



CITY OF GULF BREEZE

PURCHASING POLICIES & PROCEDURES

**Amended Policy Adopted by Resolution 47-2023
December 4, 2023**

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SECTION 1 - AUTHORITY

Ordinance 17-2019, as amended by Ordinance 09-2023, and codified as Article IX – City of Gulf Breeze Procurement Code, in the City Code of Ordinances, sets forth the authority for these Purchasing Policies & Procedures (the “Policies”) of the City of Gulf Breeze (the “City”). All provisions of the Ordinances and Code are incorporated by reference herein. 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 grants, gifts, or bequests which are otherwise consistent with law.

Through adoption of these Policies, the City Council hereby authorizes the City Manager and their designees to act as set forth in these Policies to achieve the purposes set forth herein.

SECTION 3 - PURCHASING APPROVAL THRESHOLDS

For all Purchases by the City, the following thresholds for approval, as established by Ordinance #-2023, shall apply:

3.1 Purchases Greater than \$35,000: Purchases for construction, materials, supplies, equipment, improvements, work, or services exceeding \$35,000 shall be sought through formal competitive solicitations and awarded by the City Council, except as otherwise provided for in these Policies.

3.2 Purchases Greater than \$5,000 and Not Greater than \$35,000: These procurements are not subject to formal procurement solicitation. However, competitive quotes shall be obtained in writing and documented for purchases exceeding \$5,000 but not exceeding \$35,000 and may be negotiated and approved by the City Manager. Such purchases are restricted to those that fall within the adopted City budget, capital improvement plan, or as otherwise authorized.

3.3 Purchases Not Greater than \$5,000: All contracts for purchases not exceeding \$5,000 may be approved by the Department Director of the procuring department or as otherwise set forth in these Policies. Quotes or other support for the procurement should be documented in the Requisition process.

3.4 Prohibition on Avoidance of Thresholds: Procurements may not be broken into smaller components to avoid the procurement methods and requirements for the thresholds set forth herein.

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 as authorized herein, shall execute or enter into any contracts or agreements on behalf of the City.

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.¹ 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 in accordance with these Policies. To this end, the City Manager shall be empowered to act as set forth herein and to delegate to staff as set forth herein duties to implement and enforce the provisions of these Policies.

(b) Procurement Director: The City Manager shall designate a senior staff person (Department Director or City Clerk) to act as the Procurement Director for the City. The Procurement 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, but not limited to, the competitive solicitation process, coordination of all acquisitions of construction,

¹ 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.

materials, supplies, equipment, improvements, work, and services, selection of bidders or respondents, and awarding of purchase orders and contracts to vendors.

(c) Procurement Officer: The Procurement Officer shall work, under the direction of the City Manager and the Procurement Director, to coordinate with Department Directors and Project Managers seeking procurements, and with the City Clerk and City Attorney, 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 Procurement Director, 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 maintaining all public records, and for receiving and responding to requests for public records, in compliance with the Florida Public Records Act, Chapter 119, Florida Statutes. The City Clerk Department, in

coordination with the Procurement Director and Procurement Officer, shall also assist with notices and communications related to procurement.

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 City's Procurement Director and Procurement Officer to assure compliance.

(b) Adherence to Public Records Act: With regard to procurement, the City and all vendors and contractors doing business with 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 Invitations to Bids, Requests for Qualifications, Requests for Proposals, Requisitions, Purchase Orders, 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 Invitations to Bid, Requests for Qualifications, Requests for Proposals, Requisitions, Purchase Orders, and other procurement shall be immediately forwarded to the City Clerk who shall work in conjunction with the Procurement Officer and other City staff 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 the date of adoption of these Policies, 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 Procurement Solicitations (ITBs, RFQs, RFPs):** Each Invitation to Bid, Request for Qualifications, or Request for Proposal shall be assigned its own, individual number, and date and time of opening. An electronic folder 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 Procurement Officer or their designee, in consultation with the Procurement Director and City

Clerk. All information related to the procurement shall be placed in the electronic folder, including, but not limited to the following:

(i) Proof of the advertisement or on-line notification announcing the Invitation to Bid, Request for Qualifications, Request for Proposal or other form of procurement solicitation;

(ii) The complete package for the Invitation to Bid, Request for Qualifications, Request for Proposal, or other form of procurement solicitation, including all attachments, specifications, and addenda;

(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 to write on and scanned for placement in the electronic folder);

(iv) Documents relating to evaluation of bids;

(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 of a procurement, and staff evaluation, including evaluations by selection committees, Department Directors and the Finance Director, if applicable;

(vii) Copies of all notices related to the ITB, RFQ, or RFP, including without limitation, the notice of intent to award, notices related to any protest, and/or rejected bids or responses;

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

(ix) Proof of required insurance or other security, and executed copies of all required forms;

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

(xi) Other relevant documentation, including documentation of any action by Council or staff on the procurement solicitation.

4.6 Electronic Documentation: As specified in these Policies, all information on procurements shall be maintained in the City's electronic files and databases. Any hard copy documentation shall be scanned and placed in the electronic folder (files and database) for the 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. All such information shall be entered into the electronic files and maintained in electronic form.

