

CITY OF SPRINGFIELD, FLORIDA

RESOLUTION NO.: 98-02

**A RESOLUTION OF THE CITY OF SPRINGFIELD,
FLORIDA, ADOPTING A PROCUREMENT POLICY AND
PROCEDURES FOR COMMUNITY DEVELOPMENT
BLOCK GRANTS.**

WHEREAS, the City Commission appreciates the benefit of acquiring

Community Development Block Grant funds to finance municipal projects ; and

WHEREAS, the City Commission recognizes that there are certain restrictions placed on the use of said funds including procedures for the procurement of goods and services; and

NOW THEREFORE, BE IT RESOLVED THAT:

The City Commission of the City of Springfield, Bay County, Florida, does hereby adopt a general policy of procurement and procedures for Community Development Block Grant projects. Said policy and procedures are attached hereto as if fully set forth herein.

PASSED, APPROVED AND ADOPTED in Regular Session of the City

Commission of the City of Springfield, Florida, on this the 2nd day of March, 1998.

CITY OF SPRINGFIELD, FLORIDA


JERRE DEASON, Mayor

ATTEST:


CHARLES A. YAUTZ, City Clerk

CITY OF SPRINGFIELD, FLORIDA

**PROCUREMENT POLICY AND PROCEDURES
FOR CDBG PROJECTS**

Prepared by Roumelis Planning and Development Services, Inc

I. GENERAL POLICY

A. APPLICABILITY

These procurement policies and procedures shall be used for the purchase of goods or services when the purchase is funded by a Community Development Block Grant.

B. PROCUREMENT LAW AND REGULATIONS

Laws relative to the procurement process, in general, may be found in Chapter 287, Florida Statutes, supplemented by Chapter 9B-43 of the Florida Administrative Code. The provisions of these procurement policies and procedures shall not be construed to conflict with or supersede the requirements of S. 287.055, Fla. Statutes (Consultants Competitive Negotiation Act, the CCNA), 24 Code of Federal Regulations (CFR) Section 85.36, or any other applicable state or federal laws or regulations. Future state or federal regulations applicable to procurement under the CDBG Program shall supersede and/or supplement this policy when required.

II. PROCUREMENT STANDARDS

A. GENERAL STANDARDS

Except as otherwise provided by law, procurement awards shall be made only on the basis of requirements and evaluation factors that are directly related to the price, quantity, availability or quality of the commodities or services or the ability/willingness of the prospective supplier or contractor to perform under the proposed award agreement.

Procurement procedures prohibit the dividing of the procurement of a good or service into a number of smaller groups in order to avoid the more stringent requirements of a higher dollar category. However, this provision is not to conflict with the provision of 24 C.F.R. s. 85.35 (e) that the subgrantee take all necessary affirmative steps to assure that minority firms, woman owned business enterprises and labor surplus area firms are offered the opportunity to participate to the maximum practicable extent.

B. COMPETITION

All procurement transactions will be conducted in a manner providing full and open competition consistent with standards of Section 85.36 of the C.F.R. Some of the situations considered to be restrictive of competition include but are not limited to:

- 1. placing unreasonable requirements on firms in order for them to qualify to do business.

2. requiring unnecessary experience and excessive bonding.
3. noncompetitive pricing practices between firms or between affiliated companies,
4. noncompetitive awards to consultants that are on retainer contracts,
5. organizational conflicts of interest.
6. specifying only a "brand name" product instead of allowing "an equal" product to be offered,
7. advertising or other dissemination of information by a method which does not provide an opportunity for widespread circulation or awareness by a reasonable number of prospective vendors,
8. any action, real or perceived, which could be construed to provide unwarranted preference to any current vendor, or to any representative of an organization which offers the goods or services being sought, and
9. any arbitrary action in the procurement process.

The inability to obtain more than one bid, price quote or proposal shall not prohibit the approval of a purchase if other prospective vendors or contractors have been given adequate notice of the procurement and an opportunity to participate, and have declined to submit bids, proposals or price quotes. The declination to submit need not be in writing.

III. PROCUREMENT ADMINISTRATION

Contracts shall specify a contract manager, appointed by the local governing body, to ensure that the contractor performs in accordance with the terms, conditions and specifications of their contract or purchase order.

