



# CITY OF GULF BREEZE

## PURCHASING POLICIES & PROCEDURES

**Adopted by Resolution No. 58-2019  
November 18, 2019**

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## **SECTION 1 - AUTHORITY**

Ordinance 17-2019 sets forth the authority for these Purchasing Policies & Procedures (the “Policies”) of the City of Gulf Breeze (the “City”) and all provisions of the Ordinance are incorporated by reference herein. As stated in the Ordinance and in Resolution 58-2019 adopting the Policies, these Policies may be amended and updated from time to time by Resolution duly considered and adopted by the City Council.



## **SECTION 2 - PURPOSE**

These Policies exist to guide and direct officials and employees of the City of Gulf Breeze in their procurement of goods and services for the City. The Policies aim to provide for the uniform, fair and equitable treatment of all persons involved in public purchasing with the City, to maximize the purchasing value of public funds in procurement, and to provide safeguards for maintaining a procurement system of quality and integrity that complies with all applicable laws and regulations.

The Policies shall apply to all expenditures of public funds for procurement by the City, irrespective of the source of the funds. When the procurement involves the expenditure of grant funds, the procurement will be conducted in accordance with any applicable mandatory laws and regulations of the granting agency, whether or not they are reflected in applicable ordinances or these Policies. Nothing in these Policies shall prevent the City from complying with the terms and conditions of any grant, gift, or bequest which are otherwise consistent with law.

## **SECTION 3 - PURCHASING APPROVAL THRESHOLDS**

For all Purchases by the City, the following thresholds for approval, as established by Ordinance 17-2019, shall apply:

**3.1 Purchases Greater than \$5,000:** All contracts for purchases for construction or materials, except for personal services, obligating the City in an amount in excess of \$5,000 shall be sought through competitive sealed bidding and awarded by the City Council. Procurement of non-professional services estimated to cost in excess of \$5,000 shall also be sought through an appropriate competitive process and awarded by the City Council.

**3.2 Purchases Greater than \$1,000 and Not Greater than \$5,000:** Competitive quotes shall be obtained for purchases obligating the City in an amount in excess of \$1,000 but not exceeding \$5,000 and may be negotiated and approved by the City Manager.

**3.3 Purchases Not Greater than \$1,000:** All contracts for purchases obligating the City in an amount not exceeding \$1,000 may be approved by the City Manager or as otherwise set forth in these Policies.

## **SECTION 4 - GENERAL PROVISIONS**

**4.1 Procedures Mandatory:** No person shall make any commitment for the purchase and procurement of supplies, materials, or services of any kind on behalf of the City except in accordance with these Policies. Procurement covered by the Policies includes, but is not limited to, the obtaining of any supplies, materials, equipment and/or services for any activities of the City, including construction projects and capital improvement projects.

**4.2 Contract Execution:** The Mayor shall execute all contracts and agreements on behalf of the City unless such authority is delegated to the City Manager by the City Council. No employee of the City, other than the City Manager when authorized by the City Council, shall execute or enter into any contracts or agreements on behalf of the City, other than Purchase Orders as authorized herein.

**4.3 Ethics in Procurement:** Pursuant to Section 112, Part III, Florida Statutes, known as the Florida Code of Ethics for Public Officials and Employees, all City officials, employees, and vendors shall adhere to ethical standards, including the following:

- No official or employee engaging in purchasing for the City may, directly or indirectly, purchase, rent, or lease any supply or service from a business entity of which the employee or the employee's spouse or child is an officer, partner, director, or proprietor or has a material interest. Nor may a public officer or employee, acting in a private capacity, rent, lease, or sell any supply or service to the City by which they are employed.
- No official or employee shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.
- No official or employee shall have or hold any employment or contractual relationship with any business entity or any agency that is doing business with the City, or that will create a continuing or frequently recurring conflict between the official's or employee's private interests and the performance of the official's or employee's public duties.

- No official or employee who participates in decision-making on the approval, disapproval, recommendation, preparation of any part of a purchase request, the content of any specification or procurement standard, rendering of advice, investigation, or auditing, or in any other advisory capacity in the procurement of contractual services shall become or be, while a City employee, the employee of a person contracting with the City.
- No official or employee shall initiate, evaluate, recommend, develop or approve a procurement requisition, contract, purchase order or pay request, directly or indirectly, for any supply or service from a business entity of which the official or employee has or may have a conflict of interest.<sup>1</sup> Should a conflict exist, the official or employee should request that the work be assigned to someone else.

**4.4 Roles and Responsibilities:** The officials listed below shall have the following power and duties with respect to purchasing:

**(a) City Manager:** The City Manager shall be responsible to the City Council for the proper conduct of the City's purchasing activity. To this end, the City Manager shall be empowered to delegate to staff, as outlined herein, duties to implement and enforce the provisions of these Policies.

**(b) Administrative Services Director:** The Administrative Services Director shall, under the direction of the City Manager and in accordance with these Policies, be responsible for the oversight and implementation of all procurement for the City, including the coordination of all acquisitions of materials, commodities, equipment, and services, selection of bidders or respondents, and awarding of purchase orders and contracts to vendors.

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<sup>1</sup> A conflict of interest is defined as a situation, in which an official or employee has, or appears to have, a financial relationship with a vendor, or has a personal relationship with a vendor. A personal relationship includes but is not limited to marriage, family or other close relationship that could reasonably be perceived as a conflict or create an actual conflict of interest. For purposes of this section, "family" includes a father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A financial relationship includes but is not limited to the involvement of the procurement evaluator and the proposer in a current partnership, joint venture, company, or corporation, or any other relationship that could make it appear that the evaluator would obtain a monetary benefit if a favorable evaluation was given.

**(c) Procurement & Logistics Officer:** The Procurement & Logistics Officer shall work, under the direction of the City Manager and the Administrative Services Director, to assist the Administrative Services Director in coordinating with Department Directors and Project Managers seeking procurements, and with the Finance Director, to assure uniform implementation of and compliance with these Policies.

**(d) Department Directors:** Department Directors shall have the responsibility for establishing specifications for the materials, equipment, supplies, or services to be purchased for items in their department budgets. For software or other purchases related to Information Technology, Department Directors should consult with the City's Director of Technology and Innovation, who must approve the purchase. Department Directors shall also have the responsibility to ensure that these Policies are adhered to within their respective departments.

**(e) Finance Director:** The Finance Director is responsible for auditing and financial reporting, and for assuring that accounts reflecting the procurement of goods and services under these Policies follow the regulations set forth in the Government Accounting, Auditing, and Financial Reporting (GAFFR) guidance as prescribed by the Government Finance Officers Association (GFOA). When departments do not have sufficient funds available within the budget for specific procurement, or if projections as prepared by the Finance Director show the funds will not be available for the procurement, the Finance Director shall provide recommendations for budgetary corrections to the City Manager, the Administrative Services Director, the Procurement & Logistics Officer, and the appropriate Department Director, in order to bring forward a remedy to the City Council via budget resolution and amendment as necessary and appropriate.

**(f) City Attorney:** The City Attorney shall provide consultation and advice on solicitations and procurement issues and documents, review and approve all contract documents, terms and conditions, handle negotiations on contract documents, and assist with procurement protests.

**(g) City Clerk:** The City Clerk is the City's designated public records custodian and is responsible for receiving, responding to, and maintaining all public records in compliance with the Florida Public Records Act, Chapter 119, Florida Statutes.

## **4.5 Public Records Law and Records Retention**

(a) **Maintenance of Records:** Purchasing and procurement records shall be maintained, stored, and destroyed according to the rules of the State of Florida and the City of Gulf Breeze. The City Clerk shall work with the Administrative Services Director to assure compliance.

(b) **Adherence to Public Records Act:** With regard to procurement, the City shall adhere to Chapter 119, Florida Statutes, known as the Florida Public Records Act, which requires that all documents, papers, records, and similar material, whether hard copy or in electronic form, that are produced or received by a municipality be subject to inspection and copying by any person under reasonable conditions and at reasonable times, under supervision by the City's public records custodian or the custodian's designee. Accordingly, all documents relating to bids, requests for qualifications, requests for proposals, requisitions, and all other documents and materials received and related to procurement by the City shall be a matter of public record and subject to inspection unless specifically exempted by Chapter 119, Florida Statutes.

(c) **Requests for Public Records Related to Procurement:** All requests for records relating to bids, requests for qualifications, requests for proposals, requisitions, and other procurement shall be immediately forwarded to the City Clerk who shall work in conjunction with the Administrative Services Director to respond to the request in accordance with the Public Records Act.

(d) **Public Records Act Exemptions:** Chapter 119.071, Florida Statutes and the following provisions govern exemptions to Public Records Act requirements.

(i) The exemptions set forth in Chapter 119.071, Florida Statutes, pertain to the City's obligation to provide for public inspection of public records and do not affect the requirement that all records be maintained in accordance with applicable records retention policies. The exemptions set forth in Chapter 119 also may be changed by the legislature from time to time. Therefore, the City and City staff cannot regard any document, information, or data as proprietary or confidential and exempt from public records disclosure unless so advised by the City's public records custodian, who, in consultation with the City Attorney if necessary, will determine whether an exemption applies. **For this reason, no employee other than the City's**

**public records custodian or their designee shall handle a public records request related to procurement.**

(ii) As of November, 2019, Chapter 119.071, Florida Statutes, includes the following exemptions to the requirements for inspection of public records related to procurement, which the City's public records custodian will adhere to, along with other provisions and exemptions in the Public Records Act, unless and until changed by the legislature:

- Section 119.071(1)b)(2), Florida Statutes - exemption for sealed bids, proposals, or replies received by an agency pursuant to a competitive solicitation until such time as the agency provides notice of an intended decision or until 30 days after opening of the bids, proposals, or final replies whichever is earlier;
- Section 119.071(1)b)(3), Florida Statutes - exemption for rejected bids, proposals, or replies submitted in response to a competitive solicitation when the City concurrently provides notice of its intent to reissue the competitive solicitation, until such time as the agency provides notice of an intended decision concerning the reissued competitive solicitation or until the agency withdraws the reissued competitive solicitation; a bid, proposal, or reply is not exempt for longer than 12 months after the City's initial notice rejecting all bids, proposals, or replies; and
- Section 119.071(c), Florida Statutes - Any financial statement that the City requires a prospective bidder to submit in order to prequalify for bidding or for responding to a proposal for a road or any other public works project.

