



Book: Local Policies for Update

Section: Vol. 24, No. 1, July 2023

Title: Revised Policy - Vol. 24, No. 1, July 2024 - VENDOR PREFERENCE

Number: po6320.01

Revised Policy - Vol. 24, No. 1

6320.01 - VENDOR PREFERENCE

Responsibilities

The Superintendent shall be responsible for the procurement of supplies, materials, equipment, and services paid for from School Board funds.

Purchase Order Required for Other than Construction, Remodeling, and Renovation

Each purchase shall be based upon a request originating from the principal or department head where the product is used, except in extreme emergencies, when the Chief Business Officer may grant permission for such purchases. Each emergency purchase shall be followed immediately with a purchase order. Each request, or agreement/contract, shall be properly financed, budgeted, and encumbered prior to the issuing of a purchase order. The payment of an unauthorized purchase shall be the sole responsibility of the person placing the order.

Personal Purchases and Commercial Services

No employee or school official of the Board shall be permitted to use bid prices or school prices or receive any preferential treatment in the making of personal purchases.

Bidding

It is the policy of the Board that the Superintendent shall be responsible for estimating needs for items in common use and making quantity purchases. All items, or group of related items that cost in excess of the amount defined in F.A.C. 6A-1.012(6), shall be purchased based on competitive bids, except as otherwise authorized by Florida statutes and/or Florida Administrative Code.

The Board shall give consideration to prices established by the State of Florida Department of Management Services, Division of Purchasing through its contracts and negotiated agreement price schedules. The Board shall also give consideration to prices established by cooperative agreements, educational consortiums, and other government agencies. The Board is not required to request bids for purchases made from Federal General Services Administration contracts.

The Board will not request documentation of or consider a vendor's social, political, or ideological interests. Nor will the Board give preference to a vendor based on the vendor's social, political, or ideological interests.

Bidding and contracting for construction, remodeling, and renovation shall comply with all applicable provisions of the most recent version of the State Requirements for Educational Facilities (SREF).

Bid Protest

A bidder who wishes to file a bid protest, must file such notice and follow procedures prescribed by F.S. 120.57(3), for resolution. For bids solicited by the procurement department, the notice must be filed with the General Manager of Procurement. For bids solicited by the facilities department, the notice must be filed with the Chief Facilities Officer.

Any person who files an action protesting a decision or intended decision pertaining to a bid pursuant to F.S. 120.57(3) (b), shall post at the time of filing the formal written protest, a bond payable to the Board in an amount as defined by Florida statute. The bond shall be conditioned upon the payment of all costs which may be adjudged against the protester in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. If, after completion of the administrative hearing process and any appellate court proceedings, the District prevails, it shall recover all costs and charges, which shall be included in the final order or judgment, including charges made by the Division of Administrative Hearings, but excluding attorney's fees. If the protester prevails, s/he shall recover from the District all costs and

charges which shall be included in the final order of judgment, excluding attorney's fees.

Failure to file a notice of intent to protest, or failure to file a formal written protest within the time prescribed in section F.S. 120.57(3), shall constitute a waiver of proceedings under F.S. Chapter 120.

Bonds

Bids for construction, remodeling, and renovation of District facilities must be accompanied by a bid security meeting the following requirements, for bids \$200,000 or greater:

Bid security shall be a certified check, cashier's check, Treasurer's check, bank draft, or bid bond acceptable to the Board in a form and manner that is acceptable to the Board.

Should the accepted bidder refuse to enter into the contract or fail to furnish performance and materials and payment bonds, the amount of the bid security may be forfeited to the District.

For construction projects costing \$200,000 or more, the accepted bidder must deliver performance and payment bonds equal to the contract price, no later than the date of execution of the contract or the first request for payment under the contract, whichever is first. Bonds must be issued by surety companies admitted to do business in the State of Florida and listed in the Federal Register of the U.S. Department of Treasury for Surety Companies Acceptable on Federal Bonds.

In order to encourage participation in construction, remodeling, and renovation projects by small, woman-owned, and minority-owned businesses, no bid security or performance or payment bond shall be required for bids in an amount less than \$200,000.00.

Construction Project Advertising

Invitations to bid shall be mailed or delivered to no fewer than three (3) prospective bidders, or distributed to area plan rooms. **Any solicitation for the procurement of commodities, contractual services, or leases will include a provision notifying vendors that the Board will not request documentation of, consider, or give a preference based on, the vendor's social, political, or ideological interests.**

Construction Contracts

Standard contract documents shall be used on all construction projects. The standard contract documents shall set forth the manner in which contractors shall be paid.

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Legal References

F.S. 1001.43

F.S. 1010.04

F.S. 1013.45

F.A.C. 6A-1.012

F.A.C. 6A-2.0010



Book: Local Policies for Update

Section: Vol. 24, No. 1, July 2023

Title: Revised Policy - Vol. 24, No. 1, July 2023 - PURCHASING AND CONTRACTING FOR
COMMODITIES AND CONTRACTUAL SERVICES

Number: po6320

Revised Policy - Vol. 24, No. 1

6320 - PURCHASING AND CONTRACTING FOR COMMODITIES AND CONTRACTUAL SERVICES

Any School Board employee who has purchasing authority shall consider first the interests of the Board in all purchases and seek to obtain the maximum value for each dollar expended; not solicit or accept any gifts or gratuities from present or potential suppliers which might influence or appear to influence purchasing decisions; and refrain from any private business or professional activity that might present a conflict of interest in making purchasing decisions on behalf of the Board.

No person, unless authorized to do so under this policy, may make any purchase or enter into any contract involving the use of school funds. The Board will not approve any expenditure for an unauthorized purchase or contract.

Purchases may be made through an online procurement system, an electronic auction service, or other efficient procurement tool.

Scope

This policy shall generally apply to the District's purchase of commodities and contractual services, except it shall not apply to:

employment contracts;

acquisition of architectural, engineering, landscape architectural, construction management at risk, registered surveying and mapping, or other services pursuant to Policy 6330 - Acquisition of Professional Architectural, Engineering, Landscape Architectural, or Land Surveying Services;

acquisition of auditing services pursuant to F.S. 218.391;

acquisition of professional consultant services, including but not limited to services of lawyers, accountants, financial consultants, and other business or operational consultants, which shall be governed by Policy 6540 - Consultant Agreements;

contracts which are exempted, in whole or in part, from this policy's requirements, as set forth below;

proposals and agreements for public-private partnerships with private entities for qualifying projects pursuant to F.S. 287.057(12).

Definitions

"Competitive solicitation" means purchasing made through the issuance of an invitation to bid, request for proposals and invitation to negotiate. Competitive solicitations are not required for purchases made through the pool purchase provisions of F.S. 1006.27.