Appropriate arrangements shall be made for the generation and maintenance of all files, records, and documentation necessary to evidence the compliance with all requirements as delineated in this document. All procurements shall comply with good purchasing practices and with applicable local, state and federal regulations, in a manner consistent with this document. A complete set of records shall be maintained by the entity responsible for the procurement for a minimum of three years after final grant close-out.

Any procurement of commodities or services costing \$500 or more shall be evidenced by a written agreement embodying all provisions and conditions of the procurement. This requirement for written documentation may be met through preparation of a letter on local government or vendor letterhead, signed by the vendor and appropriate elected and/or appointed official, stating such conditions and terms as price, number of units of purchase or product, delivery date, or when service is to begin, point of delivery, quality or performance specifications, etc. Any price quotes, warranties, guarantees, certifications or contracts shall be attached and filed.

The local governing body must authorize all purchases in excess of \$5,000 prior to purchase or contracting.

IV. PROCUREMENT CLASSIFICATIONS

A. The following classifications are established:

1. Simple Purchase, up to \$1,000
2. Informal Purchase, \$1,001 - \$3,000
3. Intermediate Purchase, \$3,001 - \$25,000
4. Formal Bidding or Solicitation, above \$25,000
5. Professional Services

B. SIMPLE PROCUREMENT (UP TO \$1,000)

Procurement is accomplished through simple purchase. Simple procurement procedures are those relatively simple and informal procurement methods that are sound and appropriate for a procurement of supplies, other property, or services. Items or services under \$1,000 do not require written price quotes or documented price checks. Although not required, it is desirable that oral price and availability quotes, catalog references or other appropriate information should be obtained and noted for costs above \$500.

C. INFORMAL PURCHASE (\$1,001 - \$3,000)

This category is similar to the Simple Purchase category, but requires some form of investigation of price and availability. A reasonable number of price checks or quotes should be made by phone, personal inspection, catalog review, discussions with vendors, etc., to ensure the highest quality product or service is obtained for the least cost. If three reputable vendors are available within a reasonable distance, three quotes should be attempted, although more quotes may be obtained, and there is no obligation to make extensive efforts to find a third vendor.

In addition to price and availability investigation, there must be a written purchase agreement, as stated in Section III of this policy.

C. INTERMEDIATE PROCUREMENT (\$3,001 - \$25,000)

Procurement is accomplished by obtaining three written price quotes or offers, when possible, or through informal negotiation. Files shall contain documentation of competition. No advertising is required, but all procurement shall be evidenced by a written agreement embodying all provisions and conditions of the procurement. Advertising in the local daily newspaper is encouraged, especially for purchases above \$10,000.

D. FORMAL PROCUREMENT (REQUIRED OVER \$25,000)

Formal procurement includes the acquisition of commodities or securing of services that are expected to cost more than \$25,000. This category requires formal advertising and submission of competitive sealed bids, sealed proposals, or competitive negotiation. Solicitations shall be published in at least one newspaper of general local circulation. If local vendor participation is not expected to be adequate in number or quality of response, other means of advertising shall be utilized, such as a regional newspaper or trade/professional publication, and/or direct solicitations from other known vendors.

Sealed bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsive and responsible bidder who conforms to or exceeds all material requirements, terms and conditions of the invitation for bids, and presents the lowest reasonable price that meets requirements and needs. Sealed bidding shall be used unless sealed bidding is not practicable or advantageous.

In such cases, factors other than price or in addition to price should/may be the primary consideration, so procurement shall be based on sealed proposals. Examples of instances wherein sealed proposals would be appropriate include purchase of real property (not to conflict with the local property acquisition policy), testing services, and property appraisal services. With sealed proposals, price is one factor to be required in proposals and considered during the evaluation of the proposals, but it is not necessarily the deciding factor in the selection process. In some circumstances it is appropriate to accept proposals containing various options for services, property or commodities, so the most advantageous procurement can be negotiated or selected based upon price, budget and needs.

E. PROFESSIONAL SERVICES

The procurement of professional services shall comply with Florida Statutes, in addition to federal and state CDBG requirements. Services not specifically covered by a state statute shall be procured by sealed proposals.

Services for which the fees exceed \$5,000 shall be publicly solicited, while services costing less than \$5,000 may be solicited by other competitive means. In all cases, there shall be an attempt to solicit services from at least three vendors, if readily available, and a record of the solicitations shall be maintained in the file. In instances not covered by state statute (such as engineering services costing less than \$5,000, or grant application/administration services costing less than \$25,000), price may be requested as a part of the solicitation, or a fee may be negotiated with the vendor considered most appropriate for the service.