**(e) Maintenance of Files for Competitive Sealed Bids, Qualifications, or Proposal Procurement:** Each Invitation to Bid, Request for Qualifications, or Request for Proposal shall be assigned its own, individual number, and date and time of opening. A folder (electronic and/or hard copy), identifying the bid or request name, bid or request number, date of award, whether capital or non-capital, procuring department, and applicable records retention schedule, shall be established by the Administrative Services Director or their designee. All information related to the bid or procurement shall be placed in the electronic and/or hard copy folder, including, but not limited to the following:

(i) Proof of the advertisement announcing the bid or on-line notification;

(ii) The complete Invitation to Bid, Request for Qualifications, or Request for Proposal package, including all attachments and specifications;

(iii) The original bids or responses submitted, without marks, notes, or writing of any kind on the originals (if mark-up is necessary, a copy may be made and used to write on), and for hard copy submissions the stamped envelopes documenting the time and date of receipt of the bid or response;

(iv) Documents relating to evaluation of bids, including certifications of the Finance Director on the availability of funding for the bid amounts;

(v) A copy of the City Council meeting minutes relating to the procurement and any related item if the award is made by the City Council;

(vi) Documents related to the City Manager's award or approval, and staff evaluation, if applicable;

(vii) Copies or electronic documentation of the notice of intent to award and/or opened rejected bids or responses;

(viii) All contract documents and agreements as to terms and conditions;

(ix) Proof of required insurance or other security;

(x) Copies of any required licenses or other documents; and

(xi) Other relevant documentation.

**4.6 Electronic Documentation and/or Hard Copy Forms:** As specified in these Policies, certain information on procurements shall be entered into the City's electronic files and databases, and/or maintained in hard copy form. Submission, circulation, and maintenance of forms shall, at the direction of the Administrative Services Director or their designee, be in hard copy or electronic form, whichever is preferable for the particular procurement.



**(a) Need for Consistent and Complete Documentation:** Those persons responsible for creating and maintaining documentation of procurement activity shall take the steps necessary to ensure that the documentation is consistent and complete. The procurement forms attached hereto in Appendix “A” are examples of forms that may be used for hard copy documentation relating to procurement. Alternatively, the information requested on the forms may be entered into the electronic files and maintained in electronic form. If information comparable to that requested on the hard copy form is entered into an electronic program, with the approval of the Administrative Services Director, use of the hard copy form will not be required. If both electronic and hard copy documentation is used, those tasked with maintaining the records and information shall take the steps necessary to ensure that any duplicative documentation is consistent and complete. The forms, and/or requirements for information to be submitted through hard copy or maintained in electronic form, may be amended from time to time, and added to with the approval of the Administrative Services Director.

**(b) Specific Hard Copy Forms or Electronic Documentation Required:** The following forms or electronic documentation shall be used for the respective procedures:

**(i) Invitation to Bid, Request for Qualifications, or Request for Proposals Initiation and Scheduling Form or Electronic Information:** Following the City Council’s approval of a recommendation to issue an Invitation to Bid, a Request for Qualifications, or a Request for Proposals, an Initiation and Scheduling form along the lines of the form attached hereto as Appendix “A” shall be submitted to the Administrative Services Director or their designee. The form and/or electronic submission shall provide information on the bid or request schedule, including items to be provided for posting on the City’s website, the advertising schedule, any pre-bid or pre-request conference date, time and location if applicable, the deadline for submittals, whether the procurement is capital or non-capital, and such other information as might be required and specified on the form.

**(ii) Requisition Form or Electronic Information:** When required under these Policies, a Requisition Form or electronic Requisition along the lines of the form attached hereto in Appendix “A” shall be submitted to the Administrative Services Director or their designee, who will assign a requisition/purchase number. The form shall provide specific information on a requested purchase, including the name of the department requesting the procurement, the exact number of items requested, a general description of

the items, the legal name of the recommended supplier, the expected price of the purchase, and the source of funding for the purchase, and such other information as might be required and specified on the form.

**(iii) Purchase Order Form or Electronic Information:** A Purchase Order is a legally binding contract that describes the terms and conditions of a purchase. Following the appropriate approval of procurement under these Policies, a Purchase Order shall be issued by the Department Director or their designee using a Purchase Order Form or electronic submission along the lines of the form attached hereto in Appendix “A.” The form shall identify the date of the order, shipping information, shipping date, the name of the vendor, a description of the goods, model numbers, price, quantity, PO number, and any applicable terms and conditions. A copy of the Purchase Order shall be submitted to the Administrative Services Director or their designee, and to the Finance Director or their designee in hard copy or electronically. No purchase order will be issued if available funds have not been budgeted for in accordance with Section 241.141, Florida Statutes.

At the discretion of the Finance Director, certain items of expenditure, such as recurring obligations of the City, may be processed for payment without submission of a purchase order.

**(iv) Emergency Requisition and Emergency Purchase Order Justification Form or Electronic Information** – The next business day following an emergency purchase, or as soon as reasonably possible thereafter, an Emergency Requisition and Emergency Purchase Order Justification Form along the lines of the form attached hereto in Appendix “A” will be submitted in hard copy or electronically by the Department Director or their designee to the Administrative Services Director or their designee. The form or electronic submission shall include the same information as the Requisition Form and Purchase Order Form and shall document in the body of the form or electronic submission (or in an attachment thereto) the need for the emergency purchase.

**(v) Receiving Report Form or Electronic Information:** Upon receipt of all or a portion of the items or services ordered, the procuring department will inspect materials. Following inspection, a hard copy or electronic Receiving Report Form along the lines of the form attached hereto in Appendix “A” will be generated by the appropriate personnel in the procuring department to inform the Department Director that items listed on

the Purchase Order have been received in either complete or partial quantity. The hard copy or electronic Receiving Form will be signed by the person accepting delivery, and submitted to the Administrative Services Director or their designee and to the Finance Director or their designee. Any variation from the Purchase Order in the quantity delivered shall be noted. If the materials or services delivered are not acceptable and therefore rejected, the Department Director shall notify the Administrative Services Director or their designee and the Finance Director or their designee of the reasons for withholding acceptance and therefore payment. The Administrative Services Director or Department Director shall notify the vendor that the delivery is unacceptable and make arrangements to either correct or cancel the order and advise the Finance Director or their designee of this decision. The Receiving Report shall be maintained in the electronic and/or hard copy file for the procurement along with the Purchase Order. Invoices will not be paid until a Receiving Report or notification of receipt of materials is submitted, unless the terms and conditions provide otherwise.

**4.7 Vendors:** The following provisions shall apply to all vendors:

(a) **Setup:** The City Finance Department is responsible for compliance and reporting under IRS regulations and for the preparation of annual tax form 1099(s) to vendors. As such, all new Vendors shall be setup in the accounting system based on information provided by the Vendor on IRS form W-9, and the City's Finance Department shall maintain all documentation and information as required by the IRS and for the preparation of the annual 1099(s) and the annual IRS reporting requirements.

(b) **Invoice Payment:** The City shall pay vendor invoices promptly and as applicable in compliance with the State of Florida Local Government Prompt Payment Act. *See* Section 218.70-218.80, Florida Statutes. The City expects good service and quality from its vendors, and the City, in turn, should pay its vendors in a timely manner. The Finance Director or their designee shall have the right to choose the most advantageous method of payment for all invoices received by the City.

(c) **Preferences:** When selecting a vendor, the following factors shall be considered:

- Whether the respondent has adopted a drug-free workplace policy;
- Whether the vendor is a certified minority business enterprise as defined by Section 287.0943, Florida Statutes; and
- Whether the vendor holds a valid Business Tax Receipt (BTR) issued by the City of Gulf Breeze to do business in the City.

**(d) Disqualification of Bidders/Vendors:** A bidder or vendor may be disqualified by the City Manager temporarily or permanently and their bid(s) or quotes rejected for:

- Poor performance or default, in the City's opinion, on previous contracts with the City;
- Poor performance or default, in the City's opinion, on previous contracts with other public entities;
- Insufficient financial or company size, in the City's opinion, to perform the requirements of the contract.

#### **4.8 Debarment or Suspension of Contractors and Vendors:**

**(a) Reasons for Debarment or Suspension:** Following delivery of notice from the City, a contractor or vendor may be temporarily or permanently barred or suspended by the City Manager from doing business with the City for the following reasons:

- Failure to make delivery as contracted;
- Substitution of other inferior materials or services or materials or services that were not contracted for;
- Failure to make satisfactory adjustments;
- Misstating information submitted to the City;
- Debarment or suspension, whether prior or current, by another government agency (e.g., federal, state).

**(b) Reinstatement:** A contractor who has been permanently debarred may not be reinstated and may not be a subcontractor to another firm having a contract with the City. If a principal or officer of the debarred or suspended contracting firm becomes a principal or officer of another firm, that other firm shall also be debarred or suspended. If a principal, officer, or employee of the debarred or suspended contractor becomes an employee of another firm, the City may require that employee have no part in any work for the City. A contractor who has been temporarily barred or suspended from doing business with the City must appeal to the City to be reinstated.

**(c) Appeals and Remedies:** A contractor or vendor that has been notified of a debarment action may request reconsideration of the decision in writing within five (5) days of receipt of the notice of debarment. The request for reconsideration shall be submitted to the Administrative Services Director, who shall forward the request to the City Manager. The City Manager shall consider the request, and if inclined to reinstate the contractor/vendor, may at the City Manager's discretion, require any or all of the following conditions for reinstatement:

**(i)** Make restitution to the City for any and all losses incurred due to default of the contractor/vendor;

**(ii)** Outline measures taken by the contractor/vendor to eliminate the causes of the default;

**(iii)** Outline the procedures that have been put into place to allow the contractor/vendor to monitor its performance and/or materials to assure the cause for debarment does not reoccur;

**(iv)** Agree to a retention by the City of partial or final payments (or if intrinsic to the contract, a larger retention than called for in the specifications) until the City is completely satisfied with performance of the contract;

**(v)** Post a performance bond in addition to any required by the contract or terms and conditions applicable to the contractor/vendor.

#### **4.9 Procurement Protests:**

**(a) Right to Protest:** Any actual or prospective bidder, RFQ or RFP respondent, or contractor who is aggrieved in connection with an ITB, RFQ or RFP solicitation or award of a contract may protest by submitting a Notice of Protest in writing to the Administrative Services Director. Only a bidder or respondent whose bid or response was timely received and fully complies with all terms and conditions of the ITB, RFQ or RFP may protest an award.