"Invitation to bid" means a written or electronic solicitation for competitive sealed bids. The invitation to bid is used when the Board is capable of specifically defining the scope of work for which a contractual service is required or when the Board is capable of establishing precise specifications defining the actual commodity or group of commodities required. A written solicitation includes a solicitation that is publicly posted.

"Invitation to negotiate" means a written or electronically posted solicitation for competitive sealed replies to select one (1) or more vendors with which to commence negotiations for the procurement of commodities or contractual services. The invitation to negotiate is used when the Board determines that negotiations may be necessary for it to receive the best value. A written solicitation includes a solicitation that is publicly posted.

"Proposer" means those vendors submitting bids or responses to a competitive solicitation.

"Request for proposals" means a written or electronically posted solicitation for competitive sealed proposals. The request for proposals is used when it is not practicable for the Board to specifically define the scope of work for which the commodity, group of commodities, or contractual service is required and when the Board is requesting that a responsible vendor propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document. A written solicitation includes a solicitation that is publicly posted.

"Superintendent" means the "Superintendent or designee".

"Request for Quotations" means an informal process to solicit three (3) or more price quotes on commodities or contractual services with standard specifications and valued under the threshold requiring formal competitive solicitations. Quotations may be obtained verbally or via facsimile or e-mail.

Standards and Specifications

Before making any purchase of commodities or contractual services which the Superintendent is authorized by the Board to make or before recommending any purchase to the Board, the Superintendent shall, insofar as possible, propose standards and specifications. S/He shall see that the commodities or contractual services conform to those standards and specifications, and shall take such other steps as are necessary to see that the maximum value is being received for any money expended.

Pre-Purchasing Review of Available Purchasing Agreements and State Term Contracts for Nonacademic Commodities and Contractual Services

Before purchasing nonacademic commodities and contractual services, the Board authorizes the Superintendent to review the purchasing agreements and State term contracts available under F.S. 287.056 to determine whether it is in the Board's economic advantage to use the agreements and contracts.

Each bid specification for nonacademic commodities and contractual services must include a statement indicating that the purchasing agreements and State term contracts available under F.S. 287.056 have been

reviewed. The Board may use the cooperative State purchasing programs managed through the regional consortium service organizations pursuant to F.S. 1001.451. This policy does not apply to services that are eligible for reimbursement under the Federal E-rate program administered by the Universal Service Administrative Company.

Competitive Solicitation Requirements for Commodities and Contractual Services Other Than Construction Contracting

Except as authorized by law or policy, competitive solicitations shall be requested from three (3) or more sources for the purchase of any authorized commodities or contractual services in an amount greater than

\$50,000.00.

\$ _____.

[NOTE: The Board may set a threshold less than the \$50,000.00 established in State Board rule.]

The procurement of commodities or contractual services may not be divided so as to avoid this monetary threshold requirement.

Bid Solicitation

The Superintendent is authorized to issue invitations for bids. Any solicitation for the procurement of commodities, contractual services or leases must include a provision notifying vendors that the Board will not request documentation of, consider, or give any preference based on, the vendor's social, political, or ideological interests.

Bid Publication

Notice of the invitation for bids or requests for proposals shall be published at least once in a newspaper of general circulation within the District or on the publicly accessible District website and may be otherwise issued electronically, direct delivery, or other means which are appropriate under the circumstances. The

required bid return date is to be announced at the time of the bid offering and shall not be less than five (5) working days from the bid offering date.

All advertisements and public notices published on a website as provided in F.S. Chapter 50 must be in a searchable form and indicate the date on which the advertisement or public notice first appeared on the website.

Bid Responses

The invitations to bid must be responded to by three (3) or more qualified vendors/bidders. Exceptions must be approved by the Board.

Bid Opening

Bids will be opened in the office designated in the bid advertisement with the Superintendent's designee and at least one (1) other District employee present.

Bid Rejection

The Board may reject any or all bids and request new bids.

Bid Award

In acceptance of responses to invitations to bid, the Board may accept the proposal of the lowest responsive, responsible proposer. The Board may also choose to award contracts to the lowest responsive, responsible bidder as the primary awardee of a contract and to the next lowest responsive, responsible bidder(s) as alternate awardees, from whom commodities or contractual services would be purchased, should the primary awardee become unable to provide all of the commodities or contractual services required by the Board during the term of the contract. Nothing herein is meant to prevent multiple awards to the lowest responsive and responsible bidders, when such multiple awards are clearly stated in the bid solicitation documents.

Bidder/Vendor Qualifications

For a bidder to be considered responsive, the proposal must respond to all bid specifications in all material respects and contain no irregularities or deviations from the bid specifications which would affect the amount of the bid or otherwise provide a competitive advantage.

For a bidder to be deemed responsible, the Board may request evidence from the bidder concerning:

- () the experience (type of product or service being purchased, etc.) of the bidder;
- () the financial condition;
- () the conduct and performance on previous contracts (with the District or other agencies);
- () the bidder's facilities;
- () management skills;
- () the ability to execute the contract properly;
- () a signed affidavit ensuring that neither the bidder nor any subcontractor has entered into an agreement with any labor organization regarding the public improvement project.

The Board will not request documentation of or consider a vendor's social, political, or ideological interests when determining if the vendor is a responsible vendor. Nor will the Board give any preference to a vendor based on the vendor's social, political, or ideological interests.

Award of a bid by the Board shall only represent an indication by the Board that a bid represents the lowest responsive bid from a responsible and responsive bidder meeting the requirements and criteria set forth in the invitation to bid. Award of a bid shall not create a binding obligation on the Board, and no obligation shall be created or imposed on the District until such time as the Board Chair/designee executes a contract.

() [OPTIONAL]

Identical/Tie Low Bids

When identical low bids are received from an out-of-District vendor and a local vendor, the local vendor shall be recommended for award. The term "local vendor" means a vendor who has an established business presence in the District indicated by the following:

Has a physical business location within the District for at least six (6) months immediately prior to issuance of the competitive solicitation.

Provides customer access at the business location.

Holds any required business license through a jurisdiction in the District.

Employs one (1) full-time or two (2) part-time employees in the District, or if the business has no employees, is at least fifty percent (50%) owned by one (1) or more persons whose primary residence(s) is located within the District.

When two (2) or more local vendors present tie low bids on the same items, the company receiving the larger dollar award of the total bid shall be recommended for tie items.

In the event two (2) or more local vendors present exact tie low bids and the dollar award is not a criterion, the successful bidder shall be selected by applying the following criteria in order:

drug-free workplace program in accordance with Florida law

minority business enterprise (MBE) certified by the State of Florida Office of Supplier Diversity

veteran business enterprise, certified by the State of Florida Department of Management Services

by lot or other method the Board may select

When two (2) out-of-District vendors submit identical low bids, the criteria noted above shall be used to determine the successful bidder.