(b) Specific Electronic Documentation Required: The following electronic documentation shall be used for the respective procedures:

(i) Invitation to Bid, Request for Qualifications, or Request for Proposals Initiation and Scheduling 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, information on initiation of the procurement and scheduling shall be submitted to the Procurement Officer or their designee. The electronic submission shall provide information on the bid or procurement request schedule, including items to be provided for posting on the City's website and any procurement solicitation service websites used by the City, the advertising schedule, any pre-bid or pre-request meeting date, time and location if applicable, the deadline for submittals, whether the procurement is capital or non-capital, the response evaluation process and criteria, and such other information as might be required and specified.

(ii) Requisition Electronic Information: When required under these Policies, an electronic Requisition shall be entered into the City's electronic finance and accounting system for assignment of a requisition/purchase number. The entry 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, the source of funding for the purchase, and such other information as might be required and specified.

(iii) Purchase Order 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 and entry of a Requisition under these Policies, a Purchase Order shall be issued. The Purchase Order 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. 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 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 must be entered electronically by the Department Director or their designee into the City’s electronic finance and accounting system. The electronic entry shall include the same information as a regular Requisition and Purchase Order and shall document in the information entered (or in an attachment thereto) the need for the emergency purchase.

(v) Documentation of Receipt: Upon receipt of all or a portion of the items or services ordered, the procuring department will inspect materials. Documentation of receipt will be generated or executed by the person accepting delivery and entered into the City’s electronic finance and accounting system. 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 procuring department shall notify the Procurement Officer or their designee and the Finance Director or their designee of the reasons for withholding acceptance and therefore payment. The procuring department 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. Documentation of receipt shall be maintained in the electronic file for the procurement along with the Purchase Order. Invoices will not be paid until documentation or notification of receipt of materials is submitted unless the terms and conditions provide otherwise.

4.7 Evaluation of Responses to Competitive Solicitations

(a) Evaluation by Staff or Selection Committee: The City Manager, in consultation with appropriate City staff (such as the Procurement Director, Procurement Officer, Department Director, Project Manager, or the City Attorney) shall determine whether evaluation of responses to an Invitation to Bid, Request for Qualifications, or Request for Proposals shall be conducted by an individual staff person or by a Selection Committee, although all Requests for Qualifications that meet the threshold requiring compliance with the Competitive Consultants Negotiation Act (“CCNA”), as set forth in section 5.3 of these Policies shall be evaluated by a Selection Committee. If more than one person is designated to evaluate responses, those persons must act in accordance with the provisions in these Policies relating to Selection Committees.

(b) Selection Committees: Any Selection Committee appointed to review and evaluate responses to a competitive solicitation shall be comprised of at least three persons who are City employees or other persons with knowledge and experience relevant to the project. The City Manager shall not serve on Selection Committees to avoid conflict in the event of a protest, and the Procurement Officer shall not serve on Selection Committees to avoid conflict with their administrative role in procurement matters. Selection Committees shall meet in publicly noticed meetings open to the public to conduct their evaluations as a Committee.

If a Selection Committee requests presentations by respondents to a competitive solicitation, it may identify any particular topics it would like to be covered in the presentations, and the Procurement Officer or their designee shall notify the invitees of those topics when notifying them of the date, time, and place for the presentations. In accordance with section 286.0113(2)(b), Florida Statutes, portions of meetings at which a respondent makes a presentation or answers questions are exempt from the open meetings requirement of section 286.011, Florida Statutes, and section 24(b), Article I of the Florida Constitution.

(c) Evaluation Criteria: All competitive solicitations shall be evaluated in accordance with criteria set forth in the ITB, RFQ, or RFP, and in accordance with criteria set forth in these Policies. The person or Committee evaluating the responses

shall document through ranking/scoring sheets or other written means their findings on the respondents and whether they meet the criteria.

(d) Notification Pursuant to Section 287.0571, F.S.: Vendors/contractors responding to a competitive solicitation of the City will be notified of the provisions of section 287.0571, Florida Statutes, which prohibit local governments from considering or requesting documentation of a vendor/contractor's social, political, or ideological interests when determining if the vendor/contractor is a responsible vendor/contractor. In accordance with section 287.0571, Florida Statutes, the City will not consider social, political, or ideological interests in selecting a vendor/contractor and will not request any documentation of a vendor/contractor's social, political, or ideological interests for use in determining if the vendor/contractor is a responsible vendor/contractor.

(e) No Conflict of Interest. All persons serving on a selection committee or otherwise participating in the evaluation process shall execute a statement that they have no conflict of interest with regard to the outcome of the competitive solicitation being evaluated.

4.8 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.

4.9 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 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 disbarment. The request for reconsideration shall be submitted to the Procurement Officer, who shall forward the request to the Procurement Director and 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.

4.10 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 Procurement Officer. 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 Procurement Officer 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. A timely Notice of Protest received by the City shall be posted online or otherwise provided in the same manner as which notice of the competitive solicitation was provided. The protesting party must also submit a formal written protest letter to the City's Procurement Officer 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) Right to Intervene: Any respondent to an ITB, RFQ, or RFP solicitation or award who submitted a timely response and who has a substantial interest in the award of a contract pursuant to the solicitation may be granted the right to intervene in a timely protest. A request to intervene, stating the grounds for intervention, must be submitted to the Procurement Officer within five (5) business days after the deadline for the protesting party to file their formal written protest letter. A decision on the request to intervene shall be made by the City Manager and shall be granted if the City Manager determines that the requesting party has a substantial interest in the award.