**(b) Timing of Protest:** In order to preserve the right to protest, a protesting party must submit their Notice of Protest to the City's Administrative Services Director within three (3) business days after posting of the ITB, RFQ or RFP solicitation if the grievance is in regards to the solicitation, or within three (3) business days after the posting of the Notice of Intent to award a bid or contract if the grievance is in regards to the award. The protesting party must also submit a formal written protest letter to the City's Administrative Services Director within five (5) business days of filing the Notice of Protest. The right to protest is waived by an aggrieved party if these submittals are not made within the timeframes set forth herein.

**(c) Content of Formal Written Protest Letter:** The formal written protest letter shall state in detail the specific facts and law or ordinance upon which the protest of the proposed award is based, and shall include all pertinent documents and evidence. A written protest may not challenge the relative weight of evaluation criteria or a formula for assigning points.

**(d) Authority to Resolve Protests:** Subject to the procedures set forth herein, the City Manager, or their designee, shall have the authority, to settle and resolve a protest of an aggrieved ITD, RFQ or RFP respondent, or contractor, actual or prospective, concerning the solicitation or award of a contract.

**(e) Decision of the City Manager:** The City Manager shall meet with the protesting party and attempt to reach a mutual agreement to resolve the protest. If the protest is not resolved by mutual agreement, the City Manager or their designee shall promptly issue a decision in writing on resolution of the protest. The City Manager shall cause the decision to be delivered promptly to the protesting party in a manner allowing for verification of receipt. The decision shall state the reasons for the action taken and inform the protesting party of their right to appeal the City Manager's decision to the City Council.

**(f) Appeal to the City Council:** If a protesting party desires to appeal a decision of the City Manager on a procurement protest to the City Council, the protesting party must submit a notice of appeal to the City's Administrative Services Director within three (3) business days after receiving the City Manager's decision. The protesting party must also submit a formal written appeal to the City's Administrative Services Director within five (5) business days of submitting the notice of appeal. The right to appeal is waived by an aggrieved party if these submittals are not made within the timeframes set forth herein.

**(g) Contents of Formal Written Appeal:** The formal written appeal shall state in detail the specific facts and law or ordinance upon which the protest of the proposed award and the appeal of the City Manager's decision is based, and shall include all pertinent documents and evidence.

**(h) City Council Consideration of Appeal:** As soon as reasonably possible after submission of the formal written appeal, the City Council shall convene a quasi-judicial proceeding to consider the appeal. Interested parties with standing may intervene.

**(i) Stay of Procurements During Protests:** In the event of a timely protest under this Section, the City shall not proceed further with the solicitation or with the award of the contract until the protest is resolved or the City Manager makes a written determination that the award of the contract without delay is necessary to protect substantial interests of the City.

**(j) Costs of Protest:** Any and all costs incurred by a protesting party in connection with a procurement protest or appeal shall be the sole responsibility of the protesting party.

## **SECTION 5 - PROCUREMENT METHODS**

### **5.1 Overview of Procurement Methods**

**(a) Competitive Sealed Invitations to Bid (“ITB”)** (See **Section 5.2**): Use of this method is required for procurement of construction or materials and non-professional services, when the estimated cost is \$5,000 or greater. This method is also required for the procurement of non-professional services when the estimated cost is \$5,000 or greater.

**(b) Competitive Sealed Request for Qualifications (“RFQ”)** (See **Section 5.3**): This method is required for the procurement of architectural, engineering, landscape architectural, or surveying and mapping services above the cost thresholds established by Section 287.055, Florida Statutes, (the “Consultants’ Competitive Negotiation Act” or the “CCNA”), which applies to municipalities.<sup>2</sup>

**(c) Competitive Sealed Request for Proposals (“RFP”)** (See **Section 5.4**): This method may be used for the procurement of professional services when another process is not required and the estimated cost is \$5,000 or greater, when the requirements for the services are not fully known, and when the selection criteria include qualitative factors as opposed to just quantitative ones. For example, this method may be used for professional services not covered by the CCNA, such as for brokers, realtors, accountants or attorneys.

**(d) Competitive Quotes** (See **Section 5.5**): This method may be used when seeking quotes for services or commodities when the estimated cost is in excess of \$1,000 but does not exceed \$5,000 and another method of selection is not required. A broker or agent may be used to obtain the quotes.

**(e) Sole Source and Standardization Procurement** (See **Section 5.6**): Sole source or Standardization procurement is exempt from the applicable competitive procurement procedures set forth in these Policies and may be used when the criteria set forth in Section 5.6 are met and the process set forth therein is followed.

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<sup>2</sup> As of November, 2019, under Sections 287.055(3) and 287.017, the thresholds for use of this method are as follows: a) projects with estimated basic construction costs of \$325,000 or over (Category Five); and b) planning or study activity when the fee for professional services exceeds \$35,000 (Category Two).



**(f) Cooperative Purchasing and “Piggyback” Purchasing (See Section 5.7):** Contracts with other governmental entities such as other state agencies, municipalities, cities, counties, authorities, districts, school boards, etc., may be used upon contract review and approval by the City Manager. All contracts must have been competitively obtained and the vendor must agree to the exact terms and conditions specified in the contract.

**(g) Police Department Alternative Purchasing (See Section 5.8):** When appropriate and necessary due to the unique functions of law enforcement, the City Police Department may use alternative purchasing procedures as set forth in Section 5.8 of these Policies.

**(h) Emergency Purchases (See Section 5.9):** Emergency purchases may be made in accordance with these Policies when a threat exists to the public health, welfare, or safety, or if the operation of a City Department would be seriously hampered if immediate action is not taken.

**(i) Purchase Card (“P-Card”) Purchases (See Section 5.10):** This method may be used for purchases under \$2,500 or such other amount as authorized by the City Manager. Employees using the P-Card for such purchases must adhere to the procedures set forth in Section 5.10.

**(j) Petty Cash (See Section 5.11):** The Administrative Services Director is authorized to approve petty cash funds for use by specified departments in compliance with Section 5.11.

**(k) Other:** The methods of procurement set forth herein shall be the principle methods used by the City to meet the purposes set forth in Section 2 of these Policies. The City Council, or the City Manager where authorized, may, in their discretion, choose other competitive procurement methods, such as Invitations to Negotiate (“ITN”), where appropriate for specific circumstances.

[ITB Flow Chart Link](#)

## **5.2 Competitive Sealed Bidding - Invitation to Bid (“ITB”)**

[ITB HYBRID Flow Chart Link](#)

**(a) Requirement to Use:** This method must be used for the procurement of construction or materials obligating the City in an amount in excess of \$5,000.

**(b) Council Approval to Seek Bids:** The first step in this process is for the City Council to consider and approve a recommendation from City staff to seek, in

accordance with these Policies, the submission of written, sealed, formal bids for the procurement of a purchase or services estimated to cost \$5,000 or more.

**(c) Invitation to Bid Package and Scheduling Form or Electronic Information Required:** Following the City Council's approval of a recommendation to seek bids, an Invitation to Bid ("ITB") package will be developed at the direction of the Administrative Services Director by the appropriate Department Director, Project Manager, and/or such other person as the Administrative Services Officer might designate. Those creating the ITB package will work in conjunction with the Procurement & Logistics Officer. The person identified by the Administrative Services Director as responsible for developing the ITB package shall complete and submit to the Administrative Services Director an Initiation and Scheduling Form or electronic entry, including information along the lines of the Initiation and Scheduling Form attached hereto in Appendix "A," providing the bid schedule (including the advertising schedule) and such other information as might be required and specified, which may change from time to time at the direction of the Administrative Services Director.

**(d) Contents of Invitation to Bid Package:** The ITB, along with specifications and pertinent attachments, shall clearly define the items or services needed in order for the bidders to properly respond. The ITB shall at a minimum include the following:

**(i)** Instruction and information to bidders concerning the bid submission requirements, including the method of submission, the time and date set as the deadline for receipt of bids, and as applicable instructions for electronic online submission of bids and/or the address to which hard copies of bid responses are to be delivered, and any other special information;

**(ii)** A description of the purchase or project, specifications, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements as are not included in the purchase description;

**(iii)** The contract terms and conditions, including warranty and bonding or other security requirements, and records retention requirements, as applicable to the particular procurement, and a requirement that the bidder provide with their bid any proposed changes to the contract;

(iv) Information on the date, time and place for a pre-bid conference if one is to be held, and whether attendance at the pre-bid conference is mandatory or non-mandatory;

(v) Instructions on the submission of questions on the ITB and how to receive responses to questions posed by any prospective bidder; and

(vi) Notice that between the deadline for submission of bids and final award of the bid, bidders shall not lobby or otherwise attempt to persuade or influence City Council members, officials, or staff, on decisions to be made relating to the bid, except in public presentations requested by the City.

(e) **Posting and Public Notice Requirements for ITB:** For construction and other appropriate projects, the ITB will be posted online through QUESTCDN, or through another competitive data network or third party bid service, and on the City's website. If an appropriate competitive data network or third party bid service is not available for the particular purchase or service, the ITB will be posted on the City's website and bids will be solicited through other appropriate means. Notification to an adequate number of known suppliers, to pre-selected bid lists, posting in public places, and publication in trade journals and magazines are additional steps that may be used to advertise the ITB and attract competition and responses to the ITB.

**For projects estimated to cost \$25,000 or more, in addition to being posted in QUESTCDN or another appropriate competitive data network and on the City's website, the ITB must be publicly advertised twice, one week apart, in a newspaper of general circulation in Santa Rosa County, at least thirty (30) calendar days preceding the day set for bid opening and at least five (5) calendar days prior to any scheduled pre-bid conference. All advertisements must be in accordance with applicable state and federal guidelines. Proof of publication of the advertisement will be maintained as a part of the bid file.**

If deemed appropriate by the City Manager or Administrative Services Director, a notice may be provided to multiple prospective bidders, informing them of the bid and how to obtain specifications. If grant money is involved, the advertisement will so state, and state that compliance with all applicable grant specifications and with all applicable federal, state, and local laws, rules, and regulations is required.

