 County Department means any Department under the direction of the Board.

314 Debarment means the exclusion for cause of a vendor or contractor from responding  
315 to any County solicitation or from doing business with the County directly or indirectly.

316 Decentralized Purchase Orders means any non-repetitive purchase of value less than  
317 five~~ten~~ thousand dollars (~~\$510,000-00-~~) that is not otherwise within the scope of an  
318 existing contract.

319 Designee means a duly authorized representative of the Board, the County  
320 Administrator, Director of ~~Purchasing~~Procurement, or a Director of a Construction  
321 Department, as applicable.

322 Direct Special Payable Purchase Orders (“SPO”) / Exempt Purchase Orders (“EPO”)  
323 means a form of purchase order used only for the one time purchase of goods and services  
324 exempt from this Procurement/Purchasing Code.

325 *Emergency Purchase* means a procurement made in response to a need when the delay  
326 incident to complying with all governing rules, regulations, or procedures would be  
327 detrimental to the interests, health, safety, or welfare of the County.

328 *Equal Business Opportunity Ordinance* means the EBO Ordinance, as adopted by the  
329 Board and implemented through the Office of Equal Business Opportunity.

330 *Equal Business Opportunity Program Policies and Procedures* means the EBO PPM,  
331 as implemented through the Office of Equal Business Opportunity.

332 *Exempt Purchase* means a procurement identified as an exempt purchase in Section 2-  
333 51(f)(1) of this Procurement/Purchasing Code.

334 *Glades* means the area from the Broward County line north along Canal L-36 to the  
335 Loxahatchee National Wildlife Refuge, thence north to Southern Boulevard along Canal  
336 L-40, thence west along Southern Boulevard to a north-south 1½ miles west of Canal L-8,  
337 which coincides with a private agricultural road heading north from Southern Boulevard at  
338 the point where State Road 880 intersects Southern Boulevard from the South, thence north  
339 along the line of this north-south road to the boundary of the J.W. Corbett Wildlife  
340 Management Area, thence east and north along the boundary of the J.W. Corbett Wildlife  
341 Management Area to the Martin County line.

342 ~~*Glades Business* means a bidder or proposer which has a permanent place of business~~  
343 ~~within the Glades and which holds a business tax receipt issued by the County that~~  
344 ~~authorizes the bidder or proposer to provide the goods, services, or construction to be~~  
345 ~~built and which is issued prior to the issuance of the Invitation for Bids/Request for~~  
346 ~~Proposals for which a preference is sought. If the Business is a joint venture/partnership,~~  
347 ~~it is sufficient for qualification as a Glades Business if at least one (1) of the joint~~  
348 ~~venturers/partners meets the requirements set forth in this Section.~~

349 *Goods* mean any tangible personal property other than services or real property.

350 ~~*Inspector General Fee* means the fee that is or may be imposed by the Board~~  
351 ~~pursuant to the Palm Beach County Inspector General Ordinance.~~

352 *Invitation for Bid* ("IFB") means a solicitation used in the formal competitive bid  
353 process to solicit sealed bids for the purchase of goods or services that are equal to or  
354 greater than the Mandatory Bid or Proposal Amount where price is the determining factor  
355 for award.

356 ~~*Living Wage Ordinance* means an ordinance adopted by the Board that requires~~  
357 ~~construction or transit contractors and subcontractors as defined in Chapter 2, Article IV,~~  
358 ~~Division 3, of the County Code, to pay a living wage and provide minimal health benefits~~  
359 ~~to employees directly providing construction-related services or transit services to the~~  
360 ~~County pursuant to a contract.~~*Invitation to Negotiate* ("ITN") means a solicitation used in  
361 the formal competitive proposal process to solicit sealed proposals for a good or service  
362 that is equal to or greater than the Mandatory Bid or Proposal Amount and where the  
363 evaluation is based on established criteria which may include, but is not limited to, price.  
364 After receipt of proposals, the County may short-list one or more responsive proposers to  
365 negotiate the best value.

366 *Local Preference Ordinance* means an ordinance adopted by the Board that applies a  
367 local preference to responses submitted by local vendors to solicitations for construction  
368 and non-construction goods and services as defined in Sections 2-80.41 through 2-80.48 of  
369 the Palm Beach County Code.

370 *Mandatory Bid or Proposal Amount* means the threshold dollar amount established by  
371 the Board whereby the formal competitive bid or proposal process must be used, except as  
372 otherwise provided herein. The Mandatory Bid or Proposal Amount shall be one hundred  
373 fifty thousand dollars (\$100,000.00) per annum.

374 *May* denotes the permissive.

375 ~~*Minority Women Business Enterprise* ("M/WBE") means a business defined by the~~  
376 ~~EBO Ordinance or the EBO PPM.~~*Notice of Award Recommendation* means a written notice  
377 publicly posted, in a designated location(s) or on a designated website, prior to announcing  
378 the award of a contract to notify interested parties of the intended award. The protest period  
379 shall commence upon posting of the Notice of Award Recommendation.

380 *Office of Equal Business Opportunity ("Office of EBO")* means the County Office  
381 responsible for implementing the EBO Ordinance and the EBO PPM.

382 *Posting* means an act whereby the County publicly notices, in a designated location(s),  
383 or on a designated website, the recommended awardee of an Invitation for Bid, Invitation  
384 to Negotiate, or a Request for Proposal.

385 ~~*Professional Services* mean those services as defined in Section 2-80.21 of the Palm~~  
386 ~~Beach County Code.~~

387 *Pcard ("Procurement/Purchasing Card")* a payment method which may be used by  
388 certain authorized County staff to buy directly from suppliers within pre-approved  
389 authority levels and spending limits.

390 *Procurement or Purchasing (the terms will be used interchangeably throughout this*  
391 *Procurement/Purchasing Code)* means purchasing, renting, leasing, or otherwise obtaining  
392 any goods or services; includes all functions that pertain to the procurement, including  
393 description of requirements, selection, and solicitation of sources, preparation and award  
394 of contract, and all phases of contract administration. Also, procurement encompasses the  
395 combined functions of purchasing, inventory control, traffic and transportation, receiving,  
396 inspection, storekeeping, salvage, and disposal operations.

397 *Proposal* means a formal offer by a vendor to furnish goods or services in response to  
398 a Request for Proposal ~~or Invitation to Negotiate.~~

399 *Proprietary* means there is only one (1) item that meets the need of the County  
400 Department as determined by a reasonably thorough analysis of the marketplace; however,  
401 the item may be obtained through more than one (1) vendor.

402 *Purchase Order* means a contract used to authorize a purchase from a vendor that  
403 includes specific goods or services ordered, applicable terms as to payment, discounts, date  
404 of performance and transportation; and other factors pertinent to the transaction. A  
405 Purchase Order is referred to herein as a Contract. The County utilizes various forms of  
406 purchase orders, such as Decentralized Purchase Orders ("DPO"), Centralized Purchase

407 Orders ("CPO"), Exempt Purchase Orders ("EPO"), Direct Special Payable Purchase  
408 Orders ("SPO") and Contract Notice Purchase Orders ("KPO").

409 *Quotation* means a written informal offer by a vendor to furnish specific goods or  
410 services in response to a Request for Quotation.

411 *Request for Information ("RFI")* means a solicitation ~~that will satisfy a need or that~~  
412 ~~will determine available sources rather than provide a firm specification; thereby giving~~  
413 ~~the respondent latitude to develop a good or service that will fulfill the need, or thereby~~  
414 ~~provide available sources for the good or service.~~ non-binding and non-competitive process  
415 used to obtain comments, feedback, information or reactions from potential vendors prior  
416 to the County issuing a solicitation. Generally, exact or specific pricing or cost is not  
417 required. Vendor feedback may include best practices, industry standards, licensing  
418 requirements, technology matters, etc. The RFI is used to inform the County on what  
419 procurement method is needed, if any, and assist the County in determining requirements  
420 or specifications for any subsequent solicitation.

421 *Request for Proposal ("RFP")* means a solicitation used in the formal competitive  
422 proposal process to solicit sealed proposals for a good or service that is equal to or greater  
423 than the Mandatory Bid or Proposal Amount; ~~where the scope of work or specifications~~  
424 ~~may not be closely defined; and, and~~ where the evaluation is based on established criteria  
425 which may include, but is not limited to, price.

426 *Request for Quotation ("RFQ")* means a solicitation used in the informal competitive  
427 bid process to solicit quotations for a specific good or service that is less than the  
428 Mandatory Bid or Proposal Amount; where price is the determining factor.

429 *Request for Submittal ("RFS")* means a solicitation used in the informal competitive  
430 proposal process to solicit submittals for a good or service that is less than the Mandatory  
431 Bid or Proposal Amount; ~~where the scope of work or specifications may not be closely~~  
432 ~~defined; and, where the evaluation is based on criteria which may include, but is not limited~~  
433 to, price.

434 *Resource Manager* means the Director of a County Department, or Designee, who has  
435 ~~been given the joint responsibility of monitoring with the Procurement Department to~~  
436 ~~monitor and approving~~ approve the County's procurements of specific commodity groups  
437 as specified in the ~~Purchasing~~ Procurement Department's policies and procedures.

438 *Responsible Bidder, Quoter, Proposer, or Respondent* means a bidder, quoter,  
439 proposer, or respondent who is fully capable of meeting all the requirements contained in  
440 the solicitation.

441 *Responsive Bid, Quote, Proposal, Submittal, or Response* means a bid, proposal,  
442 submittal, quotation, or response that conforms in all material respects to the solicitation.  
443 ~~Responsive may also apply, where applicable, to compliance with specified S/M/WBE~~  
444 ~~requirements, or SBE or local preference requirements as set forth in the EBO Ordinance,~~  
445 ~~the EBO PPM and the County's Local Preference Code. A vendor can be responsive to a~~  
446 ~~solicitation but may be deemed non-responsive to SBE or local preference requirements.~~

447 *Services* mean the furnishing of labor, time, or effort by a ~~Contractor~~ contractor wherein  
448 the provisions of goods or other specific end products (other than reports, studies, plans,  
449 advisories, contractual documents, or other documents relating to the required  
450 performance) is ~~incidental or secondary. This term shall not include construction,~~  
451 ~~employment agreements, or collective bargaining agreements.~~ secondary. Construction is a  
452 form of services.

453 *Shall* denotes mandatory.

454 *Small Business Enterprise ("SBE")* means a business as defined in Chapter 2, Article  
455 III, Division 2, Part C of the Palm Beach County Code.

