
Five-year Operational Plan Procurement Services

Projected Fiscal Years 2021-2025



Procurement Services

2631 SE 3rd St
Ocala, FL 34471
352-671-8444

Susan.olsen@marioncountyfl.org
www.marioncountyfl.org



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Executive Summary

I am pleased to present the 2020-2025 Operational Plan for the Marion County Board of County Commissioners Procurement Services Department. This plan reflects our continuing mission to provide goods and services as required by the County departments at the least overall cost to the taxpayers and to administer the procurement process in an open, fair, competitive manner and without conflict of interest, or other impropriety or appearance of impropriety.

In 2019 we began the process of training in our new financial system, Tyler Munis. After a full year of building the databases and training in the system, we successfully went live in January of 2020. As of November of 2020, we are continuing to learn the system as we close out last fiscal year and open up the new fiscal year. It has been a continuous learning process and as we move forward in this new system we hope to discover many ways in which the system will create new efficiencies in our processes. In addition, once we have a full year of data in this system, we can begin to look at spend analysis through the commodity coding information.

Consistent with our vision, we must continue to look for opportunities to improve the entire procurement process by being more responsive to the changing needs of taxpayers, enhancing our partnerships with local government agencies and ensuring that all businesses compete fairly. Some key areas of focus will include:

- Expanding our efforts to include local businesses in the government procurement process
- Improving and enhancing our customer service to user departments as well as vendors, through training and focus groups as well as enhanced technology for better transparency and easier access to information.
- Modernizing and improving our tracking and reporting capabilities to better measure and improve our processes.
- Collaborating with surrounding agencies to maximize spend and to further local vendor participation and growth.

We must involve our stakeholders in optimizing our procurement process to meet customer needs, fulfill the public's expectations, and maintain a transparent and competitive process.

Sincerely,

Susan Olsen, Procurement Services Director



Operational Planning Methodology

Planning Tools

Operational planning for Procurement Services involves gathering current and projected data encompassing all Marion County departments we service, as well as data on the local and regional business community both current and projected. This data will be used to determine the projected workload of the department as well as assisting in developing the methods to accommodate possible growth in Marion County over the next five years. The data will drive components of the goals as it pertains to workload. Processes and procedures will be addressed through data from the current business plan.

Starting with the historical data, we will project the direction of growth in Marion County and determine the best methods of accommodating growth (if any) while attempting to maintain current staffing. The overarching goal being achieving the most cost effective, transparent and efficient method of meeting the needs of the departments through the procurement cycle which includes procurement methodology development, cost benefit analysis, procurement of goods and services, contract administration and the procurement accounting function.

The planning process will consist of:

- Defining the current status of market, primary workload, organization and management
- Future State predictions including workload changes, organizational changes and cost or savings of changes
- Outlining targets with timelines
- Demonstrating strategies for each goal.



Current State

Our Vision

To create and continually develop a Procurement Services department that functions efficiently and transparently while maintaining the highest professional and ethical standards and remaining flexible enough to cater to changing demands.

Our Mission

To provide goods and services of appropriate quality and quantity as required by the County departments in a timely manner, at the least overall cost to the taxpayers and to administer the procurement process in an open, fair, competitive manner and without conflict of interest, or other impropriety or appearance of impropriety.

History of the Marion County Procurement Services Department

Laws governing competition began back as early as the Roman Emperors and Medieval monarchs who used tariffs to stabilize prices or support local production. Modern competition law really began with the United States legislation of the [Sherman Act](#) of 1890 and the [Clayton Act](#) of 1914.

The first recorded procurement ordinance for Marion County appears to be from 1971 at which time the bid limits were set starting at \$1,000.00. Subsequent amendments to this ordinance were made in 1976, 1979, 1981, 1987 and finally in 1990 an ordinance establishing a uniform procurement code was created which allowed for the delegation of procurement duties by the County Administrator to a Purchasing Agent. This ordinance was the basis for our current Procurement Ordinance which has since been revised and expanded to include additional duties. The centralization of the procurement/accounting functions under Procurement Services has allowed for consistent processes across the board resulting in a more efficient workflow. Cross training of these Business Services Specialist positions allows for any one of these staff members to fill in for the other without a lag in workflow.

Over the last ten years, the Procurement Services Department has evolved from a mainly clerical function into a department intricately involved in the strategizing and implementation of the procurement of goods and services for Marion County. The Procurement Services Department is also tasked with the management of the hundreds of active contracts as well as overseeing the procurement card program and processing of requisitions and invoices.

Definition of Market

Procurement Services is an internal services department servicing mainly the various departments under the Board of County Commissioners. Procurement also serves the vendors doing business with the County as well as some various departments of other elected officials. The vendors rely on Procurement for a wide variety of services ranging from training to contract management and the accounts payable function. Invoices for purchasing card payments as well as the invoices associated with a purchase order are reconciled and processed through this department. Through the use of electronic approvals and imaging, the centralization of this process has resulted in a faster payment to the vendors as well as additional reporting capabilities for the user departments.