(d) 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.

(e) 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.

(f) Decision of the City Manager: The City Manager shall meet with the protesting party, and also with any parties granted the right to intervene, and attempt to reach a mutual agreement to resolve the protest. If the protest is resolved by mutual agreement, the City Manager will document the manner in which it was resolved through a memorandum or other communication, which shall be made a part of the file. 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.

(g) Appeal to the City Council: If a protesting party, or intervening party, desires to appeal a decision of the City Manager on a procurement protest to the City Council, the party must submit a Notice of Appeal to the City's Procurement Officer within three (3) business days after receiving the City Manager's decision. A timely Notice of Appeal received by the City shall be posted online or otherwise provided in the same manner as which notice of the competitive solicitation was provided. The protesting party must also submit a formal written appeal to the City's Procurement Officer 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.

(h) 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.

(i) 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.

(j) 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.

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

SECTION 5 - PROCUREMENT METHODS

5.1 Overview of Procurement Methods

(a) Competitive Invitations to Bid (“ITB”) (See Section 5.2): Use of this method is required for procurement of construction, materials, supplies, equipment, improvements, work, or services that must adhere to certain specifications when the estimated cost is \$35,000 or greater.

(b) Competitive 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.² This method may also in the City’s discretion be used for procurement of such services when not required under the CCNA.

(c) Competitive Request for Proposals (“RFP”) (See Section 5.4): This method may be used for the procurement of services or work when another process is not required and the estimated cost is \$35,000 or greater, when the requirements and specifications for the services or work 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.³

(d) Competitive Quotes (See Section 5.5): This method must be used when seeking quotes for services or commodities when the estimated cost is in

² As of the date of adoption of these Policies, 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).

³ The term “professional” as used in these Policies shall mean a person or firm providing services requiring specialized knowledge of a mental nature and skill, and usually requiring a license, certification, or registration.

excess of \$5,000 but is no more than \$35,000 and another method of selection is not required. A broker or agent may be used to obtain the quotes.

(e) Alternative Methods of Procurement: These methods may be used as alternatives to ITBs, RFQs, RFPs, and competitive quotes, provided that the criteria for use of the alternative methods as specified herein are met and provided that the procurement using the alternative method is approved by the City Council if the amount exceeds \$35,000 or by the City Manager if the amount exceeds \$5,000 but is no more than \$35,000.

(i) 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.

(ii) “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 in consultation with the City Attorney. All such “piggyback” contracts must have been competitively obtained and the vendor must agree to the exact terms and conditions specified in the contract. A cover contract with the City must be entered into setting forth the that the terms of the contract on which the City is “piggybacking” apply. Documentation of the competitive solicitation on which the “piggyback” contract is based must be obtained by the City and placed in the contract file. “Piggyback” contracts must be approved by the City Council if the contract amount exceeds \$35,000, or by the City Manager if the contract amount is in excess of \$5,000 but not greater than \$35,000.

(iii) Cooperative Purchasing. The City may also use Cooperative Purchasing programs upon contract review and approval by the City Manager in consultation with the City Attorney. Cooperative Purchasing contracts must be approved by the City Council if the contract amount exceeds \$35,000, or by the City Manager if the contract amount is in excess of \$5,000 but not greater than \$35,000.

(iv) 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.

(v) **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.

(vi) **Information Technology Alternative Purchasing (See Section 5.10):** When appropriate and necessary for cybersecurity purposes, the City may use alternative purchasing procedures as set forth in Section 5.10 of these Policies.

(h) **Purchase Card (“p-card”) Purchases (See Section 5.10):** This method may be used for purchases under \$5,000 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.

(i) **Other:** The methods of procurement set forth herein shall be the principal 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.

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

(a) **Requirement to Use:** This method must be used for the procurement of construction, materials, equipment, or vehicles obligating the City in an amount in excess of \$35,000. If the procurement meets the criteria for an appropriate alternative method of procurement, the alternative method may be used with approval of the City Council.

(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 formal bids for the procurement of a purchase or services estimated to exceed \$35,000.

(c) Invitation to Bid Package, Scheduling, and Electronic Information Required: Following the City Council’s approval of a recommendation to seek bids, an Invitation to Bid (“ITB”) package will be developed by the Procurement Officer in conjunction with the Procurement Director, appropriate Department Director, Project Manager, and/or such other person as the City Manager or Procurement Director might designate. Those creating the ITB package will work in conjunction with the Procurement Officer. The person identified as responsible for working with the Procurement Officer to develop the ITB package shall complete and submit to the Procurement Officer information providing the bid schedule (including the advertising schedule), the Scope of Work, project schedule and requirements, and such other information as might be required and specified.

(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 any other information specific to the bid, the project, and responses to the ITB;

(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 terms;

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

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

(viii) 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 presentations requested by the City.