[END OF OPTION]

() [OPTIONAL]

Vendor Preference For Certified Veteran Business Enterprises

As authorized by F.S. 295.187, "The Florida Veteran Business Enterprise Act", the Board shall provide a vendor preference in favor of certified veteran business enterprises.

The certification of a veteran business enterprise shall be granted by the Department of Management Services, with the assistance of the Department of Veterans' Affairs, as required by State law.

When two (2) or more bids, proposals or replies for procurement of commodities or contractual services, which are equal with respect to all relevant considerations, including price, quality, and service, are submitted and at least one (1) is from a certified veteran business enterprise, priority for award shall be given to the certified veteran business enterprise as defined by F.S. 295.187. In the event two (2) or more certified veteran business enterprises are entitled to the preference, then the award shall be given to the business having the smallest net worth.

To the extent that this provision is inconsistent with the provisions of this or any other Board policy, this provision shall prevail.

[END OF OPTION]

Exception to Competitive Bidding Requirements

Notwithstanding anything in this policy to the contrary, the Board may make certain purchases without the requirement for competitive solicitations, under the following conditions:

In lieu of requesting competitive solicitations from three (3) or more sources, the Board may make purchases at or below the unit prices in contracts awarded by other Federal, State, city or county governmental agencies, other school boards, community colleges, or State university system cooperative bid agreements when the proposer awarded a contract by another entity will permit purchases by the Board at the same terms, conditions, and unit prices (or below such prices) awarded in such contract, and such purchases are to the economic advantage of the Board.

[Note: The following are optional under F.A.C. 6A-1.012(2)]

() The Superintendent is authorized to purchase commodities and contractual services where the total amount does not exceed \$_____ and does not exceed the applicable appropriation in the budget.

() The Superintendent is authorized to purchase commodities and contractual services under the Department of Management Services State term contracts.

[END OF OPTION]

Competitive solicitations are not required for pool purchases made as provided in F.S. 1006.27.

The State Board has waived the requirement for requesting competitive solicitations from three (3) or more sources for purchases by the Board of:

Professional services which shall include, without limitation, artistic services; academic program reviews; lectures by individuals; auditing services not subject to F.S. 218.391; legal services, including attorney, paralegal, expert witness, court reporting, appraisal or mediator services; and health services involving examination, diagnosis, treatment, prevention, medical consultation or administration; provided nothing herein shall be deemed to authorize the superintendent to acquire professional consultant services without Board approval as required by Board Policy 6540;

Educational services and any type of copyrighted materials including, without limitation, educational tests, textbooks, printed instructional materials, computer software, films, filmstrips, videotapes, DVDs, disc or tape recordings, digital recordings, or similar audio-visual materials, and for library and reference books, and

printed library cards where such materials are purchased directly from the producer or publisher, the owner of the copyright, an exclusive agent within the state, a governmental agency or a recognized educational institution;

Commodities and contractual services when:

competitive solicitations have been requested in the manner prescribed by this policy; and

the Board has made a finding that no valid or acceptable firm proposal has been received within the prescribed time.

When such a finding has been officially made, the Board may enter into negotiations with suppliers of such commodities and contractual services and may execute contracts with such vendors under whatever terms and conditions as the Board determines to be in its best interests.

Commodities and contractual services when fewer than two (2) responsive proposals are received. The Board may then negotiate on the best terms and conditions or decide to reject all proposals. The Board will document the reasons that negotiating terms and conditions with the sole proposer is in the best interest of the District in lieu of re-soliciting proposals.

Information technology resources, whether by purchase, lease, lease with option to purchase, rental, or otherwise as defined in F.S. 282.0041(19), may be acquired by competitive solicitation or by direct negotiation and contract with a vendor or supplier, as best fits the needs of the District as determined by the Board.

Purchases of insurance, risk management programs, or contracting with third party administrators for insurance-related services may be through competitive solicitation or by direct negotiation and contract with a vendor or supplier.

The Board may dispense with requirements for competitive solicitation for the emergency purchase of commodities or contractual services when the Superintendent determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the District requires emergency

action. After the Superintendent makes such a written determination, the Board may proceed with the procurement of commodities or contractual services necessitated by the immediate danger, without requesting competitive solicitations. However, such an emergency purchase shall be made by obtaining pricing information from at least two (2) prospective vendors, which must be retained in the contract file, unless the Superintendent determines in writing that the time required to obtain pricing information will increase the immediate danger to the public health, safety, or welfare or other substantial loss to the District.

Commodities or contractual services available only from a single source may be exempted from the competitive solicitation requirements. When the Board believes that commodities or contractual services are available only from a single source, the Board will electronically post a description of the commodities or contractual services sought for a period of at least seven (7) business days. The description will include a request that prospective vendors provide information about their ability to supply the commodities or contractual services described. If it is determined in writing by the Board, after reviewing any information received from prospective vendors, that the commodities or contractual services are available only from a single source, the Board shall provide notice of its intended decision to enter a single source contract in the manner specified in Policy 6326 - Bid Protests, and may negotiate on the best terms and conditions with the single source vendor.

The Board may make purchases of construction project materials directly from vendors, on behalf of the awarded construction contractor/manager, to take advantage of the District's "sales tax" exempt status.

A contract for commodities or contractual services may be awarded without competitive solicitations if State or Federal law, a grant or a State or Federal agency contract prescribes with whom the Board must contract or if the rate of payment is established during the appropriations process.

A contract for regulated utilities or government franchised services may be awarded without competitive solicitations.

Contract

Each Board contract for services must include a provision that requires the contractor to comply with public records laws, specifically to:

keep and maintain public records that ordinarily and necessarily would be required by the Board in order to perform the service under the contract;

provide the public with access to its public records on the same terms and conditions as the Board would provide the records, and at a cost that does not exceed the cost provided in Policy 8310 - Public Records;

ensure that any of its public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed, except as authorized by law;

meet all requirements for retaining public record and, upon termination of the contract, transfer to the Board, at no cost, all public records in its possession and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the Board in a format that is compatible with the Board's information technology systems;

the contractor shall furnish a copy of any public records request or request for records in any way relating to the District, immediately upon receipt to the District's Director of Purchasing.

Each contract must also include the following statement, in substantially the following form, identifying the contact information of the District's custodian of public records in at least fourteen (14) point boldface type: "IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF F.S. CHAPTER 119 TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT _____. (Insert District's custodian of public records telephone number, e-mail address, and mailing address)".

[NOTE: The Board may set a threshold between zero and the \$50,000.00 established in State Board rule.]