**(f) Pre-Bid Conferences and Questions on the ITB:**

**(i)** A pre-bid conference may be held, at the discretion of the Administrative Services Director or their designee, to explain any part of the specifications and procurement requirements, and to allow the prospective bidders to ask questions. The appropriate Department Director, in conjunction with the Administrative Services Manager and the Procurement & Logistics Officer or their designee, shall prepare the presentation and materials to be provided at the pre-bid conference, if applicable.

**(ii)** The pre-bid conference may be mandatory or non-mandatory. If mandatory, only those attending shall be allowed to bid. All those in attendance at a pre-bid conference must register their attendance on a sign-in sheet. Pre-bid conferences may be recorded.

**(iii)** A pre-bid conference will be held long enough after the specifications are issued to allow the bidders to become familiar with them, but sufficiently before bid opening to allow consideration of information presented in the conference in preparing the bid. Nothing said in a pre-bid conference will change the specifications unless a written amendment to the specifications is issued through an Addendum to the ITB, which shall be made available to all known prospective bidders and posted online and on the City's website in the same manner as the ITB.

**(iv)** Prospective bidders may submit questions on the ITB through the method or methods identified in the ITB. All questions shall be submitted to the Administrative Services Director or their designee. The ITB may require that all questions be submitted in writing. All written inquiries will be responded to in writing. The ITB will provide instructions to prospective bidders on how they can receive copies of written questions submitted by others and the written responses thereto.

**(v)** All telephone conversations on ITB questions are to be considered unofficial responses and shall not be binding. If any staff person other than the Administrative Services Director or their designee receives an inquiry on the ITB, the inquiry shall be passed on to the Administrative Services Director who shall determine how to handle the response. No information that alone or together with other information might provide an advantage over others shall be provided to a prospective bidder.

(g) **Receipt of Bids:** Bids shall be submitted in accordance with directions set forth in the ITB, which could provide for submission online through QUESTCDN or another appropriate competitive data network, through a third party bid service, or as otherwise specified in the ITB. If the ITB calls for hard copy submittals directly to the City, the bids must be submitted in sealed envelopes labeled in a manner that identifies the ITB, and upon receipt the sealed envelopes will be time and date-stamped and stored in a secure place until the time and date set for bid opening.

(h) **Bid Opening:** All timely bids shall be opened publicly at the time, date, and place announced in the advertisement and ITB. Bid openings will be recorded. For bids submitted through QUESTCDN or other online competitive data network, the responses shall not be accessed online prior to the bid opening. Upon opening, the name of the bidder and the amount of their bid will be read aloud in public and recorded by the Administrative Services Director or their designee.

(i) **Late Bids:** Bids received after the time and date specified in the ITB will be deemed late and will not be considered, unless the bid would have been timely received except for the action or inaction of City personnel and the bid has not yet been awarded.

(j) **Premature Opening of Bids:** No responsibility will attach to a City employee for the premature opening of a bid not properly addressed and identified in accordance with the ITB. If hard copies of the bids were submitted, an employee who prematurely opened the bid due to improper labeling will not read or divulge the contents of the envelope. They shall reseal the envelope, note on it that it was not properly identified as a bid, and that it was resealed and not read. The note shall be initialed and dated and put in the secure storage location with other bid submissions to be opened at the date and time advertised and set in the ITB.

(k) **Withdrawal of Bids:** Bids may be withdrawn upon written request and presentation of proper identification by the bidder to the Administrative Services Director or their designee at any time prior to the time fixed for opening of bids, without prejudice to the right of the bidder to file a new bid prior to the final deadline for submission of bids. An email, telephone, or facsimile request to withdraw a bid proposal is not acceptable. The Administrative Services Director shall take the steps necessary to have withdrawn bids taken down from any online service used in the ITB process. Hard copies of withdrawn bids will be returned unopened. Negligence on the part of the bidder in preparing their bid confers no right for withdrawal of the bid after it has been opened.

**(I) Evaluation of Bids:** After the bid opening, the procuring Department Director or the designated Project Manager shall evaluate the bids and submit to the Administrative Services Director or their designee a determination of which of the bids meet the requirements and criteria set forth in the specifications and ITB, and which is the lowest responsible and responsive bid.

In addition to price, evaluation of bids may take the following into consideration, particularly in the case of close or tie bids:

- The character, integrity, reputation, judgment, experience, previous performance, and efficiency of the bidder;
- The ability, equipment, capacity, financial strength, personnel resources, and skill of the bidder to perform the contract;
- The quality, availability, and adaptability of the supplies or contractual services to the particular use required;
- The ability of the bidder to provide future maintenance and service for the use of the subject of the contract; and
- The quality of performance of previous contracts and whether the bidder can perform within the time specified, without delay or interference;
- Whether the bidder is a certified minority business enterprise as defined by the Florida Small and Minority Business Assistance Act;
- Whether the bidder has a drug free workplace policy in place;
- Whether available budgeted funding, as certified by the Finance Director, would cover the amount of the bid;
- Whether the bidder holds a valid Business Tax Receipt (BTR) issued by the City of Gulf Breeze to do business in the City;

- Any changes to the contract terms and conditions proposed by the bidder; and
- Other factors as specified in the ITB.

Based upon the evaluation of the bid and the recommendation of the evaluator, the Administrative Services Director or their designee shall request that the City Manager place consideration of the award on the City Council's agenda. The bid shall be awarded by the City Council with reasonable promptness to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the ITB.

**(m) Waiver of Informalities and Technicalities:** The City reserves the right to waive any informalities or technicalities in any bid.

**(n) Item-by-Item, Aggregate, and Portion Awards:** The City reserves the right to award any and/or all bids on an item-by-item basis or in the aggregate, whichever is deemed in the best interest of the City. The City reserves the right to award a portion of a quantity requirement to more than one contractor. Such incremental awards are done when one contractor cannot supply the total required quantity, or if it is in the best interest of the City to have two suppliers because of commodity shortages, rationing, or the like. The options set forth herein shall be noted in the bid package and specifications.

**(o) Notice of Intent to Award to Successful Bidder(s):** The Administrative Services Director or their designee shall post and send to interested parties, in the same manner in which notification of the ITB was provided, a Notice of Intent to Award the bid to the successful bidder within three (3) days of the posting of the Notice of Intent to Award. The Notice of Intent to Award shall also advise of the right to protest the selection in accordance with Section 4.9 of these Policies. Any Notice of Protest that is submitted within three (3) days of the posting of the Notice of Intent to Award will also be posted and sent to interested parties, in the same manner in which notification of the ITB was provided.

**(p) Notice of Award:** Upon expiration of the three (3) days following posting of the Notice of Intent to Award, if no protest has been filed, the Administrative Services Director or their designee shall post and send to interested parties, in the same manner in which notification of the ITB was provided, a Notice of Award of the bid to the successful bidder. The Notice of Award is not notice to the awarded bidder to perform or deliver the item(s) which are the subject of the bid.

Until the contract is signed, and a Purchase Order or other appropriate authorization to proceed is issued, the awarded contractor shall not perform. The Finance Director or their designee shall be notified of issuance of a Purchase Order or notice to proceed, and until such time as a Purchase Order or notice to proceed have issued, the funds have not been encumbered.

**(q) Bids that Exceed Available Funds:** In the event all bids exceed available funds as certified by the Finance Director, and the low responsive and responsible bid does not exceed such funds by more than 5%, the City Manager may, when time or economic considerations preclude re-solicitation of a bid with reduced scope, negotiate an adjustment of the bid price with the low responsive and responsible bidder in order to bring the bid within the amount of available funds. If the lowest responsive and responsible bid exceeds available funds by more than 5%, the project will be re-bid.

**(r) Award to Other than the Low Bidder:** If award of a bid is made to other than the low bidder, justification for doing so shall be completely documented in writing and included in the electronic and/or hard copy bid file. Justification for awarding to a bidder other than the low bidder may include, but is not limited to, any of the following:

**(i)** Bidder does not meet specifications (must specify how bid does not meet specifications);

**(ii)** Bidder has had unsatisfactory performance on previous City contracts;

**(iii)** Bidder has unfavorable references;

**(iv)** Bidder is unable to meet project time or delivery requirements.

**(s) Rejection of Bids:** The City may reject bids for any of the following reasons:

**(i) Late Bids:** Any bid received after time specified in the ITB for submission will be considered to be late and will be rejected before the date and time for opening. At the direction of the Administrative Services Director, rejected late bids that were submitted online will be taken down. Any submitted hard copies of a late bid will be returned to the bidder unopened;



**(ii) City's Best Interest:** The City reserves the right to reject any or all bids or parts of bids if the City determines that acceptance of the bid(s) would not be in the best interests of the City;

**(iii) Unit Prices:** The City also reserves the right to reject any unit prices, for additions to or deductions from the scheduled amount of work as given in the bid, if they are considered excessive or unreasonable, or to accept any or all of such unit prices that may be considered fair and reasonable. If any unit price is rejected for the reasons stated herein, the work governed by such unit prices, if required, will be treated as a change in the work as specified in the contract, or may be cause for rejection of the entire bid.

**(iv) Other:** Bids may be rejected if they show any alterations of form, additions not called for, conditional bids, incomplete bids, erasures, or informalities of any kind. If a bid amount is changed after the amount is originally inserted, the change should be initialed by the person signing the Bid Proposal. If more than one bid proposal is offered to the City by any person under the same or different names, all such bid proposals may be rejected.

**(t) Cancellation of Awards:** Bid awards may be cancelled in accordance with the following:

**(i) Prior to Commencement of Work or Delivery:** The City may cancel an award or contract without cause at any time up to the time that work has begun on the contract, or delivery has been made.

**(ii) For Cause:** Any award or contract on which work has begun or delivery made may be canceled with cause, and the cancellation will be effective in accordance with such terms and conditions as have been set forth in the agreed upon contract.

**(iii) Under Contract Terms:** Any award or contract on which work has begun or delivery made may be canceled with or without cause in accordance with such terms and conditions as have been set forth in the agreed upon contract, and the cancellation will be effective as set forth in the contract.