456 *Small/Minority/Women Business Enterprise ("S/M/WBE")* means a business as defined  
457 in the EBO Ordinance and the EBO PPM.

458 *Sole Source* means there is only one (1) good or service that meets the need of the  
459 County Department and that good or service is available through only one (1) source as  
460 determined by a reasonably thorough analysis of the marketplace.

461 *Specification* means the description within a solicitation or contract for the good or  
462 service to be provided by a Contractor.

463 *Suspension* means the suspending for cause of a Vendor or Contractor from responding  
464 to any County solicitation, or from doing any new business with the County, for up to a  
465 two-year period.

466 ~~*Vendor* means an actual or potential supplier of a good or service. A Vendor includes~~  
467 ~~an owner, director, manager or employee of the supplier and can be a quoter, bidder,~~  
468 ~~respondent, or proposer, or a successful quoter, bidder, respondent, or proposer; however,~~  
469 ~~upon execution of a Contract with the Board or Designee, the Vendor is referenced herein~~  
470 ~~as a "Contractor."~~

471 *Utility Services* mean services such as water, sewer, electrical, gas or other regulated  
472 utility, communications and data transmission services subject to governmental rate  
473 control.

474 **Sec. 2-53. - Organization.**

475 (a) ~~*Purchasing*~~*Procurement Department*. Except as provided otherwise in ~~the~~this  
476 Procurement/Purchasing Code, the ~~Purchasing~~Procurement Department shall conduct  
477 vendor onboarding and vendor record management, purchase all goods and services  
478 on behalf of the Board, and shall procure and manage any inventory necessary to stock  
479 the County warehouse-- and administer and manage a procurement/purchasing card  
480 ("Pcard") program for County departments.

481 (b) ~~*Director of Purchasing-Procurement/Chief Procurement Officer*~~. Under the direction  
482 of the Administrator, the Director of ~~Purchasing~~Procurement, also known as the Chief  
483 Procurement Officer ("Director of Procurement"), shall serve as the principal officer  
484 for the purchase and sale of goods and services for the County.

485 (c) *Duties of the Director of ~~Purchasing~~Procurement*. The Director of  
486 ~~Purchasing~~Procurement shall:

487 (1) — Administer the central ~~purchasing~~procurement function for the County.



488 (2) — Maintain a warehouse stock of commonly used items and a catalog system  
489 for use by County Departments and agencies.

490 (3) — Maintain a current list of Vendors that supply goods . Conduct vendor  
491 onboarding and services purchased by vendor record management to ensure  
492 vendors are registered with the County.

493 (4) — (4) Administer and manage a procurement/purchasing (“Pcard”) program for  
494 County Departments’ usage.

495 (5) Manage records of procurement activity in compliance with Chapter 119, Florida  
496 Statutes, (Public Records Act).

497 (6) Establish and implement policies and procedures with regard to the procurement  
498 of goods and services.

499 (5) — (7) Establish training and certification requirements for the Procurement  
500 Department, the Departments and Resource Managers related to procurement and  
501 contract administration and conduct necessary and applicable training for each.

502 (8) Assist the Departments with contract administration to ensure contractor  
503 performance in accordance with the awarded contract terms and conditions and to  
504 ensure prompt payment to contractors for good and services.

505 (9) Take all necessary action to further the objectives of all County ordinances,  
506 resolutions, policies and procedures that pertain to the procurement of goods and  
507 services by the County.

508 (6) 10) Perform other duties as directed by the Board or the Administrator.

509 (d) Authority of the Director of Purchasing/Procurement. Subject to the direction of the  
510 Board or the Administrator, the Director of Purchasing/Procurement is delegated all  
511 powers, duties and authority relating to the procurement of goods and services for the  
512 Board, including the authority to execute contracts to expend, reimburse, or to receive  
513 in revenues an amount less than ~~two~~three hundred thousand dollars (~~\$200~~300,000-00)  
514 per annum, subject to the same limitations specified in Section (h) hereinbelow. The

515 Director of ~~Purchasing~~Procurement may also execute contracts for the purchase of  
516 goods or services that are exempt from ~~the~~this Procurement/Purchasing Code, subject  
517 to the same limitations as specified herein. ~~The~~In consultation with the County  
518 Attorney's Office, the Director of Procurement may also terminate non-construction  
519 contracts, including exempt contracts, of any amount in accordance with the terms and  
520 conditions of the applicable contract, which may be with or without cause, provided  
521 that the contract provides for termination without cause. The Director of Procurement  
522 shall submit to the Board as a receive and file item a list of contracts terminated, if any,  
523 pursuant to the authority granted ~~in the~~ herein on at least a quarterly basis. The  
524 authority granted in this Procurement/Purchasing Code is specifically limited by the  
525 provisions herein and any award must be made in strict compliance herewith. The  
526 Director of ~~Purchasing~~Procurement shall have no independent discretion in the award  
527 process except as specifically granted herein. In the absence of the Director of  
528 ~~Purchasing~~Procurement, the Assistant ~~Director of Purchasing, or the Administrator~~  
529 ~~or~~Director's Designee, may assume the powers, duties, and authority vested in ~~the~~this  
530 Procurement/Purchasing Code.

531 (e) *Delegation of Authority.* Delegation of authority by the Director of  
532 ~~Purchasing~~Procurement may be made to the Assistant Director of  
533 ~~Purchasing~~Procurement and to subordinate staff as designated in writing by the  
534 Director of ~~Purchasing, Purchasing~~Procurement, Procurement Department employees  
535 designated in writing by the Director of ~~Purchasing~~Procurement may execute any  
536 contract to expend, reimburse, or to receive in revenues an amount less than ~~two~~three  
537 hundred thousand dollars (~~\$200~~300,000.00) per annum, subject to the same limitations  
538 specified in Section (h) hereinbelow. All further references in ~~the~~this  
539 Procurement/Purchasing Code to the Director of ~~Purchasing~~Procurement shall include  
540 ~~the Assistant Director of Purchasing or~~Director's Designee.

541 (f) *Authority of the Construction Departments.* In addition to specific authority provided  
542 herein, the Directors of each of the Construction Departments may individually:

543 ~~Approve~~Establish and implement policies and procedures regarding the procurement  
544 of construction services and integrate any statutory requirements for public works  
545 projects into such policies; take all necessary action to further the objectives of all  
546 County ordinances, resolutions, policies and procedures regarding the procurement of  
547 construction services by the County; establish training and certification requirements  
548 for staff involved with procurement and contract administration and conduct necessary  
549 and applicable training; approve source selection via a formal or informal competitive  
550 solicitation process; provide for the solicitation, cancellation or postponement of a  
551 procurement; conduct a Request for Information; approve procurement award or award  
552 recommendation as applicable; execute ~~amendment~~amendments/changes after award,  
553 including for time extensions; and approve alternate source selection for all  
554 construction and construction related contracts, including but not limited to,  
555 construction, construction management or design-build contracts and all planning,  
556 architectural, professional engineering, ~~landscaping~~landscape architectural or  
557 registered ~~land~~ surveying services and mapping services. The Directors of the  
558 Construction Departments are delegated the authority to execute any such contract to  
559 expend, reimburse, or to receive in revenues an amount less than three hundred  
560 thousand dollars (\$300,000) per annum, subject to the same limitations specified in  
561 Section (h) hereinbelow. Award of any ~~Construction Contracts~~such contract to expend,  
562 reimburse, or to receive in revenues an amount equal to or greater than ~~two~~three  
563 hundred thousand dollars (~~\$200~~300,000-00) per annum, shall be approved by the  
564 Board. This authority ~~In consultation with the County Attorney's Office, the Directors~~  
565 of each of the Construction Departments may also terminate construction and  
566 construction related contracts of any amount in accordance with the terms and  
567 conditions of the applicable contract, which may be with or without cause, provided  
568 that the contract provides for termination without cause. The applicable Construction  
569 Department Director shall be ~~subject to the provisions of the Purchasing Code and~~  
570 submit to the Board as a ~~receive and file~~ item a list of contracts terminated, if any,  
571 pursuant to the authority granted herein on at least a quarterly basis. For the

572 procurement of construction or construction-related services, the Construction  
573 Department Directors shall be limited to have the same powers, duties, and authorities  
574 granted to, and the same limitations imposed upon, the Director of  
575 Purchasing/Procurement as set forth herein.

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

578 (h) *Board Approval.* \_\_\_\_

579 (1) The Board hereby approves every contract executed by the Director of  
580 Purchasing/Procurement and every award made in accordance with ~~the~~ this  
581 Procurement/Purchasing Code in an amount less than ~~two~~ three hundred thousand  
582 dollars (\$~~200~~300,000.00) per annum, and for a duration not to exceed five (5)  
583 years. The Board hereby approves every contract executed by a Director of a  
584 Construction Department and every award made in accordance with this  
585 Procurement/Purchasing Code in an amount less than three hundred thousand  
586 dollars (\$300,000) per annum. No purchase shall be artificially divided so as to not  
587 require Board approval. The Clerk and Comptroller as ex-officio Clerk and  
588 Accountant of the Board and as auditor, recorder, and custodian of all County  
589 funds, is authorized to accept and process all such contracts made on behalf of the  
590 Board pursuant to ~~the~~ this Procurement/Purchasing Code as the act and deed of the  
591 Board.

592 (2) All awards in which the County is contracting to expend, to reimburse, or to  
593 receive ~~in~~ revenues in an amount equal to or greater than ~~two~~ three hundred  
594 thousand dollars (\$~~200~~300,000.00) per annum shall be effective upon Board  
595 approval.

596 (3) All purchases of goods and services recommended to the Board for approval  
597 shall be reviewed by the Director of Purchasing/Procurement or by a  
598 ~~director~~ Director of a Construction Department, as applicable, prior to Board  
599 approval.

600 **Sec. 2-54. - Source selection**Selection.

601 (a) The procurement of all goods or services, including those transactions through which  
602 the ~~Board~~County shall receive revenue, in an amount equal to or greater than the  
603 Mandatory Bid or Proposal Amount of ~~One Hundred Thousand Dollars (\$100,000)~~one  
604 hundred fifty thousand dollars (\$150,000.00), shall be awarded by a formal  
605 competitive bid or proposal process or as set forth herein, unless otherwise provided  
606 by state or federal law. As applicable, the provisions of the County's EBO Ordinance,  
607 the EBO PPM and the Local Preference ~~Code~~Ordinance shall apply to all source  
608 selections, including alternate source selections, and awards that are subject to the  
609 provisions of ~~the Purchasing Code~~this Procurement/Purchasing Code, unless  
610 application of the EBO Ordinance, the EBO PPM or the Local Preference Ordinance  
611 would be inconsistent with any state or federal law or regulation, including the terms  
612 of any state or federal funding agreement.