Contracts shall be approved and executed as follows:

Superintendent/Designee Authority

The Superintendent is authorized to approve and execute contracts on behalf of the District involving expenditure of public funds in an amount no greater than \$_____, so long as the obligation created does not exceed the applicable appropriation within the District budget and the contract is otherwise in compliance with applicable District procedures, policies, and law. For purposes of this policy, any group of contracts purchase orders to the same provider which are connected in terms of time, location and services such that a reasonable person would view them as a single contract shall be deemed to be a single contract. The Superintendent shall not divide the procurement of commodities or contractual services so as to avoid the monetary cap imposed by this policy. Designations of contracting authority by the Superintendent shall be in writing and shall specify the maximum obligation permitted up to \$_____.

Emergency Purchases

Notwithstanding the general limit on the Superintendent's authority to enter into contracts involving expenditure of public funds in an amount no greater than \$_____, the Superintendent is authorized to approve and execute contracts on behalf of the District involving expenditure of public funds in an amount greater than \$_____ when the Superintendent determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the School District requires emergency action.

Board Approval

Except as expressly provided herein, the Board shall approve and execute all contracts on behalf of the District involving expenditure of public funds in an amount greater than \$_____.

Purchase Order Approval

Bids/Exceptions

The Superintendent is authorized to issue purchase orders in accordance with bids awarded pursuant to below without further action of the Board so long as the obligation created does not exceed the applicable appropriation within the District budget. The Superintendent shall inform the Board of the approval of all purchase orders greater than \$10,000, as soon as reasonably possible by a written report issued to the Board at a public meeting. This paragraph shall not be construed to require Board approval of purchase

orders.

Contracts

The approval of a contract in accordance with this policy authorizes the Superintendent to approve and issue any purchase order required to fulfill the District's obligation under the approved contract without further action of the Board. The Superintendent shall inform the Board of the contract(s); and

a recent record of failure to perform, or of unsatisfactory performance, in accordance with the terms of one (1) or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment

refutation of an offer by failure to provide bonds, insurance or other required certificates within the time period as specified in bid/RFP response

refusal to accept a purchase order, agreement, or contract, or to perform thereon, provided such order was issued timely and in conformance with the offer received

presence of principals or corporate officers in the business of concern who were principals within another business at the time when the other business was suspended within the last three (3) years under the provisions of this section

violation of the ethical standards set forth in State law

providing or offering to provide anything of value, including, but not limited to, a gift, loan, reward, promise of future employment, favor or service to any employee to influence the award of contract or purchase items from a contractor

existence of unresolved disputes between the contractor and the District arising out of or relating to prior contracts between the District and the contractor, work performed by the contractor, or services or products delivered

any other cause the Director of Purchasing determines to be so serious and compelling as to affect credibility as a District vendor, including debarment by another governmental entity for any cause listed in this policy

Notice of Recommended Decision

The Director of Purchasing or designee shall issue a notice letter that advises the party that it is debarred or suspended. The letter shall:

state the reason(s) for the action taken; and

inform the vendor of its right to petition the Board for reconsideration.

Right to Request a Hearing

Any person who is dissatisfied or aggrieved with the notification of the determination to debar or suspend must, within ten (10) calendar days of such notification, appeal such determination to the Board.

Hearing Date

The Board shall schedule a hearing at which time the person shall be given the opportunity to demonstrate why the debarment/suspension by the Director of Purchasing should be overturned. All parties shall be given notice of the hearing date.

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Legal References

F.S. 50.0311

F.S. 119.0701

F.S. 255.05

F.S. 255.0516

F.S. 255.0518

F.S. 282.0041

F.S. 287.056

F.S. 287.084

F.S. 287.087

F.S. 287.132

F.S. 287.133

F.S. 295.187

F.S. 1001.43

F.S. 1001.451

F.S. 1010.04

F.S. 1010.07(2)

F.S. 1010.48

F.A.C. 6A-1.012, Purchasing Policies

F.A.C. 5P-1.003, Responsibilities for the School Food Service Program



Book: Local Policies for Update

Section: Vol. 24, No. 1, July 2023

Title: Revised Policy - Vol. 24, No. 1, July 2023 - CONSTRUCTION CONTRACTING AND BIDDING

Number: po6322

Revised Policy - Vol. 24, No. 1

6322 - CONSTRUCTION CONTRACTING AND BIDDING

All school construction bids shall be the responsibility of the Superintendent. Bidding and contracting for construction, remodeling, and renovation shall comply with all applicable provisions of the most recent version of the State Requirements for Educational Facilities (SREF).

This policy shall generally apply to contracts for construction projects that shall be funded with capital outlay funds or capital grants that relate to new construction, additions, remodeling, renovations, maintenance, or repairs to existing facilities.

This policy shall not apply to the acquisition of architectural, engineering, landscape architectural, construction management at-risk, design-build, total program management, or surveying and mapping services, which shall be acquired pursuant to Policy 6330 - Acquisition of Professional Architectural, Engineering, Landscape Architectural or Land Surveying Services.

The School Board may contract for construction of new facilities, or for additions, remodeling, renovation, maintenance, or repairs to existing facilities, through means including, but not be limited to:

competitive bids;

design-build pursuant to F.S. 287.055;

selecting a construction management entity, pursuant to F.S. 255.103 or 287.055, that would be responsible for all scheduling and coordination of both the design and construction phases and would be responsible for the successful, timely, and economical completion of the construction project;

selecting a program management entity, pursuant to F.S. 255.103 or 287.055, that would act as the agent of the Board and would be responsible for schedule control, cost control, and coordination in providing or procuring planning, design, and construction services;

proposals to enter into a public-private partnership with a private entity for the acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, or operation of a qualifying project pursuant to F.S. 255.065;

The Superintendent shall be responsible for submitting proposed public-private partnership agreements to the Board for consideration, including unsolicited proposals from private entities. The Board shall evaluate and consider all proposed public-private partnership agreements pursuant to the guidelines set forth in F.S. 255.065.

day-labor contracts not exceeding \$280,000 for construction, renovation, remodeling, or maintenance of existing facilities.

Beginning January 2009, this amount shall be adjusted annually based upon changes in the Consumer Price Index.

For purposes of this policy, "day-labor contract" means a project constructed using persons employed directly by the Board or by contracted labor.

Bonds

For Projects Costing Less than \$200,000

In order to encourage participation in construction, remodeling, and renovation projects by small, woman-

owned, and minority-owned businesses, no bid security or performance or payment bond shall be required for bids in an amount less than \$200,000, unless it is determined necessary by the Superintendent. If bonds are required, the information will be specified in the project documentation and the provisions of subsection B below will apply.