### 5.3 Competitive Sealed Request for Qualifications (“RFQ”)

**(a) Requirement to Use:** This competitive method is required for the procurement of professional “architectural, engineering, landscape architectural, or surveying and mapping services” above the cost thresholds established by Section 287.055, Florida Statutes, (the “Consultants’ Competitive Negotiation Act” or the “CCNA”), which governs municipalities procuring these types of services. The Administrative Services Director or their designee shall confirm the threshold amounts in the CCNA statute prior to procurement of any services of the type to which the CCNA applies.<sup>3</sup>

**(b) Standing Selection Committee:** Through the adoption of these Policies, the City Council hereby appoints a Standing Selection Committee to review and evaluate qualifications and make recommendations to the City on the three most qualified firms for a project. The Standing Selection Committee shall include the City Manager, the Administrative Services Director, the Procurement & Logistics Officer, the Assistant City Manager, and such other City employees as the City Manager may designate.

**(c) Council Approval to Issue Request for Qualifications:** The first step in this process is for the City Council to consider and approve a recommendation from City staff to seek, in accordance with these Policies, the submission of written, sealed statements of qualifications and proposals for the procurement of professional architectural, engineering, landscape architectural, or surveying and mapping services for projects involving construction costs that exceed the threshold amounts set forth in Section 287.017, Florida Statutes.

**(d) Request for Qualifications Package:** Following the City Council’s approval of a recommendation to issue a Request for Qualifications (“RFQ”), an RFQ package will be developed at the direction of the Administrative Services Director by the appropriate Department Director, Project Manager, and/or such other person as the Administrative Services Officer might designate. Those creating the RFQ package will work in conjunction with the Procurement & Logistics Officer. The person identified by the Administrative Services Director as responsible for developing the RFQ package shall complete and submit to the Administrative

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<sup>3</sup> As of November, 2019, under Sections 287.055(3) and 287.017, the thresholds for use of this method are as follows: a) projects with estimated basic construction costs of \$325,000 or over (Category Five); and b) planning or study activity when the fee for professional services exceeds \$35,000 (Category Two).

Services Director an Initiation and Scheduling Form or electronic entry, including information along the lines of the Initiation and Scheduling Form attached hereto in Appendix “A,” providing the RFQ schedule (including the advertising schedule) and such other information as might be required and specified, which may change from time to time at the direction of the Administrative Services Director.

**(e) Contents of Request for Qualifications Package:** The RFQ package, along with any pertinent attachments, shall clearly define the services to be procured, and the criteria for evaluation that respondents should address. The RFQ shall at a minimum include the following:

**(i)** Instruction and information to respondents concerning the response submission requirements, including the method of submission, the time and date set as the deadline for receipt of responses, instructions for electronic submission of the responses and/or the address to which hard copies of responses are to be delivered, and any other special information;

**(ii)** A description of the project and/or services, any applicable specifications, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements as are not included in the description;

**(iii)** Notice that between the deadline for submission of responses to the RFQ and final award of the contract, respondents shall not lobby or otherwise attempt to persuade or influence individual City Council members, officials, or staff, on decisions to be made relating to the RFQ, except in public presentations requested by the City.

The RFQ shall not request proposals for compensation. The City shall request, accept, and consider proposals for compensation only during the competitive negotiation step in this procurement method.

**(f) Posting and Public Notice Requirements for RFQ:** For architectural, engineering, landscape architectural, or surveying and mapping services related to construction and other appropriate projects, the RFQ will be posted on the City’s website and may be posted online through QUESTCDN or another appropriate competitive data network or third party service. If an appropriate competitive data network or third party service is not available for the particular service, in addition to posting on the City’s website, responses to the RFQ will be solicited through other appropriate means. Notification to an adequate number of known professionals offering the services, to pre-selected professional lists, posting in public places, and

publication in trade journals and magazines are additional steps that may be used to advertise the RFQ and attract competition and responses to the RFQ.

**For projects meeting the thresholds in Section 287.017, Florida Statutes, and therefore requiring use of the RFQ method as set forth herein and in accordance with Section 287.055, Florida Statutes, in addition to being posted in an appropriate competitive data network and on the City's website, the RFQ must be publicly advertised twice, one week apart, in a newspaper of general circulation in Santa Rosa County, at least thirty (30) calendar days preceding the day set for bid opening and at least five (5) calendar days prior to any scheduled pre-bid conference. All advertisements must be in accordance with applicable state and federal guidelines. Proof of publication of the advertisement will be maintained as a part of the RFQ file.**

If deemed appropriate by the City Manager or Administrative Services Director, a notice may be provided to multiple prospective respondents, informing them of the RFQ and how to obtain specifications. If grant money is involved, the advertisement will so state, and state that compliance with all applicable grant specifications and with all applicable federal, state, and local laws, rules, and regulations is required

**(g) Questions on the RFQ:** Prospective respondents may submit questions on the RFQ through the method or methods identified in the RFQ, which at the discretion of the Administrative Services Director may or may not include attendance at a pre-selection conference. All questions shall be submitted to the Administrative Services Director or their designee. The RFQ may require that all questions be submitted in writing. All written inquiries shall be responded to in writing. The RFQ will provide instructions to prospective respondents on how they can receive copies of written questions submitted by others and the written responses thereto.

**(h)** All telephone conversations are to be considered unofficial responses and will not be binding. If any staff person other than the Administrative Services Director or their designee receives an inquiry on the RFQ, the inquiry shall be passed on to the Administrative Services Director who shall determine how to handle the response. No information that alone or together with other information might provide an advantage over others shall be provided to a prospective respondent.

**(i) Receipt of RFQ Submittals:** RFQ responses shall be submitted in accordance with directions set forth in the RFQ, which could provide for submission online, submission through an appropriate third party service, hard copy delivery to the City, or as otherwise specified in the RFQ. If the RFQ calls for hard copy submittals, the responses must be submitted in sealed envelopes labeled in a manner that identifies the RFQ and the respondent, and upon receipt the sealed envelopes shall be time and date-stamped and stored in a secure place until the time and date set for opening.

**(j) Opening of Submittals:** As soon as reasonably possible after the deadline for responding to the RFQ, the RFQ responses shall be opened by the Administrative Services Director or their designee. The opening shall be recorded and the name of the respondents will be read aloud and documented by the Administrative Services Director or their designee.

**(k) Late Submittals:** Submittals received after the time and date specified in the RFQ shall be deemed late and will not be considered, unless the submittal would have been timely received except for the action or inaction of City personnel and selection of the professional or firm to provide the services sought by the RFQ has not yet been selected.

**(l) Premature Opening of Submittals:** No responsibility shall attach to a City employee for the premature opening of an RFQ submittal not properly addressed and identified in accordance with the RFQ. If hard copies of the responses were submitted, an employee who prematurely opened the submittal due to improper labeling shall not read or divulge the contents of the envelope. They shall reseal the envelope, note on it that it was not properly identified as an RFQ submittal, and that it was resealed and not read. The note shall be initialed and dated and put in the secure storage location with other RFQ submittals to be opened at the date and time advertised and set in the RFQ.

**(m) Withdrawal of RFQ Submittal:** RFQ submittals may be withdrawn upon written request and presentation of proper identification to the Administrative Services Director or their designee by the respondent at any time prior to the time fixed for opening of the responses, without prejudice to the right of the respondent to submit a new response prior to the deadline for submission. An email, telephone, or facsimile request to withdraw a submittal is not acceptable. The Administrative Services Director shall take the steps necessary to have withdrawn submittal taken down from any online service used in the RFQ process. Hard copies of withdrawn submittals will be returned unopened. Negligence on the part of the respondent in

preparing their submittals confers no right for withdrawal of the submittal after it has been opened.

**(n) Evaluation of Submittals and Qualifications by Standing Selection Committee:** The Standing Selection Committee shall meet in a publicly noticed meeting to evaluate the current statements of qualifications and performance data on file with the City together with the qualifications and performance data of the RFQ respondents to determine which of the respondents meet the requirements and criteria set forth in the specifications and RFQ.

Evaluation of the qualifications and submittals shall take the following into consideration, and may be documented on a ranking sheet prepared at the direction of the Administrative Services Director:

- Whether the firm is certified, licensed, and fully qualified to perform the services sought, which is a requirement for selection;
- The character, integrity, reputation, judgment, experience, previous performance, and efficiency of the firm;
- The ability, equipment, capacity, financial strength, personnel resources, and skill of the firm to perform the services;
- The quality of performance of previous contracts and whether the firm can perform in a timely manner, without delay or interference.
- Whether the respondent is a certified minority business enterprise as defined by the Florida Small and Minority Business Assistance Act;
- The willingness of the firm to meet time and budget requirements;
- The location of the firm and its workload;
- Whether the firm has a drug free workplace policy in place;
- Whether available budgeted funding, as certified by the Finance Director, would cover the amount of the proposal;

- Whether the respondent holds a valid Business Tax Receipt (BTR) issued by the City of Gulf Breeze to do business in the City;
- Other factors as specified in the RFQ.

The Standing Selection Committee shall also consider the volume of work previously awarded to each firm by the City, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms.

Upon completion of its evaluation of the submittals and qualifications, the Standing Selection Committee shall preliminarily rank the firms and select at least three (3) firms to be invited to make oral presentations to the Committee. If the Committee identifies any particular topics it would like to be covered in the presentations, the Administrative Services Director or their designee shall notify the invitees of those topics when notifying them of the date, time, and place for the presentations.

**(o) Waiver of Informalities and Technicalities:** The City reserves the right to waive any informalities or technicalities in any RFQ response.

**(p) Rejection of Submittals:** The City may reject submittals for any of the following reasons:

**(i) Late Submission:** Any submittal received after time specified in the RFQ for submission of responses will be considered to be late and will be rejected and at the direction of the Administrative Services Director rejected bids will be removed from online sites. Any submitted hard copies of the bid will be returned to the bidder unopened;

**(ii) City's Best Interest:** The City reserves the right to reject any or all submittals or parts of submittals if the City determines that acceptance of the submittal would not be in the best interests of the City;

**(iii) Other:** Submittals may be rejected if they show any alterations of form, additions not called for, conditional qualifications, incomplete submittals, erasures, or informalities of any kind. If more than one submittal

and proposal is offered to the City by any person or firm under the same or different names, all such submittals may be rejected.

**(q) Presentations to the Standing Selection Committee:** The Standing Selection Committee will convene in a second publicly noticed meeting at which the invited firms shall make their presentations to the Committee and allow for Committee questioning. Following the presentations and discussion, the Committee shall rank the firms to determine the top three firms that are qualified to provide the services sought and shall vote to recommend those firms to the Council for consideration.