613 (b) Nothing in the foregoing shall prohibit the Board from renewing contracts entered  
614 into as a result of a competitive selection process,~~an alternate source selection process,~~  
615 ~~or from purchasing goods or services for inclusion in a Capital Improvement Project,~~  
616 ~~whose price has been incorporated as part of a bid or proposal selected in a competitive~~  
617 ~~or alternate source selection process provided for herein.~~ an alternate source  
618 selection process. Further, nothing in the foregoing shall prohibit the Board from  
619 extending contracts, entered into as a result of a competitive or alternate source  
620 selection process, beyond the specified term or renewal period when the Board  
621 determines that such an extension of the term or renewal period is beneficial to the  
622 interest, health, safety or welfare of the County. However, any such extension of the  
623 term or renewal period by the Board shall not exceed twelve (12) months, unless the  
624 Director of ~~Purchasing~~Procurement or a Director of a Construction Department, ~~deem~~  
625 deems said extension to be an emergency as set forth hereinbelow or the Board, ~~upon~~  
626 ~~good cause, deems~~ finds that ~~the~~such extension provides a ~~cost savings to~~ is in the best  
627 interest of the County ~~that would not result if an extension were not granted.~~

628 (c) *Formal Competitive Bid Process.*

629 (1) *Invitation for Bid.* An Invitation for Bid shall be issued which shall include the  
630 scope of work and specifications for the purchase of the goods or services sought.  
631 Terms and conditions may include, but not be limited to, the requirement of  
632 insurance or surety.

633 (2) *Public Notice.* Public notice of ~~the opportunities for~~ Invitation for Bid ~~Bids~~ shall  
634 be published in a newspaper of general circulation for a reasonable period prior to  
635 bid opening or in accordance with electronically posted online using the County's  
636 vendor self-service website and as may be otherwise required by applicable state  
637 or federal or state law. Additional public notice or advertisement may be used to  
638 increase competition at the discretion of the Director of Procurement.

639 (3) *Bid Submission.* Bids should state the name and address of the bidder on the  
640 outside of the envelope, package or container, and must be received no later than  
641 the time and date and at the location or submitted electronically as specified in the  
642 Invitation for Bid. ~~No bids shall be accepted after such~~ Bids received later than the  
643 time and date or at any location other than specified, and any bids received later or  
644 at any location other than specified shall be returned unopened to the  
645 bidder deemed non-responsive.

646 (4) *Bid Opening.* All bids timely received shall be opened internally by the Director  
647 of ~~Purchasing~~ Procurement or Designee, except as otherwise required by law. A  
648 list of bidders that have submitted bids in response to an Invitation for Bid shall be  
649 recorded ~~and maintained within the solicitation file.~~

650 (5) *Bid Cancellation or Postponement.* The Director of ~~Purchasing~~ Procurement  
651 may, prior to Bid Opening, elect to cancel a bid or postpone the date or time of Bid  
652 Submission or opening. After Bid Opening, the Director of  
653 ~~Purchasing~~ Procurement may cancel a bid if no or only one (1) responsive,  
654 responsible bid is received, or if the lowest responsive, responsible bid is in excess  
655 of the funding limits established by the County for that bid. In addition, the event

656 ~~of discovery~~ Administrator or Designee may cancel the bid after bid opening in  
657 the event: (a) of a discovery of a procedural flaw or patent irregularity or  
658 ~~procedural flaw which is so severe as to render the process invalid, or in the event~~  
659 ~~that;~~ (b) the County determines that the need for the procurement no longer exists  
660 and will not exist in the immediate future;; or ~~in the event~~ (c) the cancellation or  
661 postponement is in the best interest of the County, ~~the Administrator or Designee~~  
662 ~~may cancel the bid.~~

663 (6) *Corrections, Additions to and Withdrawal of Bids.*

664 a. The following shall govern the correction of information submitted in a bid  
665 when that information is a determinant of the responsiveness of the bid:

666 1. Errors in the extension, addition or multiplication of unit prices stated in  
667 a bid or in multiplication, division, addition, or subtraction in a bid shall  
668 be corrected by the Director of Purchasing or designee Procurement prior  
669 to award recommendation. However, actual unit prices included in the bid  
670 shall not be changed under this or any other circumstance.

671 2. ~~No bidder shall be permitted to correct a bid mistake after bid opening.~~  
672 A bidder shall be permitted to correct a minor irregularity after bid  
673 opening, up to five (5) business days, with the exception of pricing errors.  
674 For purposes of correction, an irregularity is minor where: (1) its waiver  
675 would not deprive the County of its assurance that the contract will be  
676 entered into, performed and guaranteed according to its specified  
677 requirements, and (2) the irregularity is of such a nature that its waiver  
678 would not adversely affect competitive bidding by placing a bidder in a  
679 position of advantage over other bidders or by otherwise undermining the  
680 necessary common standard of competition.

681 3. Nothing herein is intended to prohibit the acceptance of a voluntary  
682 reduction in price from the lowest responsive, responsible bidder after bid  
683 opening, provided such reduction is not conditioned on, or does not result

684 in, the modification or deletion of any specifications or conditions  
685 contained in the Invitation for Bid or alter the determination of which  
686 bidder is to be awarded the bid or portion thereof.

687 b. A bidder who has made a clearly evident mistake of fact may be permitted to  
688 withdraw its bid only when it is determined by the Director of  
689 Purchasing/Procurement that there is reasonable proof that such a mistake was  
690 made. However, if a bidder unilaterally withdraws its bid without permission  
691 after bid opening, the Director of Purchasing/Procurement may suspend the  
692 bidder for up to two (2) years from the date of the unilateral withdrawal.  
693 Further, if the apparent lowest responsive, responsible bidder has made a  
694 mistake of any kind in a lump sum construction-related bid, the bid bond may  
695 not be returned.

696 (7) *Bid Evaluation.*

697 a. The County reserves the right to accept or reject any and all bids and to make  
698 award to the lowest responsive and responsible bidder (or in the case of a  
699 revenue contract to make award to the highest responsive and responsible  
700 bidder) whose bid meets the requirements and criteria set forth in the Invitation  
701 for Bid and whose award will, in the opinion of the County, be in the best  
702 interest of and most advantageous to the County.

703 b. A bid shall be considered responsive only if it conforms to the material  
704 requirements of the Invitation for Bid.

705 c. Information in a bid that concerns the responsibility of the bidder shall not  
706 necessarily be considered conclusive at the time of bid opening, except when  
707 the Invitation for Bid unequivocally states that the bid shall not be considered  
708 responsive unless the particular information is provided in the bid at the time  
709 of submittal.

710 1. The bidder shall supply information requested by the County concerning  
711 the responsibility of such bidder. If such bidder fails to supply the



712 requested information, the County shall base the determination of  
713 responsibility upon available information and may find the bidder non-  
714 responsible and reject the bid.

715 2. The Director of PurchasingProcurement may determine the information  
716 submitted concerning the responsibility of the bidder is so inadequate as  
717 to warrant a recommendation of rejection of the bid based upon a lack of  
718 demonstrated responsibility on the part of the bidder.

719 3. Pursuant to the particular solicitation, the Director of  
720 PurchasingProcurement, after bid opening, may request additional  
721 information of the bidder concerning ~~his~~the bidder's responsibility to  
722 perform. The Director of PurchasingProcurement shall consider this and  
723 all other information gained prior to award recommendation.

724 d. Notwithstanding Sections 2-54(c)(7)b. and c., a lack of conformity as to an  
725 issue(s) of responsiveness or responsibility that is non-substantive in nature  
726 may be considered a technicality or irregularity that may be waived by the  
727 Director of PurchasingProcurement.

728 (8) *Bid Award.* Awards in which the County is contracting to expend, reimburse, or  
729 receive in revenue an amount less than ~~two~~three hundred thousand dollars  
730 (~~\$200~~300,000.00) per annum shall be made to the lowest responsive, responsible  
731 bidder (or in the case of a revenue contract to the highest responsive, responsible  
732 bidder) and shall be effective upon issuance of a Contract by the Director of  
733 PurchasingProcurement. Awards in which the County is contracting to expend,  
734 reimburse, or receive revenues in an amount equal to or greater than ~~two~~three  
735 hundred thousand dollars (~~\$200~~300,000.00) per annum shall be made to the lowest  
736 responsive, responsible bidder (or in the case of a revenue contract to the highest  
737 responsive, responsible bidder) and shall be effective upon Board approval. The  
738 Board may reject any bid prior to issuance of an award. Recommended awards  
739 equal to or greater than the Mandatory Bid or Proposal Amount shall be posted at

740 a designated location(s) or on a designated website for a period of five (5) business  
741 days. In the event only one (1) responsive, responsible bid is received, an award  
742 may be made to the sole bidder or rebid or canceled as provided herein.

743 (9) — Execution of Contracts. Execution of contracts shall be addressed in  
744 accordance with Sections 2-53(d)-(h) and 2-54(f)(4).

745 (10) Changes After Award. The

746 a. For contracts executed and approved by the Director of  
747 Purchasing/Procurement, the Director of Procurement may authorize  
748 decreases or increases to the authorized revenue or expenditure amount(s) of  
749 a satisfactorily performing contract, including exempt and/or alternate source  
750 contracts, for increased demand or usage up to ten percent (10%) and with  
751 the Administrator's approval up to fifteen percent (15%); except that  
752 increases of more than ten (10) percent (15%) to authorized  
753 expenditure amounts which have reached or exceeded Two Hundred  
754 Thousand Dollars (\$200,000) three hundred thousand dollars (\$300,000-00) per  
755 annum must be approved by the Board. After Board approval of an increased  
756 authorized expenditure amount, the Director of Purchasing/Procurement may  
757 authorize additional increases of up to ten (10) percent (10%) and  
758 with the Administrator's approval up to fifteen percent (15%) of the  
759 increased authorized expenditure amount. Authority to increase any

760 b. For contracts executed and approved by the Board, the Director of  
761 Procurement may authorize decreases or increases to the authorized revenue  
762 or expenditure amount(s) of a satisfactorily performing contract, including  
763 exempt and/or alternate source contracts, for increased demand or usage up  
764 to ten percent (10%) and with the Administrator's approval up to fifteen  
765 percent (15%); except that increases of more than fifteen percent (15%) to  
766 authorized expenditure amounts which have reached or exceeded three  
767 hundred thousand dollars (\$300,000) but are less than five hundred thousand

768 dollars (\$500,000) per annum must be approved by the Contract Review  
769 Committee. After Contract Review Committee approval of an increased  
770 authorized expenditure amount, the Director of Procurement may authorize  
771 additional increases of up to ten percent (10%) and with the Administrator's  
772 approval up to fifteen percent (15%) of the increased authorized expenditure  
773 amount. Any individual increase to a Board approved contract that is  
774 predicated ~~one~~ equal to or exceeds \$500,000 must be approved by the  
775 condition that all provisions of Board.