For Projects Costing \$200,000 or Greater

Bonds may be required as specified in the bids for construction, remodeling, and renovation of District facilities must be accompanied by a bid security meeting the following requirements, for bids \$200,000 or greater:

Bid security shall be a certified check, cashier's check, Treasurer's check, bank draft, or bid bond acceptable to the Board in a form and manner that is acceptable to the Board.

Should the accepted bidder refuse to enter into the contract or fail to furnish performance and materials and payment bonds, the amount of the bid security may be forfeited to the District.

The accepted bidder must deliver performance and payment bonds equal to the contract price, no later than the date of execution of the contract or the first request for payment under the contract, whichever is first. Bonds must be issued by surety companies admitted to do business in the State of Florida and listed in the Federal Register of the U.S. Department of Treasury for Surety Companies Acceptable on Federal Bonds.

Notice and Terms

The Superintendent or designee shall be responsible for preparing the legal notice for bids and shall determine that such notice meets the requirements of Florida statutes and State Board of Education Rules and contains the information needed by the prospective bidders, to include the following:

date, time, and place relating to submitting of bids;

procedures for presenting bids;

conditions and terms for receiving bids;

procedures to be followed in the opening and presenting bids to the Board; and

conditions for awarding contracts based on bids.

These provisions shall be followed for construction bids:

The bid time and date shall be established by the Superintendent or designee.

Bids by telegram or facsimile shall not be accepted nor shall any other type of bid be accepted which cannot be classified as a sealed bid. Bids received by mail shall be stamped with the time and date received by the District office.

Bids shall be opened at the designated time in the invitation to bid. At the designated time, the person presiding shall inquire if all bids have been received; no other bids shall be accepted and no bid may be withdrawn after the deadline. Negligence on the part of the bidder in preparing the bid shall confer no right for withdrawal after the designated time for the opening of bids.

All bids shall be opened, read aloud, and recorded.

Unless all bids are rejected by the Board for valid reasons, the contract shall be awarded to the lowest responsible bidder meeting all requirements and specifications.

The specifications for construction bids may not be written to limit any purchase of systems or materials to a specific brand or a single course of supply, unless the Board, after consideration of all available alternative materials and systems, determines that the specifications of a sole material or system is justifiable.

Any solicitation for the procurement of commodities, contractual services, or leases will include a provision notifying vendors that the Board will not request documentation of, consider, or give a preference based on, the vendor's social, political, or ideological interests.

All bid requests shall include a notification to bidders that failure to file a bid protest within the time and in the manner prescribed by Florida statutes and Policy 6320 - *Purchasing and Contracting for Commodities and Contractual Services*, shall constitute a waiver of any further right to protest such bid award.

Competitive Solicitation Requirements for Construction Contracting

Contracts governed by this policy shall be approved and executed as set forth below. A "construction project" shall be deemed to include a single contract or group of contracts with the same provider which is directly connected in terms of time, location, or services, such that a reasonable person would consider the services to be provided as a single project.

Construction Projects Involving Expenditures of \$0.00 - \$25,000.00

Contracts for construction projects involving expenditures of \$0.00 - \$25,000.00 shall be approved and executed as follows:

Architect/Engineer Services

Unless otherwise deemed appropriate by the Director of Facilities, contracts governed by this subsection do not require the assistance and services of a registered architect/engineer.

Direct Negotiations Authorized

Unless otherwise deemed appropriate by the Director of Facilities, contracts governed by this subsection do not require solicitation of formal bids. The District may negotiate directly with potential service providers for contracts governed by this subsection. In order to secure the most efficient and effective contracts, the District is encouraged to secure multiple quotes or to negotiate with multiple providers before entering into contracts hereunder.

Construction Projects Involving Expenditures of \$25,000.01 - \$75,000.00

Contracts for construction projects involving expenditures of \$25,000.01 - \$75,000.00 shall be approved and

executed as follows:

Architect/Engineer Services

Unless otherwise deemed appropriate by the Director of Facilities or as otherwise provided in F.S. 481.229 and 1013.45, contracts for which the construction costs is less than \$50,000 or for the placement or hookup of relocatable educational facilities that conform with standards adopted under F.S. 1013.37 do not require the assistance and services of a registered architect/engineer. Contracts for which the construction cost exceeds \$50,000 shall require the assistance and services of a registered architect/engineer.

Three (3) Quotations Required

Unless otherwise deemed appropriate by the Director of Facilities, contracts governed by this subsection do not require solicitation of formal bids. The District may approve and enter into contracts governed by this subsection after securing three (3) written quotes and conducting any further negotiations that may be deemed appropriate, the Superintendent shall recommend that the Board approve a purchase order or execute a contract with the most efficient and effective proposer.

Construction Projects, Other Than Electrical Projects, Involving Expenditures of \$75,000.01 - \$200,000.00

Contracts for construction projects, other than electrical projects, involving expenditures of \$75,000.01 - \$200,000.00 shall be approved and executed as follows:

Architect/Engineer Services

Contracts governed by this subsection shall require the assistance and services of a registered architect/engineer.

Three (3) Quotations Required

Unless otherwise deemed appropriate by the Director of Facilities, contracts governed by this subsection do not require solicitation of formal bids. The District may approve and enter into contracts governed by this

subsection after securing three (3) written quotes from qualified providers. After securing the quotes and conducting any further negotiations that may be deemed appropriate, the Superintendent shall recommend that the Board approve a purchase order or execute a contract with the most efficient and effective proposer.

Electrical Projects Involving Expenditures of \$75,000.01 - \$200,000.00

Contracts for electrical projects involving expenditures of \$75,000.01 - \$200,000.00 shall be approved and executed as follows:

Architect/Engineer Services

Contracts governed by this subsection shall require the assistance and services of a registered architect/engineer.

Bid Solicitation Required

Contracts governed by this subsection shall be advertised in conformance with the procedures outlined in this section.

Legal Notice

The District shall publish notice of projects governed by this section in a local newspaper with general circulation throughout the District for a minimum of once per week for three (3) consecutive weeks with the last publication appearing at least seven (7) days prior to bid opening.

Rejection of Bids/Waiver of Technicalities

The Board reserves the right in its sole discretion to reject all bids and to waive technicalities in any and all bids.

Construction Projects Involving Expenditures in Excess of \$200,000.00

Contracts for projects involving expenditures in excess of \$200,000.00 shall be approved and executed as follows:

Architect/Engineer Services

Contracts governed by this subsection shall require the assistance and services of a registered architect/engineer.

Bid Solicitation Required

Contracts governed by this subsection shall be advertised in conformance with the procedures outlined in this section.

Legal Notice

The District will publish notice of projects governed by this section in a local newspaper with general circulation throughout the District for a minimum of once per week for three (3) consecutive weeks with the last publication appearing at least seven (7) days prior to bid opening.