**(r) City Council Consideration of Standing Committee Recommendation:** The City Council shall as soon as reasonably possible consider the recommendation of the Standing Selection Committee and vote on whether to authorize the City Manager and City Attorney to enter into competitive negotiations for compensation and a contract that is fair, competitive, and reasonable, with the firm that best meets the qualifications, requirements and criteria for the project as set forth in the RFQ.

**(s) Notification of Intent to Enter into Negotiations With Firm Selected As Most Qualified:** The Administrative Services Director or their designee shall post and send, in the same manner in which notification of the RFQ was provided, a Notice of Intent to Enter into Negotiations with the firm determined by the City Council to be the most qualified within three (3) days of the posting of the Notice. The Notice of Intent to Enter into Negotiations shall also advise of the right to protest the City Council's determination of the most qualified firm in accordance with Section 4.9 of these Policies. Any Notice of Protest that is submitted within three (3) days of the posting of the Notice of Intent to Award will also be posted and sent to interested parties, in the same manner in which notification of the RFQ was provided.

**(t) Competitive Negotiations:** Upon expiration of the three (3) days following posting of the Notice of Intent to Negotiate, if no protest has been filed, the City Manager and City Attorney shall enter into negotiations with the firm determined by the City Council to be the most qualified.

**(u) City Council Approval and Award of Contract:** Upon the completion of successful negotiations, the City Manager will bring a contract back to the City Council with a recommendation to approve. In the event that negotiations are unsuccessful with the firm selected by the City Council as the most qualified, the



City Manager will bring a recommendation back to the City Council to formally terminate negotiations with that firm and direct that the City Manager and City Attorney enter into negotiations with the second most qualified firm. If negotiations with the second most qualified firm are unsuccessful, the process will repeat with the third most qualified firm and then with other firms in order of their ranking until a contract is successfully negotiated and approved.

**(v) Notice of Award of Contract:** As soon as reasonably possible, the Administrative Services Director or their designee shall post and send to interested parties, in the same manner in which notification of the RFQ was provided, a Notice of Award advising of the City Council's approval and award of the contract to the most qualified firm that was successful in negotiating a contract. The Notice of Award of Contract is not notice to the awarded contractor to begin performing or delivering the services. Until the contract is signed, and/or other appropriate authorization to proceed is issued, the awarded contractor shall not perform. The Finance Director or their designee shall be notified of issuance of a Purchase Order or notice to proceed, and until such time as a Purchase Order or notice to proceed have issued, the funds have not been encumbered.

**(w) Truth-In-Negotiation Certificate:** For lump sum or fixed-fee professional service contracts entered into pursuant to the CCNA that exceed the Category Four threshold amount set forth in Section 287.017, Florida Statutes,<sup>4</sup> the firm receiving the award shall execute a Truth-In-Negotiation certificate, in accordance with Section 287.055(5)(a), Florida Statutes, stating that wage rates and other factual unit costs supporting the compensation under the contract are accurate, complete, and current at the time of contracting. The contract shall also contain a provision stating as follows:

The original contract price and any additions thereto will be adjusted to exclude any significant sums by which the City determines the contract price was increased due to inaccurate, incomplete, or noncurrent wage rates and other factual unit costs, with such contract adjustments to be made within one year following the end of the contract.

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<sup>4</sup> As of November, 2019, the Category Four threshold under Section 287.017, Florida Statutes, is \$195,000.00. The Administrative Services Director or their designee shall confirm the threshold amount to determine applicability of this provision.

**(x) Cancellation of Selection:** Selection of a professional or firm to provide the services sought may be cancelled in accordance with the following:

**(i) Prior to Commencement of Work:** The City may cancel a selection or contract without cause at any time up to the time that work has begun on the contract, or performance of services has been made.

**(ii) For Cause:** Selection of a professional or firm to provide the services sought or contract on which work has begun or delivery of services made may be canceled with cause, and the cancellation will be effective in accordance with such terms and conditions as have been set forth in the agreed upon contract.

**(iii) Without Cause:** Selection of a professional or firm to provide the services sought or contract on which work has begun or delivery of services made may be canceled without cause or for the City's convenience, and the cancellation will be effective in accordance with such terms and conditions as have been set forth in the agreed upon contract.

#### **5.4 Competitive Sealed Request for Proposals ("RFP")**

RFP Flow Chart  
Link

**(a) Conditions for Use:** This method shall be used for the procurement of professional and non-professional services for projects or services involving costs estimated to exceed \$5,000 when another method is not required, the specific requirements of the services to be provided are not fully known, and the selection criteria include qualitative factors as opposed to just quantitative ones such as price. This method may be used for selection of service providers, or for professionals not covered by the CCNA such as brokers, realtors, accountants, and attorneys.

**(b) Council Approval to Issue Request for Proposals:** The first step in this process is for the City Council to consider and approve a recommendation from City staff to issue an RFP, in accordance with these Policies, seeking the submission of written, sealed proposals for the procurement of services.

**(c) Request for Proposal Package:** Following the City Council's approval of a recommendation to issue a Request for Proposals ("RFP"), an RFP package will be developed at the direction of the Administrative Services Director by the appropriate Department Director, Project Manager, and/or such other person as the Administrative Services Officer might designate. Those creating the RFP package will work in conjunction with the Procurement & Logistics Officer. The

person identified by the Administrative Services Director as responsible for developing the RFP package shall complete and submit to the Administrative Services Director an Initiation and Scheduling Form or electronic entry, including information along the lines of the Initiation and Scheduling Form attached hereto in Appendix “A,” providing the RFP schedule (including the advertising schedule) and such other information as might be required and specified, which may change from time to time at the direction of the Administrative Services Director.

**(d) Contents of Request for Proposals Package:** The RFP, along with any pertinent attachments, shall clearly define the services to be procured, and the criteria for evaluation that respondents should address. The RFP shall at a minimum include the following:

**(i)** Instruction and information to respondents concerning the response submission requirements, including the method of submission, the time and date set as the deadline for receipt of responses, and if applicable the address to which hard copies of responses are to be delivered or instructions for electronic submission of the responses, and any other special information;

**(ii)** A description of the services to be provided, any applicable specifications, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements as are not included in the description;

**(iii)** The contract terms and conditions, including warranty and bonding or other security requirements, indemnity, and records retention requirements, as applicable to the particular project or services, and a requirement that the RFP response identify any proposed changes to the contract. Alternatively, the RFP may require respondents to submit a proposed contract; and

**(iv)** Notice that between the deadline for submission of responses to the RFP and final selection, respondents shall not lobby or otherwise attempt to persuade or influence individual City Council members, officials, or staff, on decisions to be made relating to the RFP, except in public presentations requested by the City

**(e) Posting and Public Notice Requirements for RFP:** For services sought through an RFP, the RFP will be posted on the City's website and may be posted online through an appropriate competitive data network or third party service. If an appropriate competitive data network or third party bid service is not available for the particular service, in addition to posting on the City's website, the RFP will be advertised and responses will be solicited through other appropriate means. Notification to an adequate number of known professionals offering the services, to pre-selected professional lists, posting in public places, and publication in trade journals and magazines are additional steps that may be used to advertise the RFP and attract competition and responses to the RFP.

**(f) Questions on RFP:** Prospective respondents may submit questions on the RFP through the method or methods identified in the RFP, which at the discretion of the Administrative Services Director may or may not include attendance at a pre-selection conference. All questions shall be submitted to the Administrative Services Director or their designee. The RFP may require that all questions be submitted in writing and the RFP will provide instructions to prospective respondents on how they can receive copies of written questions submitted by others and the written responses thereto. All written inquiries shall be responded to in writing.

All telephone conversations are to be considered unofficial responses and will not be binding. If any staff person other than the Administrative Services Director or their designee receives an inquiry on the RFP, the inquiry shall be passed on to the Administrative Services Director who shall determine how to handle the response. No information that alone or together with other information might provide an advantage over others shall be provided to a prospective respondent.

**(g) Receipt of RFP Submittals:** RFP responses shall be submitted in accordance with directions set forth in the RFP, which could provide for submission online, submission through an appropriate third party service, hard copy delivery to the City, or as otherwise specified in the RFP. If the RFP calls for hard copy submittals, the responses must be submitted in sealed envelopes labeled in a manner that identifies the RFP and the respondent, and upon receipt the sealed envelopes shall be time and date-stamped and stored in a secure place until the time and date set for opening.

**(h) Opening of Submittals:** As soon as reasonably possible after the deadline for responding to the RFP, the RFP responses shall be opened by the Administrative Services Director or their designee. The opening shall be recorded

and the name of the respondents will be read aloud and documented by the Administrative Services Director or their designee.

**(i) Late Submittals:** Submittals received after the time and date specified in the RFP shall be deemed late and will not be considered unless the submittal would have been timely received except for the action or inaction of City personnel and selection of the professional or firm to provide the services sought by the RFP has not yet been selected.

**(j) Premature Opening of Submittals:** No responsibility shall attach to a City employee for the premature opening of an RFP submittal not properly addressed and identified in accordance with the RFP. If hard copies of the responses were submitted, an employee who prematurely opened the submittal due to improper labeling shall not read or divulge the contents of the envelope. They shall reseal the envelope, note on it that it was not properly identified as an RFP submittal, and that it was resealed and not read. The note shall be initialed and dated and put in the secure storage location with other RFP submittals to be opened at the date and time advertised and set in the RFP.

**(k) Withdrawal of RFP Submittal:** RFP submittals may be withdrawn upon written request and presentation of proper identification to the Administrative Services Director or their designee by the respondent at any time prior to the time fixed for opening of the responses, without prejudice to the right of the respondent to submit a new response prior to the deadline for submission. An email, telephone, or facsimile request to withdraw a submittal is not acceptable. The Administrative Services Director will take the steps necessary to have withdrawn submittal taken down from any online service used in the RFP process. Hard copies of withdrawn submittals will be returned unopened. Negligence on the part of the respondent in preparing their submittals confers no right for withdrawal of the submittal after it has been opened.

**(l) Evaluation of Submittals and Proposals:** After the opening of submittals and proposals, the designated Project Manager or such other person designated by the Administrative Services Director and/or the City Manager shall evaluate the submittals and proposals and submit to the Administrative Services Director or their designee a determination of which of the proposals meet the requirements and criteria set forth in the RFP.