(ix) Required forms identified by the Procurement Officer in conjunction with the Procurement Director and City Attorney, such as the following:

- Anti-Collusion Affidavit
- Anti-Lobbying Certification
- Conflict of Interest Disclosure Form
- Drug-Free Workplace Confirmation Form
- Federal E-Verify Compliance Certification
- Code Acknowledgement Form
- Public Entities Crimes Affidavit
- Truth in Negotiation Certification

(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, with links to the posting 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 meeting. 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 Procurement 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 Meetings and Questions on the ITB:

(i) A pre-bid meeting may be held, at the discretion of the Procurement Director and Procurement Officer 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 Procurement Officer or their designee, shall prepare the presentation and materials to be provided at the pre-bid meeting, if applicable.

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

(iii) A pre-bid meeting will be held long enough after the specifications are issued to allow the bidders to become familiar with them, but sufficiently before the bid submittal deadline to allow for consideration of information presented in the meeting in preparing the bid. Nothing said in a pre-bid meeting 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 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 Procurement Officer 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 Procurement Officer or their designee receives an inquiry on

the ITB, the inquiry shall be passed on to the Procurement 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) Submission of Bids: Bids shall be submitted online through QUESTCDN or another appropriate competitive data network, through a third-party bid service, or as otherwise specified in the ITB. Methods of submission other than through the online service or as otherwise specified in the ITB will not be accepted.

(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. Upon opening, the name of the bidder and the amount of their bid will be read aloud in public and recorded by the Procurement Officer or their designee.

(i) Evaluation of Bids: After the bid opening, the person or Selection Committee designated to review the bids shall evaluate the bids and submit to the Procurement Officer 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. Selection Committees shall conduct evaluations in a publicly noticed meeting open to the public, except when hearing presentations subject to exemption from the open meeting requirements under section 286.011, Florida Statutes.

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

- Whether the respondent is certified, licensed, and fully qualified to perform the work sought, which is a requirement for selection;
- 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, or a certified Disadvantaged Business Enterprise as defined by the United States Department of Transportation;
- 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.

Alternative proposals or approaches not requested in the ITB will not be considered.

(j) Notification Pursuant to Section 287.0571, F.S.: Vendors/contractors responding to a competitive solicitation of the City shall be notified of the provisions of section 287.0571, Florida Statutes, which prohibit local governments from considering or requesting documentation of a vendor/contractor's social, political, or ideological interests when determining if the vendor/contractor is a responsible vendor/contractor. In accordance with section 287.0571, Florida Statutes, the City will not consider social, political, or ideological interests in selecting a vendor/contractor and will not request any documentation of a vendor/contractor's social, political, or ideological interests for use in determining if the vendor/contractor is a responsible vendor/contractor.

(k) Award of Bid: Based upon the evaluation of the bid and the recommendation of the evaluator, the Procurement Officer 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. If only one response to the ITB is received, the City may award the bid to the submitting respondent if it is in the best interest of the City to do so.

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

(m) 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.

(n) Notice of Intent to Award to Successful Bidder(s): As soon as reasonably possible after a decision is made to award, the Procurement 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. The Notice of Intent to Award shall also advise of the right to protest the selection in accordance with Section 4.10 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.

(o) 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 Procurement Officer 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 has been issued, the funds have not been encumbered.

(p) 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 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.

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

(i) City's Best Interest: The City reserves the right to reject any or all bids or parts of bids, and to readvertise the Invitation to Bid, if the City determines that acceptance of the submitted bid(s) would not be in the best interests of the City;

(ii) 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 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.

(r) 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 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 Procurement Officer, in conjunction with the City Attorney, shall confirm the threshold amounts in the CCNA statute prior to procurement of any services of the type to which the CCNA applies.⁴

(b) 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 statements of qualifications and proposals for the procurement of professional architectural, engineering, landscape architectural, or surveying and mapping

⁴ As of the date of adoption of these Policies, 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 for projects involving construction costs that exceed the threshold amounts set forth in Section 287.017, Florida Statutes.

(c) 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 by the Procurement Officer in conjunction with the Procurement Director, appropriate Department Director, Project Manager, and/or such other person as the City Manager or Procurement Director might designate. The Department Director, Project Manager, or other persons identified as responsible for developing the RFQ package shall complete and submit to the Procurement Officer information providing the RFQ schedule (including the advertising schedule), Scope of Work, project schedule and requirements, and such other information as might be required and specified.

(d) 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 any other information specific to the project and responses to the RFQ;

(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) The contract terms and conditions, including warranty and bonding or other security requirements, and records retention requirements, as applicable, although the contract will not be negotiated until selection of the most qualified responding firm is determined in accordance with these Policies.

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

(v) 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 presentations requested by the City.

(vi) Required forms identified by the Procurement Officer in conjunction with the Procurement Director and City Attorney, such as the following:

- Anti-Collusion Affidavit
- Anti-Lobbying Certification
- Conflict of Interest Disclosure Form
- Drug-Free Workplace Confirmation Form
- Federal E-Verify Compliance Certification
- Code Acknowledgement Form
- Public Entities Crimes Affidavit -
- Truth in Negotiation Certification

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.

(e) **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 meeting. 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 Procurement 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.