Rejection of Bids/Waiver of Technicalities

The Board reserves the right in its sole discretion to reject all bids and to waive technicalities in any and all bids.

Construction Projects Involving Fifty Percent (50%) or More State- Appropriated Funds

For a competitive solicitation for construction services in which fifty percent (50%) or more of the cost will be paid from State-appropriated funds which have been appropriated at the time of the competitive solicitation, the Board will not use a policy that provides a preference based upon the contractor's:

maintaining an office or place of business within a particular local jurisdiction;

hiring employees or subcontractors from within a particular local jurisdiction; or

prior payment of local taxes, assessments, or duties within a particular local jurisdiction.

For any such competitive solicitation, the Board will disclose in the solicitation document that any applicable local policy does not include any of the preferences listed above.

Exception to Construction Requirements

The Board may, with a majority vote at a public meeting that begins no earlier than 5 p.m., adopt a resolution to implement one (1) or more of the exceptions to the educational facilities construction requirements described below.

The Board's resolution may propose the implementation of exceptions to requirements of the uniform Statewide building code for the planning and construction of public educational and ancillary plants relating to the following:

Interior non-load bearing walls by approving the use of fire-rated wood stud walls in new construction or remodeling for interior non-load bearing wall assemblies that will not be exposed to water or located in wet areas.

Walkways, roadways, driveways, and parking areas by approving the use of designated, stabilized, and well-drained gravel or grassed student parking areas.

Standards for relocatables used as classroom space by approving construction specifications for installation of relocatable buildings that do not have covered walkways leading to the permanent buildings onsite.

Site lighting by approving construction specifications for site lighting that:

Do not provide for lighting of gravel or grassed auxiliary or student parking areas.

Provide lighting for walkways, roadways, driveways, paved parking lots, exterior stairs, ramps, and walkways

from the exterior of the building to a public walkway through the installation of a timer that is set to provide lighting only during periods when the site is occupied.

Allow lighting for building entrances and exits to be installed with a timer that is set to provide lighting only during periods in which the building is occupied. The minimum illumination level at single-door exits may be reduced to no less than one (1) foot-candle.

Any other provisions that limit the ability of a school to operate in a facility on the same basis as a charter school pursuant to F.S. 1002.33(18) so long as the regional planning council determines that there is sufficient shelter capacity within the District as documented in the Statewide Emergency Shelter Plan.

Opening of Competitive Bids

Notwithstanding F.S. 119.071(1)(b), in any competitive solicitation for construction or repairs on a Board building or facility, the Superintendent will:

open the sealed bid, or the portion of the sealed bid that includes the price submitted, at a public meeting conducted in compliance with F.S. 286.011 and Board Bylaw 0164 - Notice of Meetings, and Bylaw 0168 - Minutes;

announce the name of each bidder and the price submitted in the bid at that meeting; and

make available the name of each bidder and the price submitted in the bid, upon request.

Receipt of Less than Two (2) Responsive Proposals for Commodities and Contractual Services

In the event the Board receives less than the two (2) responsive proposals for commodities and contractual services, the Board may negotiate on the best terms and conditions or decide to reject all proposals. The Board shall document the reasons for the decision to negotiate terms and conditions with the sole proposer in lieu of resoliciting proposals.

Contract Execution

Contracts governed by this policy shall be awarded to the lowest responsive and responsible bidder, considering base bid and accepted alternatives; and be executed pursuant to Policy 6320 - Purchasing and Contracting for Goods and Services. Award of bid by the Board shall only represent an identification by the Board that a bid represents the lowest responsible bid received by the District. Award of bid shall not create a binding obligation on the Board, and no obligation shall be created or imposed on the District until such time as the Board Chair/designee executes a contract in a form satisfactory to the District.

Each Board contract for services must include a provision that requires the contractor to comply with public records laws, specifically to:

keep and maintain public records that ordinarily and necessarily would be required by the Board in order to perform the service under the contract;

provide the public with access to its public records on the same terms and conditions as the Board would provide the records, and at a cost that does not exceed the cost provided in Policy 8310 - Public Records;

ensure that any of its public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed, except as authorized by law;

meet all requirements for retaining public record and, upon termination of the contract, transfer to the Board, at no cost, all public records in its possession and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the Board in a format that is compatible with the Board's information technology systems.

Certified Copy of Recorded Bond

Before commencing the work or before recommencing the work after a default or abandonment, the contractor shall provide to the Board a certified copy of the recorded bond. Notwithstanding the terms of the contract or any other law governing prompt payment for construction services, the Board may not make a payment to the contractor until the contractor has complied with this paragraph. This paragraph applies to contracts entered into on or after October 1, 2012.

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Legal References

F.S. 255.05

F.S. 255.0516

F.S. 255.0518

F.S. 255.065

F.S. 255.0991

F.S. 287.055

F.S. 1001.43

F.S. 1010.04

F.S. 1010.07(2)

F.S. 1010.48

F.S. 1013.385

F.S. 1013.45

F.S. 1013.46

F.S. 1013.47

Purchasing Policies, F.A.C. 6A-1.012

Educational Facilities, F.A.C. 6A-2.0010



Book: Local Policies for Update

Section: Vol. 24, No. 1, July 2023

Title: Revised Policy - Vol. 24, No. 1, July 2023 - PROCUREMENT - FEDERAL GRANTS/FUNDS

Number: po6325

Revised Policy - Vol. 24, No. 1

6325 - PROCUREMENT – FEDERAL GRANTS/FUNDS

Procurement of all supplies, materials, equipment, and services paid for from Federal funds or District matching funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, School Board policies, and administrative procedures.

The Superintendent shall have and use a procurement and contract administration system in accordance with Federal requirements (2 C.F.R. 200.317-.326; 7 C.F.R. 210.21) for the administration and management of Federal grants and Federally-funded programs. The District shall maintain oversight that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of the District's documented general purchasing Policy 6320, AP 6320A, and AP 6325.

All Federally-funded contracts in excess of \$2,000 related to construction, alteration, repairs, painting, decorating, etc. of public buildings or public works must comply with Davis-Bacon and Related Acts prevailing wage requirements.

The District will not request documentation of, consider, or give a preference based on a vendor's social, political, or ideological interests.

[SELECT OPTION 1 OR OPTION 2]

[] OPTION 1

The District shall take affirmative steps to assure that small and minority businesses, women's business enterprises, and labor surplus area firms are used when possible in accordance with 2 C.F.R. 200.321.

OR

[] OPTION 2

The District shall take affirmative steps to assure that small and minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Such diversity outreach efforts shall include:

placing qualified small and minority businesses and women's business enterprises on solicitation lists;

assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources;

dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises;

establishing delivery schedules, where the requirements permits, which encourage participation by small and minority businesses and women's business enterprises;

using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs A through E of this section.