Evaluation of the submittals and qualifications shall take the following into consideration:

- Whether the respondent is certified, licensed, and fully qualified to perform the services sought, which is a requirement for selection;
- The character, integrity, reputation, judgment, experience, previous performance, and efficiency of the respondent;
- The ability, equipment, capacity, financial strength, personnel resources, and skill of the respondent to perform the services;
- The quality of performance of previous contracts or retention for services and whether the respondent can perform in a timely manner, without delay or interference.
- Whether the respondent is a certified minority business enterprise as defined by the Florida Small and Minority Business Assistance Act;
- Whether the respondent has a drug free workplace policy in place;
- Whether available budgeted funding, as certified by the Finance Director, would cover the amount of the proposal;
- Whether the RFP respondent holds a valid Business Tax Receipt (BTR) issued by the City of Gulf Breeze to do business in the City;
- Other factors as specified in the RFP.

Upon completion of the evaluation of the submittals and qualifications set forth therein, the City Manager will report to the City Council on the responses received and seek direction from the Council on how to proceed with consideration of the selection of an RFP respondent to provide the services sought. In its discretion, the City Council may request that some or all of the respondents make presentations to the City Council.

**(m) Right to Negotiate:** The RFP should note that the final terms and conditions of the project, services, or contract contemplated by the RFP may be negotiated between the City and any respondent and the City shall not be required

to accept any particular submittal or negotiate with any particular responsive respondent notwithstanding perceived favorable provisions of price, time of performance, experience, quality of service, etc., contained in a responsive submittal. The City reserves the right to negotiate and act in the best interest of the City, which may include adding or deleting terms and conditions from those specified in the RFP or from those proposed upon by a respondent or contained in a respondent's submittal.

**(n) Rejection of Submittals:** The City may reject submittals for any of the following reasons:

**(i) Late Submission:** Any submittal received after time specified in the RFP for submission of responses will be considered to be late and will be rejected and at the direction of the Administrative Services Director rejected bids will be removed from online sites. Any submitted hard copies of the bid will be returned to the bidder unopened;

**(ii) City's Best Interest:** The City reserves the right to reject any or all submittals or parts of submittals if the City determines that acceptance of the submittal would not be in the best interests of the City;

**(iii) Other:** Submittals may be rejected if they show any alterations of form, additions not called for, conditional qualifications, incomplete submittals, erasures, or informalities of any kind. If more than one submittal and proposal is offered to the City by any person or firm under the same or different names, all such submittals may be rejected.

**(o) City Council Selection of Professional or Firm:** Selection of the professional or firm that best meets the qualifications, requirements and criteria set forth in the RFP shall be made by the City Council with reasonable promptness. Upon selection, the City Council shall authorize the City Manager and the City Attorney to negotiate the final contract and terms and conditions for delivering the services, which shall be brought back to the Council for approval.

**(p) Notice of Selection and Intent to Proceed:** As soon as reasonably possible, the Administrative Services Director or their designee shall post and send to interested parties, in the same manner in which notification of the RFP was provided, a Notice of Selection and Intent to Proceed advising of the City Council's approval and selection of an RFP respondent to provide the services sought through the RFP and of the intent to proceed with the selected professional or firm within

three (3) days of the posting of the Notice. The Notice of Selection and Intent to Proceed shall also advise of the right to protest the City Council's selection in accordance with Section 4.9 of these Policies. Any Notice of Protest that is submitted within three (3) days of the posting of the Notice of Selection and Intent to Proceed will also be posted and sent to interested parties, in the same manner in which notification of the RFP was provided.

**(q) Approval of Contract:** The City Council's approval and selection of a professional or firm to provide the services is not notice to the selected professional or firm to begin performing or delivering the services. Until the contract is signed, and/or other appropriate authorization to proceed is issued, the selected professional or firm shall not perform. The Finance Director or their designee shall be notified of issuance of a Purchase Order or notice to proceed, and until such time as a Purchase Order or notice to proceed have issued, the funds have not been encumbered.

**(r) Waiver of Informalities and Technicalities:** The City reserves the right to waive any informalities or technicalities in any RFP response.

**(s) Cancellation of Selection:** Selection of a services provider, or a professional or firm, selected to provide the services sought may be cancelled in accordance with the following:

**(i) Prior to Commencement of Work:** The City may cancel a selection or contract without cause at any time up to the time that work has begun on the contract, or performance of services has been made.

**(ii) For Cause:** The City may cancel a selection or contract on which work has begun or delivery of services has been made with cause, and the cancellation will be effective in accordance with such terms and conditions as have been set forth in the agreed upon contract.

**(iii) Without Cause:** Selection of a professional or firm to provide the services sought or contract on which work has begun or delivery of services made may be canceled without cause, and will be effective in accordance with such terms and conditions as have been set forth in the agreed upon contract.



## **5.5 Competitive Quotes**

Competitive Quote  
Flow Chart Link

**(a) Conditions for Use:** This method may be used when seeking quotes for services or commodities when: (i) the estimated cost is in excess of \$1,000 but does not exceed \$5,000; and, (ii) another method of selection is not required. A broker or agent may be used to obtain the quotes.

### **(b) Procedure:**

**(i)** When this method is used, appropriate City staff shall solicit at least three (3) quotes from vendors for the item(s) to be purchased or service(s) to be provided. The vendors shall also provide their terms and conditions for delivering the item(s) or service(s).

**(ii)** The quotes obtained and the vendor's terms and conditions shall be submitted electronically and/or by hard copy to the Administrative Services Director or their designee, along with an electronic or hard copy Requisition Form identifying the recommended vendor.

**(iii)** The Administrative Services Director or their designee shall confirm with the Finance Director or their designee that funds are available in the budget for the procurement and shall so indicate on the Requisition Form.

**(iv)** At the request of the Administrative Services Director or their designee, the City Attorney shall review and provide comments on the vendor terms and conditions. The Requisition Form shall indicate whether or not the review has occurred.

**(v)** When complete, the Administrative Services Director shall submit the Requisition Form and quotes, and any comments from the City Attorney on the terms and conditions, to the City Manager for consideration.

**(vi)** The City Manager shall indicate approval or disapproval of the procurement and the vendor on the Requisition Form, both electronic and hard copies as applicable, and return it to the Administrative Services Director or their designee, who shall then direct that a Purchase Order be generated.

## 5.6 Sole Source and Standardized Procurement

**(a) Conditions for Use:** Sole source or Standardization proprietary procurements need not follow and are exempt from the applicable competitive procurement procedures set forth in these Policies when the following criteria are met and documented:

**(i)** The item(s) to be procured is the only one that will produce the desired results (or fulfill the specific need); or

**(ii)** The item(s) is available from only one source of supply or from only one source of supply that is within reasonable proximity to the City; or

**(iii)** The item(s) is available from more than one vendor but due to extreme circumstances, only one vendor is suited to provide the goods or services; or

**(iv)** The item(s) is alike or the same model/make as used in similar or redundant operations where staff keep similar parts and are familiar with operation and maintenance of those parts.

**(b) Standardization Procurement:** Standardization is the process of examining characteristics and needs for items of similar end usage and developing a single specification that will satisfy the need for most or all purchases for that purpose. Proprietary purchases (usually components) maintain a degree of continuity to the original or existing decor, equipment, or programs. Where standardization is determined to be desirable by a Department Director, and is approved by the Administrative Services Director and the City Manager, the purchase of materials, supplies, equipment and/or certain contractual services may be made by negotiation. Compatibility to existing equipment will be an acceptable justification for waiver of competitive bidding procedures provided the item meets the other criteria within the definition of sole source item (*i.e.*, available from only one source and only item that will produce the desired results).

**(c) Process:** The following steps shall be followed for Sole Source and Standardization proprietary purchases:

**(i)** The Department Director of the department seeking the item, in conjunction with the Procurement & Logistics Officer, shall attempt to locate competition and shall also check for “piggyback” contracts, as defined by

Section 4.9 of these Policies. If no other sources are found, the Department Director shall submit electronically or in hard copy to the Administrative Services Director a completed Sole Source/Proprietary Requisition Form, along the lines of the form in Appendix “A,” explaining the justification for using the proposed sole source for the particular item. The explanation shall state and provide in as much detail as possible the reason why only one source can produce the desired results or fulfill the specific need;

(ii) The City Manager shall review the Sole Source/Proprietary Requisition Form and note in the specified place on the electronic and/or hard copy form approval or disapproval of the Sole Source designation;

(iii) If disapproved, purchase of the item(s) shall be made in accordance with the applicable competitive procurement procedures set forth in these Policies;

(iv) When the City Manager approves a Sole Source or Standardization proprietary procurement, Department Director or designated City staff shall conduct negotiations on price, delivery, and terms, to achieve a fair and reasonable price;

(v) The Administrative Services Director or their designee shall keep a log of Sole Source and Standardization proprietary purchases, which includes the vendor name, the amount, item description, including whether it is a capital or non-capital item, justification, the Purchase Order number, and such other information as deemed appropriate;

(vi) Sole Source and Standardization proprietary purchases shall be reviewed annually or at other reasonable intervals to determine if the justification for the designation as a Sole Source or Standardization proprietary purchase is still valid.

(vii) For those instances when services are needed involving multiple years (i.e. maintenance of equipment, warranty, etc.) the Sole Source and Standardization proprietary request must be combined to capture the project, as a whole, and the proper approval must be obtained and tracked by the Administrative Services Director or their designee.

## **5.7 Cooperative Purchasing and “Piggyback” Purchasing**

(a) **Conditions for Use:** Contracts with other governmental entities such as other state agencies, municipalities, cities, counties, authorities, districts, school boards, etc., may be used upon contract review and approval by the City Manager. All contracts must have been competitively obtained and the vendor must agree to the exact terms and conditions specified in the contract.

(b) **Procedures:**

(i) If a Department Director becomes aware of a contract in another agency or local government used for any supplies or services that the department needs, a Requisition Form in electronic and/or hard copy form requesting to “piggyback” on that contract shall be submitted to the Administrative Services Director or their designee. The Requisition Form should contain or attach as much information about the other agency or local government contract as possible including the existing contract number, terms, limitations, etc. A copy of the contract or the relevant pages shall also be provided by the department to the Administrative Services Director or their designee.

(ii) The Administrative Services Director or their designee, shall with the assistance of the City Attorney or others as necessary, review the contract to ensure the terms and conditions are acceptable, and if necessary shall contact the other contracting agency or local government to confirm that the contract was competitively bid.