(f) Pre-Submittal Meeting and Questions on the RFQ:

(i) A pre-submittal meeting may be held at the discretion of the Procurement Director and Procurement Officer or their designee, to explain any part of the RFQ requirements, and to allow prospective respondents to ask questions. The appropriate Department Director, in conjunction with the Procurement Officer or their designee, shall prepare the presentation and materials to be provided at the pre-submittal meeting if applicable.

(ii) The pre-submittal meeting may be mandatory or non-mandatory. If mandatory, only those attending shall be allowed to respond to the RFQ. All those in attendance at the pre-submittal meeting must register their attendance on a sign-in sheet. Pre-submittal meetings may be recorded.

(iii) A pre-submittal meeting will be held long enough after the RFQ is issued to allow prospective respondents to become familiar with the RFQ, but sufficiently before the response submittal deadline to allow for consideration of information presented in the meeting in preparing the response. Nothing said in a pre-submittal meeting will change the requirements or specifications unless a written amendment to the is issued through an Addendum to the RFQ, which shall be made available to all known prospective bidders and posted online in the same manner as the RFQ.

(iv) Prospective respondents may submit questions on the RFQ through the method or methods identified in the RFQ, which at the discretion of the Procurement Officer may or may not include attendance at a pre-

submittal meeting. All questions shall be submitted to the Procurement Officer or their designee. The RFQ may require that all questions be submitted in writing. All written inquiries shall be responded to in writing through QUEST or other online service being used for the RFQ, or by email, with copies of the questions and responses thereto provided to all prospective respondents and respondents.

(v) All telephone conversations are to be considered unofficial responses and will not be binding. If any staff person other than the Procurement Officer or their designee receives an inquiry on the RFQ, the inquiry shall be passed on to the Procurement Officer who, in conjunction with the Procurement Director, 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) **Submission of RFQ Responses:** RFQ responses shall be submitted online, through an appropriate third-party service, or as otherwise specified in the RFQ. Responses submitted in any other manner, unless provided for in the RFQ, shall not be considered.

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

(i) **Evaluation of Submittals and Qualifications by Selection Committee:**

(i) **Selection Committee:** The City Manager shall appoint a Selection Committee to review and evaluate responses to a Request for Qualifications and make recommendations to the City Council on the three most qualified firms for the subject project. The Selection Committee should include City employees and others with knowledge and experience relevant to the project. The City Manager shall not serve on Selection Committees to avoid conflict in the event of a protest, and the Procurement Officer should not serve on Selection Committees to avoid conflict with their administrative role in procurement matters.

(ii) **Initial Evaluation and Ranking:** The Selection Committee shall meet in a publicly noticed meeting to conduct its initial evaluation of 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 by the Procurement Officer:

- 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, or a certified Disadvantaged Business Enterprise as defined by the United States Department of Transportation;
- 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 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.

(j) Notice Pursuant to Section 287.0571, F.S.: Vendors/contractors responding to a competitive solicitation of the City shall be notified of the provisions of section 287.0571, Florida Statutes, which prohibit local governments from considering or requesting documentation of a vendor/contractor's social, political, or ideological interests when determining if the vendor/contractor is a responsible vendor/contractor. In accordance with section 287.0571, Florida Statutes, the City will not consider social, political, or ideological interests in selecting a vendor/contractor and will not request any documentation of a vendor/contractor's social, political, or ideological interests for use in determining if the vendor/contractor is a responsible vendor/contractor.

(k) Rankings: Upon completion of its evaluation of the submittals and qualifications, the Selection Committee shall preliminarily rank the firms and select at least three (3) firms to be invited to make oral presentations to the Committee. Should less than three (3) submittals be received in response to the RFQ, the Selection Committee may omit the initial evaluation and rankings and invite all of the responding firms to make oral presentations at the Committee's first meeting.

(i) Presentations to the Selection Committee: The Selection Committee for an RFQ will convene in a publicly noticed meeting at which the invited firms shall make their presentations to the Committee and allow for Committee questioning. If the Committee identifies any particular topics it would like to be covered in the presentations, the Procurement Officer or their designee shall notify the invitees of those topics when notifying them of the date, time, and place for the presentations. In accordance with section 286.0113(2)(b), Florida Statutes, portions of meetings at which a firm makes a presentation or answers questions are exempt from the open meetings requirement of section 286.011, Florida Statutes, and section 24(b), Article I of the Florida Constitution.

(ii) Selection Committee Final Ranking of Firms: Following the presentations and discussion, the Committee shall rank the firms using the criteria specified in the RFQ and in these Policies to determine the top three firms that are qualified to provide the services sought and shall vote to recommend those firms in order of their ranking to the Council for consideration. All scoring/ranking sheets used by the Committee and its members shall be maintained in the RFQ file. Where only two submittals are received in response to the RFQ, the Selection Committee shall rank the two firms and make a recommendation to the City Council in order of their ranking for consideration. If only one response is received, the Selection Committee may in its discretion recommend that the firm as the firm to negotiate with if the firm is qualified and suited for the project, or that the RFQ be reissued, whichever the Committee determines is in the best interest of the City.

(l) City Council Consideration of Selection Committee Recommendation: The City Council shall as soon as reasonably possible consider the recommendation of the RFQ 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 and this Manual. If only one response to the RFQ is received, the City Council may authorize negotiations with that firm if the Council determines that the firm is qualified and suited for the project and it is in the best interest of the City to negotiate with them.