[END OF OPTION]

All District employees, officers, and agents who have purchasing authority shall abide by the standards of conduct covering conflicts of interest and governing the actions of its employees, officers, and agents engaged in the selection, award, and administration of contracts as established in Policy 1129, Policy 3129, and Policy 4129 – *Conflict of Interest*.

The District will avoid acquisition of unnecessary or duplicative items. Additionally, consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. And, where appropriate, an analysis shall be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

To foster greater economy and efficiency, the District may enter into State and local intergovernmental agreements where appropriate for procurement or use of common or shared goods and services.

Competition

All procurement transactions for the acquisition of property or services required under a Federal award paid for from Federal funds or District matching funds shall be conducted in a manner that encourages full and open competition and that is in accordance with good administrative practice and sound business judgment. In order to promote objective contractor performance and eliminate unfair competitive advantage, the District shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals from competition for such procurements.

Some of the situations considered to be restrictive of competition include, but are not limited to, the following:

- unreasonable requirements on firms in order for them to qualify to do business
- unnecessary experience and excessive bonding requirements
- noncompetitive pricing practices between firms or between affiliated companies
- noncompetitive contracts to consultants that are on retainer contracts

organizational conflicts of interest

specification of only a "brand name" product instead of allowing for an "or equal" product to be offered and describing the performance or other relevant requirements of the procurement

any arbitrary action in the procurement process

Further, the District does not use statutorily or administratively imposed State, local, or tribal geographical preferences in the evaluation of bids or proposals, unless (1) an applicable Federal statute expressly mandates or encourages a geographic preference; or (2) the District is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

To the extent that the District uses a pre-qualified list of persons, firms, or products to acquire goods and services that are subject to this policy, the pre-qualified list includes enough qualified sources as to ensure maximum open and free competition. The District allows vendors to apply for consideration to be placed on the list _____ **[insert frequency. see Drafting Note].**

[Drafting Note: The District shall allow vendors not on the pre-qualified list to apply for placement on the list periodically. The District may determine how frequently the pre-qualified list becomes open for new vendors or whether it is open continuously.]

The District shall require that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to provide maximum open and free competition. The District shall not preclude potential bidders from qualifying during the solicitation period.

Solicitation Language (Purchasing Procedures)

The District shall have written procurement procedures that require that all solicitations made pursuant to this policy incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly

restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it shall conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which shall be met by offers shall be clearly stated; and identify all requirements which the offerors shall fulfill and all other factors to be used in evaluating bids or proposals.

Any solicitation for the procurement of commodities, contractual services, or leases will include a provision notifying vendors that the Board will not request documentation of, consider, or give a preference based on the vendor's social, political, or ideological interests.

The Board will not approve any expenditure for an unauthorized purchase or contract.

Procurement Methods

The District shall have and use documented procedures, consistent with the standards described above, for the following methods of procurement:

Informal Procurement Methods

When the value of the procurement for property or services under a Federal award does not exceed the simplified acquisition threshold, or a lower threshold established by the State, formal procurement methods are not required. The District may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the simplified acquisition threshold include:

Micro-purchases

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$_____ (not to exceed \$10,000). To the maximum extent practicable, the District should distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be made without soliciting competitive quotations if Superintendent considers the price to be reasonable based on research, experience, purchase history or other relevant information and documents are filed accordingly. The District shall maintain evidence of this reasonableness in the records of all purchases made by this method.

[] Unless otherwise defined by State or local law, districts are responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of the risk, and its documented procurement procedures. The micro-purchase threshold used by the District shall be authorized or not prohibited under State, local, or tribal laws or regulations. A district which is qualified as a low-risk auditee for the most recent audit (C.F.R. 200.520) may increase the micro-purchase threshold up to \$50,000. An eligible district may self-certify the increased micro-purchase threshold on an annual basis after completing the annual internal institutional risk assessment to identify, mitigate, and manage financial risks. The self-certification, in accordance with 2 C.F.R. 200.334, must include a justification, clear identification of the threshold, and supporting documentation of the qualifications listed above. **[DRAFTING NOTE: The Federal regulation allows for a \$50,000 threshold. While this authority is allowed for an entity qualified as a low-risk auditee, Neola does not suggest its use due to the complexity and subjectivity of the mechanism.]**

Small Purchases

Small purchases include the acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold of \$_____ **[not to exceed \$50,000]**. Small purchase procedures require that price or rate quotations shall be obtained from () _____ () **an adequate number of** qualified sources. **[Drafting Note: Unless the pass-through entity or State law defines the number of quotes required, the District may define in policy how many quotations are adequate. The number must be greater than one (1).]**

Districts are responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk, and its documented procurement procedures which must not exceed the

threshold established in the Federal Acquisition Regulations (FAR). When applicable, a lower simplified acquisition threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations.

Formal Procurement Methods

When the value of the procurement for property or services under a Federal award exceeds the simplified acquisition threshold, or a lower threshold established by the State, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement method can be used in accordance with the standards on competition in 200.319 or non-competitive procurement. The formal methods of procurement are:

Sealed Bids

Sealed, competitive bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment which amounts to more than [] \$50,000 [] \$_____ and when the Board determines to build, repair, enlarge, improve, or demolish a school building/facility the cost of which will exceed \$_____. **[NOTE: The Board may set a threshold less than the \$50,000.00 established in State Board rule, however, the amount selected should be consistent with Policy 6320.]**

In order for sealed bidding to be feasible, the following conditions shall be present:

a complete, adequate, and realistic specification or purchase description is available;

two (2) or more responsible bidders are willing and able to compete effectively for the business; and

the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

When sealed bids are used, the following requirements apply:

Bids shall be solicited in accordance with the provisions of State law and Policy 6320. Bids shall be solicited from () _____ () **an adequate number of** qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.

The invitation for bids will include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.

All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.

A firm fixed price contract award will be made in writing to the lowest responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine the low bid when prior experience indicates that such discounts are usually taken.

The Board reserves the right to reject any or all bids for sound documented reason.

Proposals

Procurement by proposals is a method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method. **[Drafting Note: Federal law does not require a competitive proposal unless the procurement is for over \$250,000. The State/District may set a lower threshold for sealed bids and competitive proposals. The Board may set a threshold less than the \$50,000.00 established in State Board rule. (see Policy 6320)]**

If this method is used, the following requirements apply:

Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.

Proposals shall be solicited from an () _____ () **adequate number of** sources.

The District shall use its written method for conducting technical evaluations of the proposals received and for selecting recipients.

Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

All Requests for Proposals (RFPs) and Invitations to Bid (ITBs) shall be opened publicly in accordance with F.S. 287.057.