776 a.c. For contracts either approved by the original award, including Board  
777 or by the SBE or Director of Procurement, the S/M/WBE requirements, shall  
778 remain intact and unchanged. The Director of Purchasing Procurement may  
779 approve extensions of delivery dates or performance time on all contracts  
780 satisfactorily performing contracts, including exempt and/or alternate source  
781 contracts, to a maximum of ~~three (3)~~ six (6) months provided that any changes  
782 to the existing authorized expenditure amount comply with the provisions of  
783 the ~~this~~ Procurement/Purchasing Code. After Board approval of an extension  
784 of delivery dates or performance time, the Director of  
785 Purchasing Procurement may authorize additional delivery dates or  
786 performance time extensions up to ~~three (3)~~ six (6) months. Further, changes  
787 to the Contract, including exempt and/ or alternate source contracts, may be  
788 made by the Director of Purchasing Procurement if considered minor or non-  
789 material in nature.

790 d. Should an awardee fail to perform or termination of the contract is necessary,  
791 the County has the option, to be exercised in the County's sole discretion, of  
792 awarding the contract to the next low bidder willing to enter into a contract  
793 with the County; provided that, the contract is within the initial award period  
794 as specified in the contract.

795 e. The authority of the Directors of the Construction Departments and the  
796 Contract Review Committee to make monetary and time changes to  
797 construction and construction related contracts shall be in accordance with  
798 the applicable County policies and procedures.

799 (11) Termination of Contracts. Termination of contracts shall be addressed in  
800 accordance with Sections 2-53(d) and (f).

801 (d) Formal Competitive Proposal Process. The following competitive proposal process  
802 is applicable to Requests for Proposals and Invitations to Negotiate.

803 (1) \_\_\_\_\_ If it is neither practical nor in the best interest of the County to procure a  
804 good or service by a formal competitive bidding process, the Director of  
805 ~~Purchasing~~Procurement may determine that the use of a competitive proposal process  
806 may be used, utilizing either a Request for Proposal or an Initiation to Negotiate:

807 (1) — a. Requests for Proposals. A Request for Proposal shall be issued  
808 which shall include a scope of work and specifications for the purchase of goods  
809 or services sought, and shall also include evaluation criteria to be used in  
810 evaluating proposals. Terms and conditions included in a Request for Proposal  
811 may include, but not be limited to, the requirement of insurance or surety.

812 b. Invitation to Negotiate. An Invitation to Negotiate shall be issued which  
813 shall include a scope of work and specifications for the purchase of goods or  
814 services sought, the evaluation criteria to be used in evaluation proposals, any  
815 required terms and conditions, and, a statement to the effect that the County may  
816 short-list one or more responsive proposers to negotiate the best value.

817 (2) Requests for Proposals and Invitation to Negotiate shall be noticed, and cancelled  
818 or postponed, in accordance with Section 2-54(c)(2) and (5) hereinabove.

819 (3) Proposal submission~~Submission~~. Proposals should state the name and address of  
820 the proposer on the outside of the envelope, package or container, and must be  
821 received no later than the time and date and at the location ~~specified in the Request~~

822 for Proposal. No proposal shall be accepted after such time and date or at any  
823 location other than specified. Any proposals received later or at any location other  
824 than specified shall be returned unopened to the proposer, if requested, at the  
825 proposer's sole expense. The proposer shall be notified by the Purchasing  
826 Department that the proposal was late and the proposer shall be given ten (10)  
827 business days from the date of notification to request the return of the unopened  
828 proposal. If no such request is received from the proposer within the designated  
829 time frame, the Purchasing Department shall discard the unopened and untimely  
830 proposal or through electronic means (e.g., electronic submission) as specified in  
831 the Request for Proposal or Invitation to Negotiate. Proposals received later than  
832 the time and date or at a location other than specified shall be deemed non-  
833 responsive.

834 (4) ~~Proposal opening~~Opening. All proposals timely received shall be opened  
835 internally by the Director of ~~Purchasing~~Procurement or Designee. A list of  
836 proposers that have submitted proposals in response to a Request for Proposal or  
837 Invitation to Negotiate shall be recorded.

838 (5) Corrections, additions to, and withdrawal of proposals shall be addressed in  
839 accordance with Section 2-54(c)(6) hereinabove.

840 (6) ~~Proposal evaluation~~Evaluation.

841 a. The County reserves the right to accept or reject any and all proposals. The  
842 County further reserves the right to award to the responsive, responsible proposer  
843 whose proposal conforms to the material requirements of the solicitation and is  
844 determined to be the most advantageous to the County taking into consideration  
845 the evaluation criteria set forth in the Request for Proposal ~~or Invitation to~~  
846 Negotiate.

847 ab. Evaluation of the responsiveness of proposals shall be performed by the  
848 PurchasingProcurement Department. Evaluation of the responsibility of a  
849 proposer shall be made by a selection committee and shall be based upon the

850 evaluation criteria as set forth in the Request for Proposal or Invitation to  
851 Negotiate and upon any other relevant information obtained through the  
852 ~~evaluation~~evaluation process.

853 bc. Issues of responsiveness and responsibility shall be addressed in accordance  
854 with Sections 2-54(c)(7)b., c. and d. hereinabove.

855 ed. Upon concurrence by the Director of Purchasing/Procurement, the selection  
856 committee may determine that it is not in the best interest of the County to  
857 award solely on the basis of initial proposals and may request oral  
858 presentations and/or utilize a "Best and Final Offer" process to further evaluate  
859 the proposals- for both Request for Proposals or Invitation to Negotiate.

860 e. Shortlist for Invitation to Negotiate only. When utilizing an Invitation to  
861 Negotiate process, the selection committee may recommend to short-list one  
862 or more proposers to negotiate the best value for the County.

863 (7) ~~Proposal award~~Award. Upon recommendation by the selection committee,  
864 award shall be made to the responsive, responsible proposer whose proposal is in  
865 the best interest of the County, and shall be effective upon issuance of a contract  
866 by the Director of Purchasing/Procurement. Awards in which the County is  
867 contracting to expend, reimburse, or receive revenues in an amount equal to or  
868 greater than ~~two~~three hundred thousand dollars (\$~~200~~300,000.00) per annum shall  
869 be effective upon Board approval. The Board may reject any proposal prior to  
870 issuance of an award. Recommended awards equal to or greater than the  
871 Mandatory Bid or Proposal Amount shall be posted at a designated location(s) or  
872 on a designated website for a period of five (5) business days. In the event only  
873 one (1) responsive, responsible proposal is received, an award may be made to the  
874 sole proposer or re-solicited or canceled as provided herein. Where consultants,  
875 contractors, or special masters are selected through a formal competitive proposal  
876 process and more than one (1) award and contract are issued, individual orders for  
877 projects may be assigned or awarded upon justification of availability, cost to

878 perform the project, conflict of interest, and/or specific and necessary expertise of  
879 the required consultant, Contractor, or ~~Special Masters~~special master.

880 (8) Execution of Contracts. Execution of contracts shall be addressed in accordance  
881 with Sections 2-53(d)-(h) and 2-54(f)(4).

882 (9) Amendments/changes~~Changes after award~~Award. Amendments or changes after  
883 award of the proposal shall be made in the same manner and in accordance with  
884 Section 2-54(c)(910) hereinabove. Amendments to the contract may be made by  
885 the Director of ~~Purchasing~~Procurement if considered minor or non-material in  
886 nature.

887 (10) Termination of Contracts. Termination of contracts shall be addressed in  
888 accordance with Sections 2-53(d) and (f).

889 (e) Request for ~~information~~Information.

890 (1) A Request for Information is a non-competitive and non-binding process which  
891 may be used to satisfy a need~~obtain~~ comments, feedback, information or ~~to~~  
892 determine available sources~~reactions~~ from potential vendors for needed goods or  
893 services. The Request for Information shall specify a need or provide a description  
894 of the goods or services, and shall ~~provide vendors the latitude to develop goods~~  
895 ~~or services that will fulfill the County's need.~~allow vendors the latitude to provide  
896 feedback on best practices, industry standards, licensing requirements, technology  
897 matters, etc. that may assist the County in determining what procurement method  
898 is needed, if any, or assist the County in determining requirements or specifications  
899 for a subsequent solicitation.

900 (2) Public notice of ~~the Request~~opportunities for Requests for Information ~~may~~shall  
901 be published~~noticed~~ in a newspaper of general circulation or ~~may be mailed~~  
902 directly to potential vendors.accordance with Section 2-54(c)(2) hereinabove.

903 (3) Based upon the statements of interest received from vendors responding to the  
904 Request for Information, the County Department, upon approval from the Director

905 of Purchasing Procurement, may request a trial use of two (2) or more of the  
906 products for a limited period of time. Upon receipt of the statements of interest or  
907 at the end of the trial period for approved goods, the Purchasing Procurement  
908 Department may initiate a competitive process for the goods or services. A Request  
909 for Information shall not result in a purchase without a competitive or alternate  
910 source selection process conducted by the Purchasing Procurement Department. If  
911 goods or services are exempt, the Request for Information may be conducted by a  
912 Construction Department or by a County Department, as applicable with the review  
913 and approval of the Procurement Department; except that a Request for  
914 Information for an exempt purchase under the CCNA statute is not subject to the  
915 review and approval of the Procurement Department.

916 (4) The Purchasing Procurement Department shall have unlimited use of the  
917 information included within the statements of interest submitted in response to a  
918 Request for Information. The County is required to comply with F.S. Ch. 119,  
919 Public Records Act, and therefore accepts no responsibility for the protection of  
920 the information submitted unless the vendor requests that privileged or  
921 confidential information be protected in the manner prescribed by law. The County  
922 shall have no further obligation to any vendor who furnishes information.

923 (f) ~~Alternate source selection.~~ Source Selection.