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

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

(i) 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;

(ii) 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) Notification of Intent to Enter into Negotiations With Firm Selected As Most Qualified: The Procurement Officer 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 chosen by the City Council 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.

(p) Competitive Negotiations: Upon expiration of the three (3) days following posting of the Notice of Intent to Enter into Negotiations, 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.

(q) 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, or until there are no responding firms left to negotiate with.

(r) Notice of Award of Contract: As soon as reasonably possible, the Procurement Officer 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 has been issued, the funds have not been encumbered.

(s) 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,⁵ 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.

(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 As of the date of adoption of these Policies, the Category Four threshold under Section 287.017, Florida Statutes, is \$195,000.00. The Procurement Officer or their designee shall confirm the threshold amount to determine applicability of this provision.

5.4 Competitive Request for Proposals (“RFP”)

(a) Conditions for Use: This method shall be used for the procurement of professional and non-professional services for projects, services, equipment and vehicles involving costs estimated to exceed \$35,000 when another method is not required, the specific requirements of the project, services, equipment or vehicles to be provided are not fully known, and qualitative factors may be considered to the same or greater extent than quantitative ones such as price. If the procurement meets the criteria for an appropriate alternative method of procurement, the alternative method may be used with approval of the City Council. This method may also 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 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 by the Procurement Officer in conjunction with the Procurement Director, appropriate Department Director, Project Manager, and/or such other person as the Procurement Director and Procurement Officer might designate. The person identified responsible for developing the RFP package shall complete and submit to the Procurement Officer information providing the RFP schedule (including the advertising schedule), Scope of Work, and such other information as might be required and specified.

(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, instructions for electronic submission of the responses, and any other information specific to the bid, the project, and responses to the RFP;

(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 terms. Alternatively, the RFP may require respondents to submit a proposed contract;

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

(v) 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 presentations requested by the City.

(vi) Required forms identified by the Procurement Officer in conjunction with the Procurement Director and City Attorney, such as the following:

- Anti-Collusion Affidavit
- Anti-Lobbying Certification
- Conflict of Interest Disclosure Form
- Drug-Free Workplace Confirmation Form
- Federal E-Verify Compliance Certification
- Code Acknowledgement Form
- Public Entities Crimes Affidavit -
- Truth in Negotiation Certification

(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 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) Pre-submittal Meeting and Questions on RFP:

(i) A pre-submittal meeting may be held at the discretion of the Procurement Director and Procurement Officer or their designee, to explain any part of the RFP requirements, and to allow prospective respondents to ask questions. The appropriate Department Director, in conjunction with the Procurement Officer or their designee, shall prepare the presentation and materials to be provided at the pre-submittal meeting if applicable.

(ii) The pre-submittal meeting may be mandatory or non-mandatory. If mandatory, only those attending shall be allowed to respond to the RFP. All those in attendance at the pre-submittal meeting must register their attendance on a sign-in sheet. Pre-submittal meetings may be recorded.

(iii) A pre-submittal meeting will be held long enough after the RFP is issued to allow prospective respondents to become familiar with the RFP, but sufficiently before the response submittal deadline to allow for consideration of information presented in the meeting in preparing the response. Nothing said in a pre-submittal meeting will change the proposal requirements or specifications unless a written amendment to the RFP is issued through an Addendum to the RFP, which shall be made available to all known prospective bidders and posted online in the same manner as the RFP.

(iv) Prospective respondents may submit questions on the RFP through the method or methods identified in the RFP, which at the discretion of the Procurement Officer may or may not include attendance at a pre-submittal meeting. All questions shall be submitted to the Procurement Officer or their designee. The RFP may require that all questions be submitted in writing. All written inquiries shall be responded to in writing. 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.

(v) All telephone conversations are to be considered unofficial responses and will not be binding. If any staff person other than the Procurement Officer or their designee receives an inquiry on the RFP, the inquiry shall be passed on to the Procurement Officer who, in conjunction with the Procurement Director, 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) Submittal of RFP Responses: RFP responses shall be submitted online, through an appropriate third-party service, or as otherwise specified in the RFP.

(h) Opening of Responses: As soon as reasonably possible after the deadline for responding to the RFP, the RFP responses shall be opened by the Procurement Officer. The opening shall be recorded, and the name of the respondents will be read aloud and documented by the Procurement Officer or their designee.

(i) Evaluation of Responses and Proposals: After the opening of responses and proposals, the person or Selection Committee designated to review the responses shall evaluate the responses and proposals and submit to the City Manager, Procurement Director, and Procurement Officer or their designee a determination of which proposal best meets the requirements and criteria set forth in the RFP. Selection Committees shall conduct evaluations in a publicly noticed meeting open to the public, except when hearing presentations subject to exemption from the open meeting requirements under section 286.011, Florida Statutes.

If evaluations are conducted by a Selection Committee, the Committee in its discretion may invite respondents to make presentations to the Committee. If the Committee identifies any particular topics it would like to be covered in the presentations, the Procurement Officer or their designee shall notify the invitees of those topics when notifying them of the date, time, and place for the presentations. In accordance with section 286.0113(2)(b), Florida Statutes, portions of meetings at which a firm makes a presentation or answers questions are exempt from the open meetings requirement of section 286.011, Florida Statutes, and section 24(b), Article I of the Florida Constitution. All scoring/ranking sheets used by the Committee and its members, or by City staff evaluating the proposals, shall be maintained in the RFP file.