The District may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services through A/E firms are a potential source to perform the proposed effort.

Noncompetitive Procurement

Procurement by noncompetitive proposals allows for solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

micro-purchases

the item is available only from a single source

the public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation

the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the District

after solicitation of a number of sources, competition is determined to be inadequate

Domestic Preference for Procurement

As appropriate and to the extent consistent with law, the District shall, to the extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. (See 7 C.F.R 210.21(d)). If a non-domestic agricultural product is to be provided, the vendor must obtain written approval of the product to be used in advance. Such requirements shall be included in all subawards including all contracts and purchase orders for work or products under the Federal award.

Contract/Price Analysis

The District shall perform a cost or price analysis in connection with every procurement action in excess of [] \$250,000, [] \$_____ **[DRAFTING NOTE: The Simplified Acquisition Threshold for 2022 is \$250,000 and may be adjusted annually for inflation. The District may set the threshold lower, but not in excess of \$250,000.]** including contract modifications. A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the District shall come to an independent estimate prior to receiving bids or proposals.

When performing a cost analysis, the District shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

Time and Materials Contracts

The District uses a time and materials type contract only (1) after a determination that no other contract is suitable, and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the District is the sum of the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses,

and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, the District sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the District shall assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

Suspension and Debarment

The District will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions shall be made in the best interests of the District and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the District shall consider such factors as (1) contractor integrity; (2) compliance with public policy; (3) record of past performance; and (4) financial and technical resources.

The Superintendent shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts. The District is subject to and shall abide by the nonprocurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 C.F.R. Part 180.

Suspension is an action taken by the District that immediately prohibits a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 C.F.R. chapter 1) for a temporary period, pending completion of an agency investigation and any judicial or administrative proceedings that may ensue. A person so excluded is suspended. (2 C.F.R. Part 180 Subpart G)

Debarment is an action taken by the Superintendent to exclude a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 C.F.R. chapter 1). A person so excluded is debarred. (2 C.F.R. Part 180 Subpart H)

The District shall not subcontract with or award subgrants to any person or company who is debarred or suspended. For contracts over \$25,000, the District shall confirm that the vendor is not debarred or suspended by either checking the Federal government's System for Award Management, which maintains a list of such

debarred or suspended vendors at www.sam.gov; collecting a certification from the vendor; or adding a clause or condition to the covered transaction with that vendor. (2 C.F.R. Part 180 Subpart C)

Maintenance of Procurement Records

The District shall maintain records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection, or rejection, and the basis for the contract price (including a cost or price analysis).

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Legal References

F.S. 287.057

2 C.F.R. 200.317-.326

2 C.F.R. 3485.220

Appendix II to Part 200

2 C.F.R. 200.520

7 C.F.R. 210.21



Book: Local Policies for Update

Section: Vol. 24, No. 1, July 2023

Title: Revised Policy - Vol. 24, No. 1, July 2023 - COOPERATIVE PURCHASING

Number: po6440

Revised Policy - Vol. 24, No. 1

6440 - COOPERATIVE PURCHASING

The School Board recognizes the advantages of centralized purchasing in that volume buying tends to maximize value for each dollar spent.

The Board will enter into an interlocal agreement as provided in F.S. 163.01 for the purpose of establishing a Statewide or regional School District Consortium **or a professional association of employers (as defined in F.S. 624.438)** and maximizing the purchasing power for goods and services.

The Board authorizes the

Board Chairman

Superintendent

to negotiate such interlocal purchasing agreements for services, supplies, and equipment in accordance with State law, the policies of this Board, and the dictates of sound purchasing procedures.

The interlocal purchasing agreement will be approved by the Board and the participating contracting body(ies) and will specify the categories of equipment and supplies to be purchased; the manner of advertising for bids and of awarding contracts; the method of payment by each participating party and such other matters as may be deemed necessary to carry out the purposes of the agreement. Purchases under such an agreement are subject to all legal bidding requirements.

F.S. 624.438

F.S. 1001.42(25)

F.S. 1001.43(2)

F.S. 1010.04

F.A.C. 6A-1.013

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Legal References

F.S. 624.438

F.S. 1001.42(25)

F.S. 1001.43(2)

F.S. 1010.04

F.A.C. 6A-1.013



Book: Local Policies for Update
Section: Vol. 24, No. 1, July 2023
Title: Revised Policy - Vol. 24, No. 1, July 2023 - LOCAL PURCHASING
Number: po6450

Revised Policy - Vol. 24, No. 1

6450 - LOCAL PURCHASING

The School Board recognizes its position as a major purchaser in this community, and while it is the intention of the Board to purchase materials and supplies of quality at the lowest possible cost through widespread competition, if all other considerations are equal, the Board prefers to purchase from businesses located in _____ County "local businesses".

The Superintendent is authorized to approve purchases from local vendors when the amount of the purchase does not exceed the Superintendent's purchasing authority prescribed in Policy 6320 and does not exceed the applicable appropriation in the District budget.

Further, the Superintendent may recommend and the Board may approve the purchase of commodities or contractual services from local vendors for an amount that exceeds the Superintendent's spending authority established in Policy 6320 when the purchase is the result of a competitive solicitation conducted in accordance with law and State Board rule, and Policy 6320.

The Board will not request documentation of, consider or give preference to a vendor based on, the vendor's social, political, or ideological interests.

Preference for Florida Businesses in Awarding Printing Contracts

When awarding a contract to have materials printed, the District shall grant a preference to the lowest

responsible and responsive vendor having a principal place of business in Florida. The preference shall be five percent (5%) if the lowest bid is submitted by a vendor whose principal place of business is located outside of Florida and if the printing can be performed in Florida at a level of quality comparable to that obtainable from the vendor submitting the lowest bid located outside of Florida.

Preference for Florida Businesses in Competitive Solicitations

When the District is required to make purchases of personal property through competitive solicitation and the lowest responsible and responsive bid, proposal, or reply is by a vendor whose principal place of business is in a state or political subdivision thereof which grants a preference for the purchase of such personal property to a person whose principal place of business is in such state, then the District shall award a preference to the lowest responsible and responsive vendor having a principal place of business within Florida, which preference is equal to the preference granted by the state or political subdivision thereof in which the lowest responsible and responsive vendor has its principal place of business.

In a competitive solicitation in which the lowest bid is submitted by a vendor whose principal place of business is located outside of Florida and that state does not grant a preference in competitive solicitation to vendors having a principal place of business in that state, the preference to the lowest responsible and responsive vendor having a principal place of business in this Florida shall be five percent (5%).

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Legal References

F.S. 283.35

F.S. 287.084

F.S. 1001.43

F.S. 1010.04

F.A.C. 6A-1.091

F.A.C. 6A-1.012