(iii) The Administrative Services Director or their designee shall contact the vendor to obtain written verification that the same supplies or services may be obtained at the same price and with the same terms and conditions offered to the other contracting agency or local government. A written statement from the vendor must be attached to the Requisition Form confirming the stated price and delivery terms.

(iv) If after confirmation that the contract is acceptable for use (which confirmation shall take into consideration the supply/service description, effective date of the contract, limitations/restrictions, minimum orders, terms including delivery/shipping terms, insurance and warranties if applicable), the Administrative Services Director shall submit the

Requisition Form and contract, and any comments from the City Attorney or others, to the City Manager for consideration.

(v) The City Manager shall indicate approval or disapproval of the procurement and the vendor through use of the “piggyback” contract on the electronic and/or hard copy Requisition Form.

(vi) If disapproved, purchase of the item(s) shall be made in accordance with the applicable competitive procurement procedures set forth in these Policies.

## **5.8 Police Department Alternative Purchasing**

(a) **Conditions for Use:** When appropriate and necessary due to the unique functions of law enforcement, the City Police Department may use alternative purchasing procedures as set forth herein.

(b) **Vehicles:** Purchases or leases of select vehicles for special operations of the City of Gulf Breeze Police Department as specifically identified by the Chief of Police or authorized designee are exempt from the competitive procurement process. The Police Department shall coordinate all purchases of special vehicles through the Administrative Services Director or their designee to ensure proper acquisition and record keeping.

(c) **Waiver for Law Enforcement Purchases Requiring Confidentiality:** When specifications must not be made public due to covert or confidential operations of the City Police Department, the City Manager may waive the formal bidding procedures. The Police Department shall coordinate all such purchases through the Administrative Services Director to ensure proper acquisition.

## **5.9 Emergency Purchases**

### **Emergency Purchase Flow Chart**

(a) **Conditions for Use:** Emergency purchases shall only be used when a threat exists to the public health, welfare, or safety, or if the operation of a City Department would be seriously hampered if immediate action is not taken.

(b) **Process:** The following process shall be followed for emergency purchasing:

(i) The City Manager must approve emergency purchases exceeding \$1,000, and unless an executive order has been issued or resolution passed that suspends all requirements during disaster related events, the City Manager shall bring an emergency purchase exceeding \$5,000 before the Council as soon as reasonably possible thereafter for confirmatory approval;

(ii) For an emergency purchase above \$1,000, a Department Director or their designee shall request approval through the Administrative Services Director or their designee and shall be authorized to proceed with the emergency purchase upon receipt of approval from the City Manager;

(iii) Evidence of the emergency purchase such as a sales ticket, bill, delivery slip, counter receipt, etc., which the supplier normally furnishes, along with an Emergency Requisition and Emergency Purchase Order Justification Form documenting the need for the emergency purchase (see Appendix “A”), will be submitted by the Department Director or their designee to the Administrative Services Director or their designee on the next business day following the date of purchase or as soon thereafter as reasonably possible.

(c) **Other General Requirements; Emergency Purchases Disfavored:** When emergency purchases are required, the purchase will be made at the best possible price. A true emergency can occur as a result of parts and labor needed for repairs to vehicles or equipment, but vehicles and equipment should be kept in good operating order to avoid the need for emergency purchases. Emergencies due to negligence are to be avoided. Failure to anticipate normal needs, project deadline dates or a desire to expend excess or remaining budgeted funds prior to year-end do not constitute an emergency. Emergency purchases are costly and should be kept to a minimum.

## **5.10 Purchasing Card (“P-Card”) Purchases**

(a) **Permitted Uses:** P-Cards may be used as an efficient and cost-effective means of paying for purchases of goods and services that do not exceed \$2,500.00 and that have otherwise been properly approved in accordance with these Policies. Permitted uses include purchases related to travel, such as airline tickets, hotel reservations, car rentals, and registration fees, but P-cards shall not be used for cash advances, even if reimbursable, or for any personal items. Use of P-Cards for personal purchases is strictly prohibited.

**(b) Procedures for Use of P-Cards**

**(i) Issuance of P-Cards:** P-Cards may be issued to City employees who frequently purchase goods or services for the City. All requests for P-Cards shall be approved by the employee's Department Director, who will submit the request to the Finance Director or their designee with a copy of a P-Card Acceptance Form, along the lines of the P-Card Acceptance Form attached hereto in Appendix "A," that is signed by the employee to whom the P-Card will be issued. The Finance Director or their designee shall make arrangements with the City's bank or card issuer for issuance of a card to the employee with appropriate charging limits not to exceed \$2,500.00. Any requests for modification to the limits on the card must be submitted to the Finance Director or their designee by the employee's Department Director.

**(ii) Use of P-Cards:** Employees who have been issued a P-Card may pay for supplies or services, or place an order for these by telephone, facsimile or electronically, using their P-Card. Internet purchases shall be made only through secured transmissions. Supplies or services purchased with a P-Card must be available for pick up, shipment or delivery within the monthly billing cycle following their purchase or order. The order should not be placed without this assurance.

**(iii) Charging Limits:** P-Cards may be used for the purchase of multiple items if the total invoice (including shipping) does not exceed the lesser of \$2,500.00 or the P-Card's charging limit, unless authorized by the City Manager. All purchases over \$2,500.00 must be made by Purchase Order in accordance with these Policies and shall not be made using the P-Card, unless authorized by the City Manager. Charges for purchases shall not be split to stay within the \$2,500.00 limit.

**(iv) Sales and Use Tax:** The City is exempt from paying any State of Florida (and generally all other states') sales and/or use tax, even for purchases made with a P-Card. Employees using a P-Card are responsible for making the vendor aware prior to processing a sale that the purchase will be tax exempt. If the vendor charges sales tax, the employee shall contact the vendor and obtain a credit equal to the amount of the sales tax. Cash shall never be accepted from a vendor for settlement of a sales tax error.

**(v) Documentation of Purchases Made With P-Cards:** Employees using a P-Card for purchases shall retain the original copy of the summary charge slip, along with a detailed receipt identifying every item purchased and the corresponding item cost. For telephone orders, the employee shall retain the receipt and/or packing slip included in the shipment. The employee shall also write the account number, or a narrative description of the account/project to be charged, on the back of each receipt. The documentation shall be submitted to the Finance Director or their designee for use in verifying the accuracy of the monthly P-Card statements.

**(vi) Missing Documentation:** If supporting documentation of a purchase is missing, the employee responsible for the P-Card purchase shall contact the vendor and request a duplicate receipt. If the employee is unable to obtain duplicate documentation, the employee shall submit a Lost Receipt Affidavit Form to the Finance Director or their designee.

**(vii) Denied Charges:** If an employee attempting to make a purchase with a P-Card encounters a denial of the charge by the vendor, the employee or their Department Director shall report the denied charge to the Finance Director or their designee with the following information: the name of the employee attempting to make the purchase and their P-Card account number, the vendor, the item that was to have been purchased, and the date of the denied charge. The Finance Director or their designee shall contact the bank or card issuer and inquire into the denied charge, take appropriate action, and report back to the Department Director and/or employee.

**(viii) Resolving Returns and Credits, Disputes and Erroneous Charges:** Employees shall report any problems with charges on their P-Card to the Finance Director or their designee, who shall, with the assistance if necessary of the employee who made the purchase, seek a credit for any errors involving billing, sales tax, defective supplies or unacceptable services, returned supplies or canceled orders, which should appear on the P-Card statement within 60 days of the purchase. Cash shall not be accepted from the vendor to settle a disputed amount.

**(ix) Reporting a Lost or Stolen P-Card.** If an employee's P-Card is lost or stolen, the employee shall immediately notify the Finance Director or their designee, who shall immediately notify the bank or card issuer. If a P-card is determined to be missing during non-business hours, the employee should take steps to notify the bank or card issuer if they are unable to reach



the Finance Director or their designee. Use of the account tied to the P-Card shall cease immediately and not resume until a replacement P-Card is issued by the bank or card issuer.

(x) **Termination of P-Card Account:** When an employee holding a P-Card ceases to be employed by the City, the employee shall prior to their last day of employment surrender their P-Card to the Finance Director or their designee. The Finance Director or their designee shall notify the bank or card issuer that the employee's P-Card should be deactivated.

(xi) **Failure to Follow P-Card Procedures:** P-Card privileges may be revoked for failure to follow these Policies and may result in further disciplinary action, up to and including termination, being taken in accordance with the City's Personnel Policies.

## **5.11 Use of Petty Cash**

(a) **Permitted Uses:** The City Manager is authorized to create petty cash funds for use by specified departments in compliance with this section. Petty cash is cash maintained in a department that may be used for routine purchases of items of less than fifty dollars (\$50.00) that must be made quickly and without prior notice on a contingency basis for department purchases, or for official, organized activities of the City Council. Petty cash may be used when other methods of purchase are not practicable.

(b) **Controls:** The following controls shall apply to all petty cash funds:

(i) No personal checks shall be cashed against petty cash funds;

(ii) Reimbursements to officials or staff out of petty cash funds shall be made only as authorized by a Department Director or their designee. The Department Director or their designee shall have the responsibility to document the item(s) purchased and price paid for purchases funded through use of petty cash, and the written approval of the purchase, which shall be necessary for replenishment of the fund;

(iii) Reimbursements out of petty cash funds shall not be made unless and until a valid receipt, invoice marked "paid," or certificate of expenditure is received by the fund custodian;

(iv) All petty cash funds will be subject to audit at any time; and

(v) Petty cash shall not be used to reimburse travel or training related expenses.

(c) **Designated Custodian:** The City Manager or their designee shall assign a designated custodian for each petty cash fund to be responsible for disbursements and accountability. Custodians of petty cash shall submit quarterly reports to the Finance Director for reconciliation. Custodians of petty cash may requisition for replenishment when necessary.

**CITY OF GULF BREEZE  
PURCHASING AND PROCEDURES MANUAL**

**APPENDIX “A”  
FORMS**

1. Initiation and Scheduling Form for Competitive Sealed ITB, RFQ, or RFP
2. Requisition Form
3. Purchase Order Form
4. Emergency Requisition and Emergency Purchase Order Form
5. Receiving Report Form
6. Sole Source/Proprietary Requisition Form
7. P-Card Acceptance Form
8. Lost Receipt Affidavit Form