924 (1) ~~Small purchases. Any purchase for an amount over the~~ Decentralized  
925 Purchase Order Amount and (DPO). Any purchase for an amount less than the  
926 Mandatory Bid or Proposal Amount ten thousand dollars (\$10,000) shall be made  
927 in accordance with the County policies and procedures promulgated by the  
928 Purchasing Procurement Department utilizing a Request for Quote or a Request for  
929 Submittal or other such procurement method authorized herein or in said policies  
930 and procedures. However, the Director. Such purchases must be non-repetitive and  
931 not otherwise within the scope of Purchasing has the sole discretion an existing  
932 contract. This purchase shall not be artificially divided or split so as to utilize the



933 Invitation for Bid process or the Request for Proposal process if the procurement  
934 is complex, or for other sound reason, even though the specific good or service is  
935 budgeted less than the Mandatory Bid or Proposal Amount. qualify under this  
936 definition

937 ~~(2) — Sole source purchases.~~ Source Purchases. The Director of  
938 ~~Purchasing~~ Procurement may make or authorize the purchase of goods or services  
939 without competitive solicitation when the Director of the County Department, or  
940 ~~designee~~ Designee, has documented in writing and has provided information  
941 supporting the fact, that the good or service requested is the only item that meets  
942 their need and that the good or service is available through only one (1) source.  
943 The Director of Procurement or Designee shall review and approve the request for  
944 sole source designation.

945 ~~(3) — Proprietary purchases.~~ The Director of Purchasing Upon receiving a request  
946 for a Sole Source procurement, the Director of Procurement shall post a Notice of  
947 Intent to Designate Sole Source on the County's vendor self-service website, for  
948 goods and services that have not been the subject to a Request for Information  
949 within the preceding six (6) months. The notice shall identify the goods and  
950 services sought to be procured. Vendors shall have up to ten (10) business days  
951 after the posting of the Notice to submit written explanation or other  
952 documentation contesting that proposed designation as a Sole Source. The Director  
953 of Procurement or designee shall consider such submittals and notify all submitting  
954 vendors of the decision whether the procurement will be designated as a Sole  
955 Source, which decision shall not be subject to objection, protest, or appeal under  
956 this Procurement/Purchasing Code. Sole Source procurements may be effective up  
957 to five (5) years, but annually the sole source procurement shall be certified by the  
958 Procurement Department to verify that same sole source conditions exist.

959 ~~(3) Proprietary Purchases.~~ The Director of Procurement may make or authorize the  
960 purchase of goods or services via a competitive solicitation when the Director of

961 the County Department, or Designee, has documented in writing that the good or  
962 service is the only item that meets their need and that the good or service is  
963 available through more than one (1) source.

964 (4) ~~Emergency purchases~~Purchases. The Director of ~~Purchasing~~Procurement, upon  
965 receipt of written verification of the emergency circumstance by the Director of  
966 the County Department or Designee, may authorize emergency purchases.  
967 Emergency purchases must meet the definition provided for in ~~section~~Section 2-  
968 52 above. Emergency purchases in which the County is to expend or to reimburse  
969 an amount of ~~two~~three hundred thousand dollars (~~\$200~~300,000.00) or more per  
970 annum shall be approved by the Board. However, in emergency circumstances  
971 where approval by the Board cannot be obtained in a timely manner, the Director  
972 of ~~Purchasing~~Procurement may authorize a purchase(es) of ~~two~~three hundred  
973 thousand dollars (~~\$200~~300,000.00) or more provided that said purchase(es) and  
974 expenditure(s) of funds shall be presented to the Board for ratification as soon as  
975 possible following signature or approval by the \_\_\_Director of  
976 ~~Purchasing~~Procurement.

977 (5) *Purchases Off Contracts of Other Entities ("piggyback purchases")*.  
978 Notwithstanding any requirements of ~~the~~this Procurement/Purchasing Code, the  
979 purchase of goods or services under contract with a federal, state or municipal  
980 government or any other governmental agency, political subdivision, or  
981 government-related association, may be piggybacked or purchased off contracts of  
982 other entities providing that:

983 a. —The County Department, in its ~~sole discretion~~consultation with the Director  
984 of Procurement, has determined that the piggyback purchase is deemed  
985 advantageous to the County;

986 b.—The contractor (i) extends the terms and conditions specified in the  
987 originating contract to the County and the County accepts the terms and  
988 conditions specified; and (ii) in the event the County requires additional

989 contract language, the vendor agrees to such additional County terms and  
990 conditions;

991 c. — The goods or services available under the originating contract meet the  
992 County's needs and specifications;

993 ~~d.— The quantity and specifications of the goods or scope of services being~~  
994 ~~purchased from the originating contract do not substantially changed differ from~~  
995 ~~the terms and conditions specified specifications or scope in the originating~~  
996 ~~contract, and unsubstantial increases or decreases in quantity requested or~~  
997 ~~rendered shall;~~

998 e. For originating contracts not ~~invalidate any~~procured by cooperatives or which  
999 are not indefinite quantity contracts, the Director of Procurement, in  
1000 consultation with the County Attorney's Office, will determine whether the  
1001 quantity needed by the County can be purchased under the originating  
1002 contract;

1003 ~~e.— The County does not currently have a contract that can be utilized for the good~~  
1004 ~~or service being requested by the County Department;~~

1005 ~~f.— The County Department determines and documents with processing expense~~  
1006 ~~estimates, pricing data and schedule implications that the utilization of the~~  
1007 ~~piggyback purchase would likely result in a financial advantage to the County;~~

1008 ~~g.— Thec. The Procurement and County Department determines and documents~~  
1009 ~~that the impact to local vendors is minimally negative or is a benefit to the~~  
1010 ~~County that positively outweighs any negative impact to local vendors;~~

1011 ~~hd. There are no certified S/M/WBE vendors, with capacity, that can provide~~  
1012 ~~the service as required, and to the extent required by the County Department;~~

1013 ~~ie. The originating entity utilized a competitive process similar to the County's,~~  
1014 ~~as determined by the Director of ~~Purehasing~~Procurement. However, this~~  
1015 ~~provision (ie) is not applicable to contracts procured or solicited by the State~~

1016 of Florida; or the Florida Sheriff's Association or the U.S. General Services  
1017 Administration (GSA Schedules).

1018 (6) *Cooperative ~~purchases~~Purchases*. The County may participate in, sponsor,  
1019 conduct, or administer a cooperative purchase with other government entities for  
1020 the procurement of goods or services.

1021 (7) *Direct ~~purchases~~Purchases*. Notwithstanding the provisions of ~~the~~this  
1022 Procurement/Purchasing Code, in the event that no bids, proposals, quotes,  
1023 responses or submittals are received, or that no responsive, responsible bids,  
1024 proposals, quotes, responses or submittals are received, and the Director of  
1025 Purchasing/Procurement documents that no significant alteration in the  
1026 specifications, qualifications, or terms and conditions can be made to encourage  
1027 competition, the Administrator or Designee may authorize the Director of  
1028 Purchasing/Procurement to make a direct purchase of the goods or services from  
1029 any vendor identified as being qualified and capable of meeting the original  
1030 specifications. A direct purchase may be made for items for resale; that, subsequent  
1031 to a market analysis, meet the definition of a sole source.

1032 (8) — *Prequalification*.

1033 a. *Prequalification of ~~vendors~~Vendors*. Prospective vendors may be  
1034 prequalified for specified types of goods or services when deemed advantageous  
1035 to the County ~~and when~~, regardless of whether the amount of each order for a good  
1036 or service is ~~less than~~ above or below the County's Mandatory Bid or Proposal  
1037 Amount. The method for submitting prequalification information and the  
1038 information required in order to be prequalified shall be set forth in the applicable  
1039 solicitation for prequalified vendors. All vendors deemed responsive and  
1040 responsible shall be considered prequalified for the specific good or service. Once  
1041 a vendor is prequalified, they are permitted to submit price offers and/or  
1042 qualifications for each individual order for a good or service, or take turns via  
1043 rotation, depending upon the language within the applicable solicitation. Projects

1044 over the Mandatory Bid Amount or Proposal Amount shall be advertised on the  
1045 County's vendor self-service website in accordance with Section 2-54(c)(2)  
1046 hereinabove.

1047 b. *Prequalification of Contractors by Construction Departments for*  
1048 *Construction Services.* A Construction Department may prequalify prospective  
1049 construction contractors for specified types of trades or services. Work  
1050 authorizations issued by Construction Departments to such prequalified  
1051 construction contractors are not required to be less than the County's Mandatory  
1052 Bid or Proposal Amount. The Construction Department shall set forth in the  
1053 applicable solicitation for prequalified contractors the method for submitting  
1054 prequalification information and the information required in order to become  
1055 prequalified. All contractors deemed responsive and responsible shall be  
1056 considered prequalified for the specific trade or service. Once a contractor is  
1057 prequalified, the contractor is permitted to submit price offers for each work  
1058 authorization for construction depending on the language in the applicable  
1059 solicitation. Contractors will be allowed to qualify at any time and be added to the  
1060 prequalified list. Projects over the Mandatory Bid or Proposal Amount will be  
1061 advertised on the County's vendor self-service website in accordance with Section  
1062 2-54(c)(2) hereinabove. Newspaper advertisement may be required depending on  
1063 the estimated construction cost in accordance with Section 255.0525, Florida  
1064 Statutes, or as otherwise required by law.

1065 (9) *Items for ~~resale~~Resale.* All applicable County Departments, working jointly with  
1066 the Procurement Department, shall implement policies and procedures regarding  
1067 the procurement of items for resale. The County Department, with Procurement's  
1068 review and approval, shall conduct a thorough market research analysis of the  
1069 available items for resale in order to determine the specific types of goods to be  
1070 procured. A market analysis shall not result in the purchase of goods without a

1071 competitive or alternate source selection process conducted by the  
1072 ~~Purchasing~~Procurement Department.

1073 (10) ~~Sales tax recovery program~~Tax Recovery Program for  
1074 ~~construction~~Construction-related purchasesPurchases. Purchase orders for the  
1075 purchase of goods, materials, or equipment in any dollar amount, additive or  
1076 deductive, included in a Capital Improvement Project, and the corresponding  
1077 ~~change order~~Change Order required to implement those purchases, may be  
1078 approved by the Director of ~~Purchasing~~Procurement or by the Director of the  
1079 appropriate Construction Department in accordance with the County's sales tax  
1080 recovery program.

1081 (g) ~~Informal competitive solicitation process~~Competitive Solicitation Process.  
1082 Solicitations for goods or services valued at less than the Mandatory Bid or Proposal  
1083 Amount shall be made in accordance with policies and procedures established by the  
1084 ~~Purchasing~~Procurement Department for Requests for Quotes and Requests for  
1085 Submittals. However, the Director of Procurement has the sole discretion to utilize the  
1086 IFB process or the RFP process or ITN process if the procurement is complex or for  
1087 other sound reason, even though the specific good or service is budgeted less than the  
1088 Mandatory Bid or Proposal Amount.