The technique of competitive negotiation is normally conducted with more than one source submitting a proposal for services for which either a fixed-price or cost-reimbursement type contract is to be awarded. It is generally used when conditions are not appropriate for the use of sealed bids or proposals indicating fees. Florida Statutes

shall determine the manner in which such negotiations are performed and the types of contractual services which are to be procured in this manner.

Noncompetitive negotiation shall be used when other types of procurement are infeasible (see paragraph VI).

V. SOLICITATION AND AWARD

A. INVITATIONS FOR BIDS

1. The invitation to bid is used when the procuring entity is capable of defining the scope of work for which a contractual service is required or when the procuring entity is capable of establishing precise specifications defining the actual commodity or group of commodities required.
2. Invitation to bid shall be a written solicitation for sealed competitive bids with the title, date and hour of the public bid opening designated, and which specifically defines the commodity, group of commodities, or services for which bids are sought. It includes instructions describing all conditions for bidding and shall be distributed (or available) to all prospective bidders simultaneously.
3. Sealed bids are required to be received at a specified place not later than a specified time and date. Failure to comply with any essential instructions pertinent to the delivery of such bids shall result in their being rejected.

B. REQUEST FOR PROPOSALS (RFP)

A request for proposals (RFP) shall be a written solicitation for sealed proposals with the title, date, and hour of the public opening designated. The request for proposals is used when: (a) the procuring entity is incapable of specifically defining the scope of work for which the commodity, group of commodities, or contractual service is required and when it requests that a qualified offeror propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation, document or (b) when quality of performance is to be the primary factor for selection. With respect to competitive negotiations, a qualified offeror shall refer to the provisions of s. 287.055, Fla. Stat.

A request for proposals includes, but is not limited to, general information, applicable laws and rules, functional or general specifications, statement of work, proposal instructions, and evaluation criteria (such as experience with similar projects or the same type of program, availability, management and staffing, project approach, familiarity with local needs (which can be developed without prior experience with the City), and

minority/woman owned status). Requests for proposals shall identify the evaluation criteria and state the relative importance of each factor, including price (if requested to be included in the proposal).

C. ADVERTISING

The advertisement of the solicitation of bids or proposals must be written in a clear, concise manner and in a way which would invite competitive bidding/proposals. The advertisement shall contain at least the following minimum information:

1. time, date and location for receiving bids or proposals (the date shall not be less than twelve days after the advertisement is initially published), and the opening date and time for bids,
2. general description of the commodity or item being requested,
3. where and how detailed specifications and bid forms (if applicable) may be obtained,
4. terms and conditions of the contract to be awarded,
5. criteria for selection of the vendor or contractor, including the relative weight to be given to the different factors if procuring by method other than bidding,
6. other information relevant to evaluation and award (refer to s. 287.057(2), Fla. Stat. and 24 C.F.R. s 85.36 (a)(3)(D)).

Sealed bids or sealed proposals will be received at any time during normal working hours prior to the time and date as specified. Each proposal shall be annotated with the time and date received. The bids or proposals shall be placed in the applicable file and publicly opened and read at the time designated for the bid opening.

D. EVALUATION

The term "responsible bidder or proposer" refers to the capability of a vendor or contractor to perform fully all aspects of the contract. Financial and technical/physical capability, integrity, experience and reliability of the bidder or proposer, all of which tend to ensure good faith performance, shall be a criteria in evaluation of responsibility.

The term "responsive bidder or proposer" means a bidder who has submitted a bid or proposals which materially conforms to all provisions of the specifications and the invitation to bid or request for proposal.

Evaluation criteria and requirements for bids set forth in the invitation for bids shall be used to determine the most responsible and responsive bidder. The contract shall be awarded to the lowest responsible and responsive bidder, unless there are sound and documented reasons to reject a/all bid(s).

For proposals, as opposed to bids, the contract shall be awarded to the responsive and responsible proposer whose proposal is determined most advantageous to the local government, based upon the factors considered in the proposal evaluations, subject to reasonableness of fee. A technical review and ranking of proposals shall be performed by the City Commission or by a committee appointed by the City Commission. Each evaluator shall adequately document in writing, through the selected evaluation method, his/her individual evaluation of each proposal in order to provide a listing or ranking in preferential order, of the entities involved in the process. The evaluation shall be based upon the factors specified in the proposal solicitation. Each evaluator's opinion or choice shall be equally weighted so the selection can be awarded, or recommended for award, to the proposer receiving the highest evaluation by a majority of the evaluators.