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, availability, and adaptability of the proposed method of providing the services or work sought;
- 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, or a certified Disadvantaged Business Enterprise as defined by the United States Department of Transportation;
- 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;
- Any changes to the proposed contract terms and conditions;
- Other factors as specified in the RFP.

(j) Notice Pursuant to Section 287.0571, F.S.: Vendors/contractors responding to a competitive solicitation of the City are hereby notified of the provisions of section 287.0571, Florida Statutes, which prohibit local governments

from considering or requesting documentation of a vendor/contractor's social, political, or ideological interests when determining if the vendor/contractor is a responsible vendor/contractor. In accordance with section 287.0571, Florida Statutes, the City will not consider social, political, or ideological interests in selecting a vendor/contractor and will not request any documentation of a vendor/contractor's social, political, or ideological interests for use in determining if the vendor/contractor is a responsible vendor/contractor.

(k) Recommendation to Council: 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 recommend selection of an RFP respondent or seek direction from the Council on how to proceed with consideration of the selection of an RFP respondent to provide the services sought. If only one response to the RFP is received, the City Manager may recommend that respondent be selected if they meet the criteria, or recommend that the City Council reissue the RFP, whichever it deems to be in the best interest of the City. In its discretion, the City Council may request that some or all of the respondents make presentations to the City Council. In accordance with section 286.0113(2)(b), Florida Statutes, portions of meetings at which a firm makes a presentation or answers questions are exempt from the open meetings requirement of section 286.011, Florida Statutes, and section 24(b), Article I of the Florida Constitution.

(l) 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.

(m) 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 Procurement Officer rejected bids will be removed from online sites;

(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.

(n) 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. If only one response to the RFP is received, the Council may choose that respondent if they meet the criteria, or the Council may choose to reissue the RFP, whichever it deems to be in the best interest of the City. Upon selection of a respondent, 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.

(o) Notice of Intent to Award: As soon as reasonably possible, the Procurement Officer 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 Intent to Award 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 award the project to the selected professional or firm within three (3) days of the posting of the Notice. The Notice of Intent to Award 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 Intent to Award will also be posted and sent to interested parties, in the same manner in which notification of the RFP was provided.

(p) Notice of Award: Upon expiration of the three (3) days following posting of the Notice of Award, if no protest has been filed, the Procurement Officer 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 of the bid to the successful bidder. The Notice of Award is not notice to the awarded respondent to

perform or deliver the item(s) which are the subject of the RFP. Until the contract is signed, and a Purchase Order or other appropriate authorization to proceed is issued, the awarded respondent shall not perform. The Finance Director or their designee shall be notified of the issuance of a Purchase Order or notice to proceed, and until such time as a Purchase Order or notice to proceed has been issued, the funds have not been encumbered.

(q) Approval of Contract: The City Council's approval and selection of a respondent 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 been 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

(a) Conditions for Use: This method must be used when seeking quotes for services or commodities when: (i) the estimated cost is in excess of \$5,000 but does not exceed \$35,000; 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) by a date specified in the request for quotes. If less than three (3) vendors provide quotes, proof of solicitation shall be documented along with justification as to why a quote should nonetheless be accepted.

(ii) The quotes obtained and the vendor's terms and conditions shall be submitted electronically along with an electronic Requisition Form identifying the recommended vendor.

(iii) The procuring department shall confirm with the Finance Department that funds are available in the budget for the procurement and shall so indicate on the Requisition Form.

(vii) At the request of the Procurement Officer, Procurement Director, or the procuring department, 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.

(viii) When complete, the Procurement Officer 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.

(ix) The City Manager shall indicate approval or disapproval of the procurement and the vendor on the electronic Requisition, after which a Purchase Order will 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) or services to be procured are unique or the only one that will produce the desired results (or fulfill the specific need); or

(ii) The item(s) or services are 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) or services are 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 software programs. Where standardization is determined to be desirable by a procuring department and is approved by the City Manager, the purchase of materials, supplies, equipment and/or certain contractual services may be made by negotiation.

(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 or services, in conjunction with the Procurement Officer, shall attempt to locate competition and shall also check for “piggyback” contracts or cooperative purchasing opportunities, as defined by Section 5.7 of these Policies. If no other sources are found, the Department Director shall a completed Requisition 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 Requisition and note in the specified place on the electronic 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, the Department Director or designated City staff shall conduct negotiations on price, delivery, and terms, to achieve a fair and reasonable price;

(v) The Procurement Officer or their designee shall keep a log of Sole Source and Standardization proprietary purchases that are above the \$35,000 threshold. The log shall include 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 Procurement Officer or their designee.

5.7 “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 in

consultation with the City Attorney. All such “piggyback” contracts must have been competitively obtained and the vendor must agree to the exact terms and conditions specified in the contract. A cover contract with the City must be entered into setting forth the that the terms of the contract on which the City is “piggybacking” apply. Documentation of the competitive solicitation on which the “piggyback” contract is based must be obtained by the City and placed in the contract file. “Piggyback” contracts must be approved by the City Council if the contract amount exceeds \$35,000.