1089 (h) ~~Waiver of requirements~~Requirements for competitive selectionCompetitive Selection  
1090 ~~for professional and consultant services~~Consulting Services. The Board may waive  
1091 the requirements for competitive selection and approve ~~professional or consulting~~  
1092 services upon recommendation of the Administrator.

1093 (i) Pcard Services. Pcard ("Procurement/Purchasing Card") is a payment method used  
1094 by authorized County staff to buy directly from suppliers within pre-approved  
1095 authority levels and spending limits. The Procurement Department shall administer  
1096 and manage the County's pcard program, including the development and  
1097 implementation of County policy and procedures for pcard usage, and training for  
1098 the County's pcard participants.

1099 **Sec. 2-55. - Protested awards**Awards.

1100 (a) *Right to ~~protest~~Protest.* After posting of the recommended awardee, any bidder or  
1101 proposer who is aggrieved in connection with the recommended award may protest in  
1102 writing to the Director of ~~Purchasing~~Procurement. The right to protest is limited to  
1103 those procurements of goods or services solicited through an Invitation for Bid or a  
1104 Request for Proposal, ~~or Invitation to Negotiate.~~ Recommended awards less than the  
1105 Mandatory Bid or Proposal Amount cannot be protested. Notwithstanding the above,  
1106 the ~~Director of Purchasing~~County may, in ~~his or her~~the sole discretion of the Director  
1107 of Procurement, include the right to protest in any solicitation process if in the best  
1108 interests of the County.

1109 (b) *Notice of ~~protest~~Protest.* The protest ~~shall~~must be ~~submitted~~received by the Director  
1110 of Procurement within five (5) business days after posting of the award  
1111 recommendation. The protest shall be in writing and shall identify the protestor and  
1112 the solicitation, ~~and~~ shall include a factual summary of the basis of the protest, ~~and~~  
1113 shall include a protest bond in the amount of: 1) one thousand five hundred dollars  
1114 (\$1,500) for solicitations less than one million dollars (\$1,000,000); 2) three thousand  
1115 dollars (\$3,000) for solicitations one million dollars (\$1,000,000) to less than five  
1116 million dollars (\$5,000,000) or 3) five thousand dollars (\$5,000) for solicitations five  
1117 million dollars (\$5,000,000) or greater, which bond shall be remitted in the form of a  
1118 money order, a certified check, a cashier's check, or a bank check payable to Palm  
1119 Beach County. Such protest is considered filed when it is received and date/time  
1120 stamped by the Department of ~~Purchasing~~Procurement. The date/time stamp of the  
1121 Procurement Department shall control when determining whether the protest was  
1122 received by the Director of Procurement within the time frame specified for the notice  
1123 of protest. Neither the Director of ~~Purchasing~~Procurement nor a special master shall  
1124 consider any issue not submitted in writing within the time frame specified for the  
1125 notice of protest.

1126 (c) ~~Authority to resolve~~Resolve. Protests filed in accordance with Section 2-55(b)  
1127 hereinabove shall be resolved under the provisions of this Section.

1128 (1) The Director of ~~Purchasing~~Procurement shall have the authority to:

1129 a. Uphold the Protest. The protest may be upheld based upon a violation of the  
1130 provisions of this Procurement/Purchasing Code or of any other County  
1131 Ordinance, resolution, policy, or procedure, or upon discovery of an  
1132 irregularity or procedural flaw that is so severe as to render the process invalid.

1133 If the upholding of the protest will result in a change of the recommended  
1134 awardee, a new recommended award shall be posted in accordance with  
1135 Section 2-54(c)(8) and 2-54(d)(7) hereinabove. If the upholding of the protest  
1136 will result in a cancellation of the protested solicitation, a recommendation to  
1137 uphold the protest and cancel the solicitation will be made to the  
1138 Administrator, who may then direct the cancellation of the solicitation. If the  
1139 protest is upheld, the Procurement Department shall return the protestor's  
1140 bond to the protestor.

1141 b. Deny the Protest. If the protest is denied, the protestor has the right to request  
1142 that the protest be referred to a special master in accordance with Section 2-  
1143 55(c)(4) hereinbelow. If the protestor requests a special master, the  
1144 Procurement Department shall retain the protestor's bond pending the  
1145 outcome of the special master hearing. If the protestor does not request a  
1146 special master, then the protestor's bond shall be forfeited.

1147 c. Refer the protest directly to a special master with no determination made by  
1148 the Director of ~~Purchasing, in accordance with Section 2-55(e)(4)~~  
1149 ~~hereinbelow.~~Procurement. In this instance, the Procurement Department shall  
1150 retain the protestor's bond pending the outcome of the special master hearing.

1151 (2) When a protest is filed by a certified S/M/WBE or where the protest involves an  
1152 S/M/WBE issue, the Director of ~~the Office of EBO will act in conjunction with,~~  
1153 ~~and with authority equal~~Procurement shall review the protest to determine whether



1154 the protest involves an S/M/WBE or an S/M/WBE issue; if so determined, the  
1155 Director of Purchasing in arriving at the determination Procurement shall work in  
1156 conjunction with the Director of the Office of EBO to be made in this step  
1157 of resolve the process protest. After reviewing the facts surrounding the issues  
1158 raised in the written protest, the Director of Purchasing, Procurement and the  
1159 Director of the Office of EBO may make the determination to:

- 1160 a. Uphold the protest in accordance with Section 2-55(c)(1)a. hereinabove.  
1161 b. Deny the protest in accordance with Section 2-55(c)(1)b. hereinabove.

1162 ~~However, notwithstanding the above, the Director of Purchasing and the~~  
1163 ~~Director of the Office of EBO may deny the protest with good cause until a~~  
1164 ~~date certain when specified requirements are to be met. If the specified~~  
1165 ~~requirements are not met by the date certain, the protest will be upheld in~~  
1166 ~~accordance with Section 2-55(c)~~

1167 c)(1)b. hereinabove.

- 1168 e. Refer the protest to a special master ~~in accordance with Section 2-55(c)(4)~~  
1169 ~~hereinbelow~~, in those instances when a determination is not unanimous  
1170 between the Director of Purchasing Procurement and the Director of the Office  
1171 of EBO. In this specific instance, the protestor will be exempt from posting a  
1172 protest bond.

1173 ~~A protest process Procurement Department shall be set forth in the EBO Ordinance~~  
1174 ~~or the EBO PPM. retain the protestor's bond pending the outcome of the~~  
1175 special master hearing.

1176 ~~In the event that the County adopts an M/WBE Ordinance, any protest process~~  
1177 ~~shall be set forth by adopted Board policy.~~

- 1178 (3) ~~The Director of Purchasing~~ If the Director of Procurement upholds or denies the  
1179 protest, then the Director of Procurement shall issue a written statement of the  
1180 determination within a reasonable period of time. The written statement shall

1181 provide the general rationale for said determination and shall be provided to the  
1182 protestor and to any other party to the protest. If the Director of Procurement refers  
1183 the protest to a special master without making a determination, then the Director  
1184 of Procurement will notify the protestor and any other party to the protest of the  
1185 date and time of the special master hearing.

1186 (4) Upon receipt of a denial of the protest, the protestor may request a hearing before  
1187 a special master. The request for a hearing shall be in writing to the Director of  
1188 ~~Purchasing~~Procurement and shall ~~must~~ be ~~made~~received by the Director of  
1189 Procurement within five (5) business days of issuance of the Director of  
1190 ~~Purchasing's~~Procurement's determination. The date/time stamp of the Procurement  
1191 Department shall control when determining whether the request was received by  
1192 the Director of Procurement within the time frame specified for a request for  
1193 ~~hearing shall be accompanied by a protest bond of fifteen hundred dollars~~  
1194 ~~(\$1,500.00) which shall be remitted in the form of a money order, a certified check,~~  
1195 ~~a cashier's check, or a bank check payable to Palm Beach County.~~

1196 (5) At no time shall a protestor, party, or any other person, contact a special master  
1197 regarding any issue pertaining to or involving the protest. Contact between the  
1198 County and the special master shall be limited to scheduling and other  
1199 administrative issues, including the provision and copying of public records  
1200 pertinent to the protest.

1201 (d) ~~Establishment of rules~~Rules. The ~~Purchasing~~Procurement Department shall establish  
1202 rules and regulations by separate policy and procedure detailing the selection of special  
1203 masters, the protest process, and the conduct governing protest hearings.

1204 (e) ~~Authority of special masters~~Special Masters. Special masters shall have the  
1205 jurisdiction and authority to hear and ~~decide~~make recommendations on protests.

1206 (1) The special master shall make a recommendation as to whether the protest should  
1207 be upheld or denied.

1208 (2) The special master may recommend that the protest be upheld based on a  
1209 violation of the provisions of this Procurement/Purchasing Code or of any other  
1210 County Ordinance, resolution, policy, or procedure, or upon discovery of an  
1211 irregularity or procedural flaw that is so severe as to render the process invalid. If  
1212 the special master ~~upholds~~recommends to uphold the protest, the special master  
1213 shall ~~either make a recommendation to the Director of Procurement to either: a)~~  
1214 change the recommended award and post a new recommended award or b) cancel  
1215 the protested solicitation, or to cancel the award recommendation and post a new  
1216 award recommendation after re-evaluation based on the special master's  
1217 determination of the facts in the case. In these instances, the  
1218 PurchasingProcurement Department shall return the protestor's bond to the  
1219 protester.

1220 (3) If the special master ~~denies~~recommends denial of the protest, the special master  
1221 shall recommend that the Director of PurchasingProcurement proceed with the  
1222 posted award recommendation. In these instances, the protestor's bond shall be  
1223 forfeited.

1224 (4) In making contract awards for procurements in an amount equal to or greater  
1225 than ~~two~~three hundred thousand dollars (~~\$200~~300,000.00) per annum, the Board,  
1226 ~~upon recommendation of the Director of Purchasing,~~ may accept or reject the  
1227 recommendation of the special master.

1228 (5) In making contract awards for procurements of less than ~~two~~three hundred  
1229 thousand dollars (~~\$200~~300,000.00) per annum, the Director of  
1230 PurchasingProcurement may accept the special master's recommendation or, if the  
1231 Director of PurchasingProcurement determines the special master's  
1232 recommendation is not in the County's best interest, the original award  
1233 recommendation ~~may~~shall be referred to the Board for approval. At that time, the  
1234 Board may accept or reject the recommendation of the special master.