VI. EXCEPTIONS

The non-competitive negotiation method of procurement is solicitation of a proposal from only one source, or after solicitation of a number of sources (documented), competition is determined inadequate (Refer to 24 C.F.R. s. 85.36(d)(4)). It may be used only:

1. When procurement or award of contract is infeasible under simple or intermediate procurement or through formal (sealed bid) competition; and
2. Under one of the following circumstances:
 - a. The item is available only from a single source;
 - b. Public exigency or emergency exists such that the urgency for the requirement will not permit a delay incident to competitive bidding; or
 - c. In the case where grant funds are being used, the federal or state (whichever is more stringent) grantor agency authorizes non-competitive negotiations; or
 - d. After solicitation of a number of sources, competition is determined inadequate; or
 - e. The contract item is available under a State of Florida contract.

Emergency purchases of up to \$25,000 shall be authorized by the Chief Elected Official or designated alternate when, based on his/her decision, the delay incurred by following the normal procurement requirements would be detrimental to the best interests of the community.

VII. AFFIRMATIVE ACTION/EQUAL OPPORTUNITY

The local government is committed to eliminating discrimination based upon race, color, sex, national origin, familial status, age, or physical handicap. In grant programs, the jurisdiction will comply with requirements of Section 3 (employment of the project area residents), Equal Employment Opportunity on Federally Assisted Construction Contracts, and Executive Order 11625 (Minority Business). Notice of the policy will be placed in plain sight at the job location for the benefits of interested parties and all contractors and subcontractors so notified. Equal opportunity posters will be displayed as required.

Minority vendors (including women-owned vendors) will be encouraged to participate in the CDBG program. Lists of minority vendors will be utilized in soliciting bids and proposals. Bonus points may be awarded to certified minority/women owned firms submitting proposals. However, there will be no minority business set-asides.

The following Section 3 policy is hereby adopted for CDBG projects.

- a. The City will encourage the utilization of vendors located in the project area by soliciting goods and services from local vendors.
- b. Where applicable, vendors of CDBG funded goods or services will be required to submit Section 3 plans and reports.
- c. The federal Section 3 clauses will be inserted into CDBG funded contracts as applicable.
- d. The City will refer known potential employment applicants to CDBG vendors, upon their request, if the potential applicants are project area residents.

VIII. CONTRACTS

All contracts procured with state or federal funds shall contain applicable provisions as required by Fla. Stat., Florida Administrative Rule, federal law including 24CFR Section 85, regulations or executive orders. Provisions shall include, but not be limited to, such requirements as bonding, equal employment opportunity, contract termination, record retention, public access to records, reporting, remedies for breach, conflict of interest, labor standards compliance, pre-and post-audit requirements, and compliance with environmental laws.

IX. CODE OF CONDUCT

No employee, officer or agent of the procuring entity shall participate in the selection, award or procurement of a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when (a) the employee, officer or agent, (b) any member of his family, (c) his or her partner, or (d) an organization which employs, or is about to employ, any of the above, will receive a financial or other direct benefit of CDBG funds from the contract award. In any of these cases, the employee, officer or agent will abstain from voting on the award.

Officers, employees and agents of the procuring entity will neither solicit gratuities, favors or anything of monetary value, nor accept any unsolicited gratuity, favor or gift valued above \$25, from contractors or potential contractors, or parties to subagreements.

Violation of this policy shall be subject to penalties, sanctions or other disciplinary action as permitted by state or local law. Upon conviction in a State Court of competent authority, a violator may be found guilty of a first degree misdemeanor, punishable as provided in Fla. Stat. s. 775.082 or s. 775.083.

Existing State and federal regulations/laws regarding conflict of interest will be followed as applicable. This will include, but not be limited to, the CDBG grant award conditions specified by the awarding agency.

X. PROTESTS

Objection to a procurement action shall be issued, in writing, to the chief elected official within five working days of purchase or selection to purchase under contract. A response shall be issued to the objecting party within five working days. An objection shall be considered valid only if it discloses a specific violation of this policy or a required reference.

This policy has been approved and adopted this 2 day of March, 1998 by the City Commission of the City of Springfield.

Attest:

Mayor	City Clerk
	Seal