(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 in electronic form requesting to “piggyback” on that contract shall be submitted to the Procurement Officer or their designee. The Requisition 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 and the competitive solicitation package through which the other entity procured the contract shall also be provided by the procuring department to the Procurement Officer or their designee.

(ii) The Procurement Officer 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 obtained.

(iii) The Procurement Officer 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 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 Procurement Officer shall submit the

Requisition and contract, and any comments from the City Attorney or others, to the City Manager and Procurement Director for consideration. The City Attorney shall prepare any necessary agreements with the vendor confirming the “piggyback” contract.

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

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

5.8 Cooperative Purchasing

The City may also use cooperative purchasing programs upon contract review and approval by the City Manager in consultation with the City Attorney. Cooperative purchasing is not the same as “piggyback” purchasing. Cooperative purchasing is when procurement opportunities are solicited by an organization for use by multiple public entities. Examples include the Florida Sheriffs Association’s purchasing program and the Florida Department of Management Services’ Division of Purchasing platform. These and other cooperative purchasing programs may be used for appropriate procurements when it is demonstrated that other Florida local governments use the particular program. Procurements made through cooperative purchasing must be approved by the City Council if the procurement amount exceeds \$35,000.

5.9 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 Procurement Director and Procurement Officer 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 Procurement Officer to ensure proper acquisition.

5.10 Information Technology Alternative Purchasing:

(a) Conditions for Use: When appropriate and necessary for cybersecurity purposes, the City may use alternative purchasing procedures as set forth herein.

(b) Software and Other Information Technology Exemption: Purchases or leases of software and information technology as specifically identified by the City's Information Technology Director or authorized designee, and approved by the City Manager, are exempt from the competitive procurement process if the process might jeopardize cybersecurity. The Information Technology Department shall coordinate all purchases exempt under these provisions through the Procurement Director and Procurement Officer or their designee to ensure proper acquisition and record keeping. Justification for the exemption must be documented and maintained in the procurement file.

5.11 Emergency Purchases

(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 \$5,000, 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 \$35,000 before the Council as soon as reasonably possible thereafter for confirmatory approval;

(ii) For an emergency purchase above \$5,000, a Department Director or their designee shall request approval through the Finance 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 documentation explaining the need for the emergency purchase, will be submitted by the Department Director or their designee to the Finance Director 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 may be costly and should be kept to a minimum.

5.12 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 the limits set forth herein and that have otherwise been properly approved in accordance with these Policies. Permitted uses include, but are not limited to, purchases related to travel, such as airline tickets, hotel reservations, car rentals, registration fees, and emergency purchases. 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 or who may need a card for after-hour calls and/or in the event of an emergency. All requests for p-cards shall be approved by the employee’s Department Director, who will submit an electronic or written request to the Finance Director or their designee. 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 overall charging limits. P-cards will be issued in the name of each individual and the City of Gulf Breeze. The p-card will remain the property of the City of Gulf Breeze. Each potential cardholder shall be required to sign an agreement prior to being issued the p-card, will receive a copy of the City of Gulf Breeze Purchasing Policies & Procedures, and will agree to abide by all rules and procedures contained in the document.

The overall charging limit on p-cards shall not exceed \$5,000 for any employee unless otherwise approved electronically or in writing by the City Manager or their designee. The standard overall charging limits shall be \$5,000 for Department Directors, \$2,500 for supervisors, and \$1,500 for all other employees. Any requests for modification to the limits on the card exceeding \$5,000 must be submitted to the Finance Director or their designee by the employee's Department Director and approved by the City Manager.

(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 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. Employees may not use p-cards for personal purchases. Purchases for meals are prohibited other than meals when the employee is on pre-approved travel or unless pre-approved in writing by the employee's Department Director.

(iii) Limits on Purchase of Individual Items: P-cards may be used by Department Directors for the purchase of individual items that do not exceed \$5,000. P-cards may be used by other employees for the purchase of individual items that do not exceed \$1,000. All individual purchases over these limits 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 charging limits.

(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 is unable or unwilling to honor the City's tax-exempt status, the purchase should not be made unless it is a mandatory or

emergency purchase. If the vendor inadvertently charges sales tax, the employee shall contact the vendor and obtain a refund or credit equal to the amount of the sales tax. If the vendor is unable or unwilling to provide a refund or credit for the sales tax paid, the p-card holder is responsible for reimbursing the City.

(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 or electronic/online orders, the employee shall retain the receipt and\ packing slip (when provided) included in the shipment. The employee shall also write the account number, or a narrative description of the account/project to be charged, on each receipt or on an additional page attached to the original receipt. The documentation shall be submitted to the Finance Director or their designee no later than the 5th of the following month (or first business day after when the 5th falls on a non-business day) 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 to the Finance Director or their designee after obtaining signatures from their Department Director.

(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 of the employee (if necessary) who made the purchase, seek a credit for any errors

involving billing, defective supplies or unacceptable services, returned supplies or canceled orders, which should appear on the p-card statement within 60 days of the purchase.

(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.

APPENDIX "A"
FLOW CHARTS