1235 (6) Nothing contained herein shall limit or divest the Board of its authority pursuant  
1236 to F.S. Ch. 125, Pt. IV, as referenced in Section 2-51 of the ~~this~~  
1237 Procurement/Purchasing Code.

1238 (f) ~~Stay of procurement during protests~~Procurement During Protests. Notwithstanding  
1239 anything contained herein to the contrary, in the event of a timely protest, the Director  
1240 of ~~Purchasing~~Procurement shall stay the award of the contract unless the Director of  
1241 ~~Purchasing~~Procurement, with the advice of the County Attorney and after consultation  
1242 with the County Department, makes a determination that the award of the contract  
1243 without delay is necessary to protect substantial interests of the County.

1244 **Sec. 2-56. - Suspension and ~~debarment~~Debarment.**

1245 (a) *Authority*. The Director of ~~Purchasing~~Procurement may suspend or debar for cause  
1246 the right of a vendor, contractor or subcontractor to be included in the renewal of an  
1247 existing contract or any solicitation process, including a vendor, contractor or  
1248 subcontractor on an exempt contract, alternate source contract, or contract governed  
1249 by the PREM Ordinance; and any bid, proposal, submittal, or quote received from that  
1250 vendor, contractor or subcontractor shall be rejected. ~~The Board shall have the power~~  
1251 ~~to waive or lift such suspension or debarment.~~

1252 (b) *Suspension and ~~debarment~~Debarment*. A vendor, contractor or subcontractor may  
1253 be suspended for a period not to exceed two (2) years as determined by the Director of  
1254 ~~Purchasing~~Procurement, or may be permanently debarred. However, any suspension  
1255 imposed pursuant to the provisions of subsections (b)(3) and (4) below shall be in  
1256 effect during the pendency of the applicable proceeding, regardless of duration. A  
1257 suspended or debarred vendor or contractor shall not bid or propose as a subcontractor  
1258 during their suspension or debarment; and, a suspended or debarred subcontractor shall  
1259 not bid or propose as a vendor or contractor during their suspension or debarment. A  
1260 suspension or debarment may be based upon the following:

1261 (1) Failure to fully comply with the conditions, specifications or terms of a contract  
1262 with the County, including but not limited to the unilateral ~~with draw~~withdrawal of

1263 a bid, quote, submittal, or proposal that has been received from the recommended  
1264 awardee.

1265 (2) Any misrepresentation in connection with a solicitation or any misrepresentation  
1266 of fact upon which the County has based a decision, including but not limited to a  
1267 misrepresentation by a vendor, contractor or subcontractor on a small business  
1268 application, or a local preference affidavit.

1269 (3) Charged or convicted with the commission of a criminal offense as an incident  
1270 to obtaining or attempting to obtain a public or private contract or subcontract, or  
1271 in the performance of such contract or subcontract. If charges are dismissed or the  
1272 vendor, contractor or subcontractor is found not guilty, the suspension or  
1273 debarment shall be lifted automatically upon written notification and proof of final  
1274 court disposition. However, nothing herein shall preclude the Director of  
1275 ~~Purchasing~~Procurement from imposing an additional suspension or debarment  
1276 following said dismissal or finding of not guilty where the Director of  
1277 ~~Purchasing~~Procurement determines that the additional suspension or debarment is  
1278 otherwise supported by ~~the~~ this Procurement/Purchasing Code. In such case, the  
1279 suspended or debarred vendor, contractor, or subcontractor may avail themselves  
1280 of the protest procedure set forth in subsection (~~e~~) below.

1281 (4) Charged or convicted for embezzlement, theft, forgery, bribery, falsification or  
1282 destruction of records, receiving stolen property, or any other offense indicating a  
1283 lack of business integrity or business honesty which currently, seriously, and  
1284 directly affects responsibility as a County government contractor. If charges are  
1285 dismissed or the vendor, contractor or subcontractor is found not guilty, the  
1286 suspension or debarment shall be lifted automatically upon written notification and  
1287 proof of final court disposition. However, nothing herein shall preclude the  
1288 Director of ~~Purchasing~~Procurement from imposing an additional suspension or  
1289 debarment following said dismissal or finding of not guilty where the Director of  
1290 ~~Purchasing~~Procurement determines that the additional suspension or debarment is

1291 otherwise supported by the ~~this Procurement/Purchasing~~ Code. In such case, the  
1292 suspended or debarred vendor, contractor, or subcontractor may avail themselves  
1293 of the protest procedure set forth in subsection (de) below.

1294 (5) Any other cause the Director of ~~Purchasing~~Procurement determines to be so  
1295 serious and compelling as to materially and adversely affect the responsibility of  
1296 a vendor, contractor or subcontractor, including but not limited to suspension by  
1297 another governmental entity for substantial cause.

1298 (6) Violation of the ethical standards set forth in local, state or federal law.

1299 (7) Violation of a County Ordinance.

1300 (c) *Decision.* Upon a determination to suspend or debar a vendor, contractor or  
1301 subcontractor, the Director of ~~Purchasing~~Procurement shall notify the vendor,  
1302 contractor or subcontractor in writing of the suspension or debarment along with the  
1303 reasons for the action taken.

1304 (d) *Finality of Decision.* The suspension or debarment shall be final and conclusive  
1305 unless the suspended or debarred vendor, contractor or subcontractor initiates protest  
1306 proceedings. ~~Protests shall be initiated under the procedures provided in Section 2-55~~  
1307 ~~hereinabove except that:~~

1308 (1) ~~The preliminary review by the Director of Purchasing as set forth in Section 2-~~  
1309 ~~55(c)(3) hereinabove will be waived.~~

1310 (2) ~~The suspension or debarment shall be in effect pending result of the protest.~~

1311 (3) ~~The allowable time for protesting the suspension or debarment shall be ten (10)~~  
1312 ~~calendar days after the date of notification of said suspension or debarment.~~

1313 (4) ~~The Board, upon (e) Protest of Suspension or Debarment. Upon receipt of the~~  
1314 ~~notification of suspension or debarment, the vendor, contractor or subcontractor may~~  
1315 ~~submit a protest to the Director of Procurement.~~

1316 (1) Notice of Protest. The protest must be in writing to the Director of Procurement,  
1317 must be received by the Director of Procurement within ten (10) business days of the

1318 issuance of the Director of Procurement's determination, must include a factual  
1319 summary of the basis of the protest and must include a protest bond of three thousand  
1320 dollars (\$3,000), which shall be remitted in the form of a money order, a certified  
1321 check, a cashier's check, or a bank check payable to Palm Beach County. Such protest  
1322 is considered filed when it is received and date/time stamped by the Department of  
1323 Procurement. The date/time stamp of the Procurement Department shall control when  
1324 determining whether the protest was received by the Director of Procurement within  
1325 the time frame specified for the notice of protest. Neither the Director of Procurement  
1326 nor a special master shall consider any issue not submitted in writing within the time  
1327 frame specified for the notice of protest. The suspension or debarment shall be in effect  
1328 pending the result of the protest.

1329 (2) Authority to Resolve. Protests filed in accordance with Section 2-56(e) hereinabove  
1330 shall be resolved under the provisions of this Section.

1331 a. The Director of Procurement shall have the authority to:

1332 i) Uphold the Protest. The Director of Procurement may uphold the protest and  
1333 lift the suspension or debarment. The protest may be upheld based upon a  
1334 determination by the Director of Procurement that grounds for suspension or  
1335 debarment under Section 2-56(b) are not present. If the protest is upheld, the  
1336 Procurement Department shall return the protestor's bond to the protestor and  
1337 send protestor written notification that the suspension or debarment has been  
1338 lifted.

1339 ii) Deny the Protest. If the protest is denied, the Protestor has the right to request  
1340 a special master in accordance with Section 2-56(e)(2)d hereinbelow. The  
1341 Procurement Department shall retain the protestor's bond pending the  
1342 outcome of the special master hearing. If protestor does not request a special  
1343 master hearing within the time frame specified, the protestor's bond is  
1344 forfeited.

1345 iii) Refer the protest directly to a special master, with no determination made by  
1346 the Director of Procurement on the protest. In this instance, the Procurement  
1347 Department shall retain the protestor's bond pending the outcome of the  
1348 special master hearing.

1349 b. When a protest is filed by a certified S/M/WBE or where the protest involves an  
1350 S/M/WBE issue, the Director of Procurement shall review the protest to determine  
1351 whether the protest involves an S/M/WBE or an S/M/WBE issue; if so determined,  
1352 the Director of Procurement shall work in conjunction with the Director of the  
1353 Office of EBO to resolve the protest. After reviewing the facts surrounding the  
1354 issues raised in the written protest, the Director of Procurement and the Director  
1355 of the Office of EBO may make the determination to:

1356 i) Uphold the protest in accordance with Section 2-56(e)(2)(a)(i) hereinabove.

1357 ii). Deny the protest in accordance with Section 2-56(e)(2)(a)(ii) hereinabove.

1358 iii) Refer the protest directly to a special master with no determination made on  
1359 the protest by the Director of Procurement and the Director of the Office of  
1360 EBO.

1361 c. If the Director of Procurement upholds or denies the protest, then the Director of  
1362 Procurement shall issue a written statement of the determination within a  
1363 reasonable period of time to the protestor. The written statement shall provide the  
1364 general rationale for said determination. If the Director of Procurement refers the  
1365 protest to a special master without making a determination, then the Director of  
1366 Procurement will notify the protestor of the date and time of the special master  
1367 hearing

1368 d. Upon receipt of a denial of the protest, the protestor may request a hearing before  
1369 a special master. The request for a hearing shall be in writing to the Director of  
1370 Procurement and must be received by the Director of Procurement within five (5)  
1371 business days of issuance of the Director of Procurement's determination. The  
1372 date/time stamp of the Procurement Department shall control when determining



1373 whether the request was received by the Director of Procurement within the time  
1374 frame specified for a request for hearing.

1375 e. At no time shall a protestor, party, or any other person, contact a special master  
1376 regarding any issue pertaining to or involving the protest. Contact between the  
1377 County and the special master shall be limited to scheduling and other  
1378 administrative issues, including the provision and copying of public records  
1379 pertinent to the protest.

1380 f. Under rules established under Section 2-55(d), the special master shall have  
1381 authority to make a recommendation of the Director of Purchasing, to:

1382 i) Uphold the Protest. The special master may recommend that the protest be  
1383 upheld and make a recommendation to the Director of Procurement to lift the  
1384 suspension or debarment based upon a determination by the special master that  
1385 grounds for suspension or debarment under Section 2-56(b) are not present. In  
1386 this instance, the Procurement Department shall return the protestor's bond to  
1387 the protester.

1388 ii) Deny the Protest. If the special master recommends denial of the protest, the  
1389 special master shall recommend to the Director of Procurement that the  
1390 suspension and debarment remain and not be lifted. In this instance, the  
1391 protestor's bond shall be forfeited.

1392 g. The Director of Procurement may accept or the special master's recommendation  
1393 or, if the Director of Procurement determines the special master's recommendation  
1394 is not in the County's best interest, reject the recommendation of the Special  
1395 Master. The decision of the Director of Procurement shall be final.

1396 **Sec. 2-57. - Vendor ~~preferences~~ Preferences.**

1397 The ~~Purchasing~~Procurement Department and the Construction Departments shall  
1398 strictly comply with the EBO Ordinance, the EBO PPM, the Local Preference  
1399 Code Ordinance, and all pertinent County policies and procedures, to ensure that the vendor

1400 preferences are awarded in accordance with adopted Board policy-, to the extent permitted  
1401 by state and federal law and regulations, including the terms of any state or federal funding  
1402 agreements.

1403 **Sec. 2-58. - Conflict of interest**Interest.

1404 *Special Masters.* Special masters shall be subject to a policy and procedure  
1405 implemented by the ~~Purchasing~~Procurement Department relating to outside counsel  
1406 conflicts of interest. In addition, the ethics rules promulgated by the Florida Bar pertaining  
1407 to conflicts of interest shall apply. If a special master is unable to provide a fair hearing for  
1408 any reason, the special master shall not accept the case and shall immediately notify the  
1409 Director of ~~Purchasing~~Procurement of the conflict. The Director of  
1410 ~~Purchasing~~Procurement shall reassign the case to a special master who does not have a  
1411 conflict with the case.

1412 **Sec. 2-59. – Construction Services.**

1413 Construction Departments shall competitively solicit construction services pursuant  
1414 to F.S. Sec. 255.20 and other applicable laws including compliance with the bonding  
1415 requirements of F.S. Sec. 255.05 and the advertisement requirements of F.S. Sec. 255.0525.  
1416 Construction Departments are subject to all of the provisions of the  
1417 Procurement/Purchasing Code when soliciting construction services. In addition to the  
1418 procurement methods authorized elsewhere in this Procurement/Purchasing Code, this  
1419 section expressly allows contracts for construction management or construction manager  
1420 at risk services; design-build contracts; continuing, annual and pre-qualification contracts  
1421 solicited in accordance with County policies and procedures. Protests of construction  
1422 awards shall be subject to and processed under the procedures set out in Sec. 2-55 hereof.  
1423 Suspension or debarment of construction contractors shall be subject to and processed  
1424 under the procedures set out in Sec. 2-56 hereof.

1425 **Sec. 2-60. – CCNA Services.**

1426 Construction Departments shall solicit contracts for architectural, professional  
1427 engineering, landscape architectural or registered surveying and mapping services in  
1428 accordance with F.S. Sec. 287.055 and applicable County policies and procedures.

1429 **Sec. 2-61. – Automation Permitted.**

1430 Subject to all applicable laws, the procurement of construction and non-construction  
1431 goods and services may be conducted by electronic means or in electronic form upon the  
1432 development of policies and procedures by the Director of Procurement. The Director of  
1433 Procurement may develop procedures regarding identification, security, the use of digital  
1434 and electronic signatures and conversion of electronic forms and information into a  
1435 medium which permits inspection and copying.

1436 The Director of Procurement may: 1) require vendors, contractors and  
1437 subcontractors to register by an electronic registration process, 2) electronically distribute  
1438 RFQs, RFSs, IFBs, RFPs, ITNs or any other solicitation documents and 3) authorize the  
1439 receipt of quotes, submittals, bids, proposals or any solicitation responses electronically.

1440 **Sec. 2-62. – Unsolicited Proposals.**

1441 (a) *Submission.* Private entities may submit unsolicited proposals for goods and services  
1442 to the Director of Procurement. Unsolicited proposals involving County owned real  
1443 property should be submitted to the Director, Facilities Development and Operations.

1444 (b) *Contents.* Any unsolicited proposal must include:

1445 (1) An application fee of twenty-five thousand dollars (\$25,000) in the form of cash,  
1446 cashier's check or other non-cancelable instrument; and

1447 (2) Sufficient detail and information as set out in Section 255.065, Florida Statutes,  
1448 for the County to evaluate the proposal in an objective and timely manner.

1449 (c) *Board Notification.* Upon receipt of an unsolicited proposal, the Director of  
1450 Procurement or the Director, Facilities Development and Operations, as applicable, will  
1451 notify the Board in writing of receipt of the unsolicited proposal. Any Board member may  
1452 request that the unsolicited proposal be placed on a future Board meeting agenda for a  
1453 determination of whether to reject the unsolicited proposal or whether to advise staff to  
1454 proceed with evaluation of the unsolicited proposal. If no request is received, County staff

1455 may reject and not review the unsolicited proposal, or County staff may place the  
1456 unsolicited proposal on the next available meeting agenda for direction from the Board. If  
1457 placed on the next available Board meeting agenda, then the Board at such meeting may  
1458 by majority vote:

1459 (1) Reject the unsolicited proposal; or

1460 (2) Advise staff to proceed with evaluation of the unsolicited proposal.

1461 (d) *Evaluation.* If so advised by the Board, County staff will evaluate the unsolicited  
1462 proposal and publish notice in accordance with the requirements of section 255.065,  
1463 Florida Statutes, and in accordance with any applicable County ordinances, policies and  
1464 procedures. If the initial application fee does not cover the County's costs to evaluate the  
1465 unsolicited proposal, the County shall request additional fees from the proposer. The  
1466 proposer must remit the requested additional amount within thirty (30) days of receipt of  
1467 the request or the County will stop review of the unsolicited proposal and recommend its  
1468 rejection by the Board.

1469 (e) *Notice of Competitive Proposals.* If County staff publishes notice of competitive  
1470 proposals under (d) above, the County will use the procedures for soliciting and evaluating  
1471 proposals as set forth in section 255.065, Florida Statutes, and in accordance with any  
1472 applicable County ordinances, policies and procedures. The submitter of the unsolicited  
1473 proposal shall respond to the competitive solicitation and offer the County a proposal with  
1474 terms not less favorable to the County than its original unsolicited proposal.

1475 (f) *Rejection.* If the unsolicited proposal is rejected by the County, County staff will notify  
1476 the proposer of the County's decision and return the proposer's application fee. The County  
1477 is not required to give a reason for its decision. The County reserves the right to determine,  
1478 in its sole discretion, whether to reject or evaluate an unsolicited proposal. The rejection of  
1479 an unsolicited proposal shall create no rights in the proposer and such decision shall not be  
1480 subject to protest or appeal.

1481 (g) Nothing contained herein shall limit or divest the Board of its authority pursuant to  
1482 F.S. Ch. 125, Pt. IV, as referenced in Section 2-51 of this Procurement/Purchasing Code.

1483 **Sec. 2-63. – Indexing of the Approval Authority Amount.**

1484 Every three (3) years, beginning January 1, 2028, the approval authority of three hundred  
1485 thousand dollars (\$300,000), as specified in Section 2-53 hereof, shall be adjusted by the  
1486 percentage change in the Engineering News-Record's Building Cost Index from January  
1487 1, 2025, to January 1 of the year in which the adjustment is scheduled to begin. The Director  
1488 of Procurement, in consultation with the Director, Facilities Development and Operations,  
1489 is responsible for calculating and publishing the adjusted amount every three (3) years.

1490 **Secs. 2-5964—2-70. - Reserved.**

1491 **Article 2. REPEAL OF LAWS AND ORDINANCES IN CONFLICT:**

1492 All local laws and ordinances in conflict with any provision of this Ordinance  
1493 are hereby repealed to the extent of any such conflict.

1494 **Article 3. SEVERABILITY:**

1495 If any provision, article, paragraph, sentence, clause, phrase, or work of this  
1496 Ordinance is for any reason held by a court to be unconstitutional, inoperative, or  
1497 void, such holding shall not affect the remainder of this Ordinance.

1498 **Article 4. CAPTIONS:**

1499 The captions, sections headings, and section designations used in this  
1500 Ordinance are for convenience only and shall have no effect on the interpretation of  
1501 the provisions of this Ordinance.

1502 **Article 5. SAVINGS CLAUSE:**

1503 Notwithstanding anything to the contrary, all provisions of the Palm Beach  
1504 County Ordinance No. 2005-062, as amended by Ordinance No. 2008-009,  
1505 Ordinance No. 2010-010, Ordinance No. 2015-004 and Ordinance No. 2018-022,  
1506 which are codified in Sections 2-51 through 2-58 of the Palm Beach County Code,  
1507 are specifically preserved and remain in full force and effect for the limited purpose  
1508 of enforcing any alleged violations of said Code which occurred prior to its repeal or  
1509 amendment.

1510 **Article 6. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

1511 The provisions of this Ordinance shall become and be made a part of the Code  
1512 of Laws and Ordinances of Palm Beach County, Florida. The articles and sections of  
1513 this Ordinance may be renumbered or relettered to accomplish such, and the word  
1514 "Ordinance" may be changed to "Section", "Article", or other appropriate word.

1515 **Article 7. EFFECTIVE DATE:**

1516 The provisions of this Ordinance shall become effective one hundred  
1517 and eighty (180) days after filing with the Department of State.

1518 APPROVED and ADOPTED by the Board of County Commissioners of Palm  
1519 Beach County, Florida, on this the \_\_\_\_ day of \_\_\_\_\_, 2024.

1520

1521 JOSEPH ABRUZZO PALM BEACH COUNTY, FLORIDA, BY ITS  
1522 CLERK & COMPTROLLER BOARD OF COUNTY COMMISSIONERS

1523

1524 By: \_\_\_\_\_ By: \_\_\_\_\_  
1525 Deputy Clerk , Mayor

1526

1527 APPROVED AS TO  
1528 LEGAL SUFFICIENCY

1529

1530 By: \_\_\_\_\_  
1531 Assistant County Attorney

1532

1533 EFFECTIVE DATE: Filed with the Department of State on the \_\_\_\_ day of  
1534 \_\_\_\_\_,  
1535 \_\_\_\_\_, 2024.