Core Services

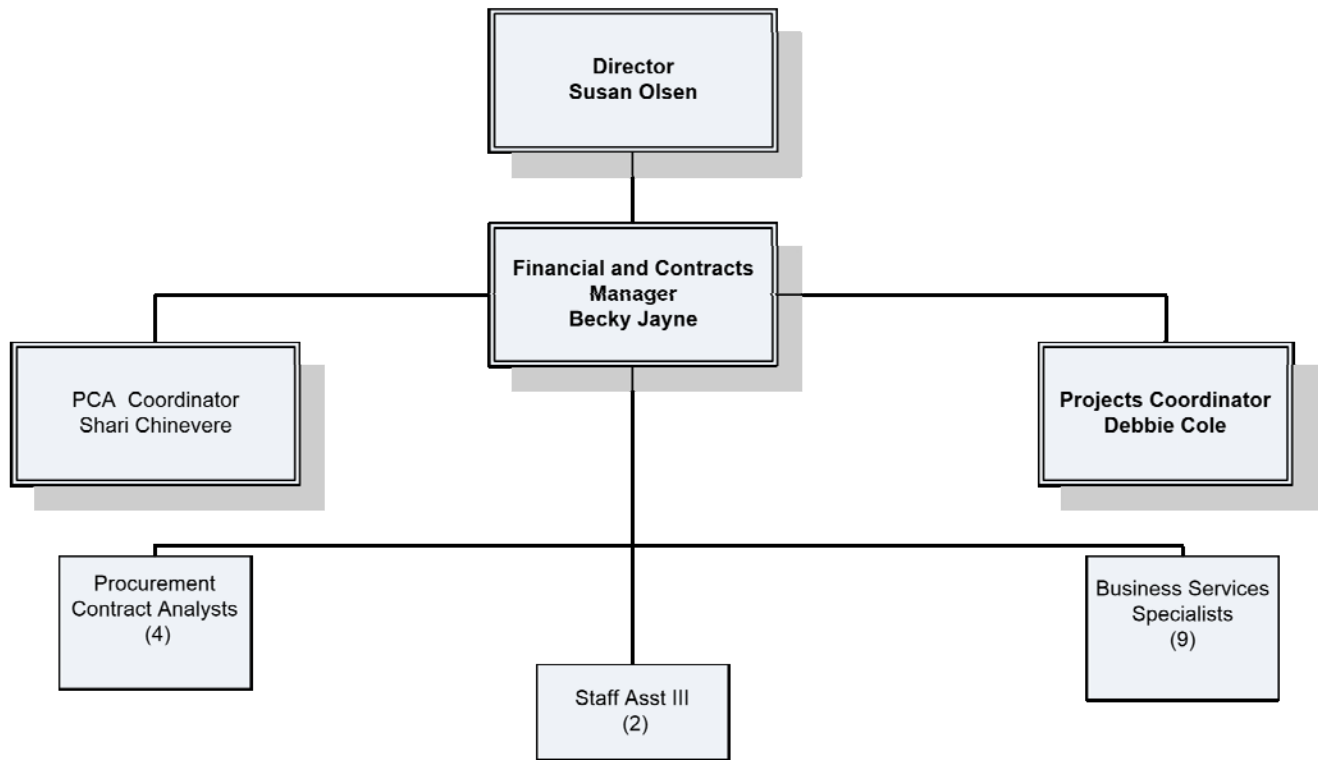
Services to internal customers include procurement through various methods, contract administration, purchasing card administration, requisition/purchase order processing, invoice and purchasing card processing and change order processing as well as training. Each of these functions is delegated to the Procurement Services Department through the Marion County Procurement Ordinance and the Board of County Commissioners approval of the consolidation of the Accounting functions. Some functions of this department are mandated through the State of Florida statutes.

One of the goals of the Marion County Board of County Commissioners and the Procurement Department, with the support of the County Administrator, is to expand the vendor base of local businesses. A campaign was put into place to raise awareness to local vendors of the opportunities for doing business with Marion County. Through multiple local vendor training sessions, open house, the reverse trade show, and expedited registration for the local vendor directory, we are attempting to reach out to the business community to enable local vendors to do business with not only Marion County, but to help grow their business to surrounding agencies as well..

| FY 2019* | |
|---------------------------------|--------|
| Core Process | Volume |
| Solicitations/Task Orders/Other | 638 |
| Active Contracts | 529 |
| Purchase Orders | 1353 |
| Active Purchasing Cards | 247 |
| Local Business Registry | 377 |
| Purchasing Card Transactions | 22,715 |
| Invoices | 33,540 |

*At time of report, FY 2020 had not closed

PROCUREMENT SERVICES ORGANIZATION CHART



Procurement Department Staff

Susan Olsen, CPM, FCPA, FCPM, Director
 Becky Jayne, MCAC, FCCM, Procurement Manager
 Shari Chinevere, Procurement and Contract Analyst Coordinator
 Gabrielle Bell, Procurement and Contract Analyst
 Delia Frosolono, Procurement and Contract Analyst
 Anette Francia, Procurement and Contract Analyst
 Jodi Shoemaker, Procurement and Contract Analyst
 Debbie Cole, Project Coordinator
 Gabriela Peters, Business Services Specialist
 Lydia Kennison, Business Services Specialist
 Deann Broyles, Business Services Specialist
 Cassie Sweet, Business Services Specialist
 Angela Wild, Business Services Specialist
 Brittany Echols, Business Services Specialist
 Jacqueline Grady, Business Services Specialist
 (2)Open, Business Services Specialist
 Joann Hracs, Staff Assistant III
 Victoria LaFleur, Staff Assistant III





Future State

Our Goals

Many of our broad goals remain the same but with different initiatives to reach those goals.

- ◆ To reorganize department to allow for additional cross training of positions to ensure efficient workflow, gap coverage, and for overall enhancement to customer service.
- ◆ To utilize technology in order to accommodate increased work volume while maintaining current staffing levels.
- ◆ To continue to grow and inform our vendor base. With additional focus on growing local vendor participation.
- ◆ To continuously review and update policies and procedures to accommodate changes in law and to promote efficiency and transparency

The workload of the Procurement Contract Analysts has been the biggest challenge over the years. Which is a main driver for reorganization of duties within the department. The Business Services Specialists have implemented the Tyler Munis financial system and it will allow for some flexibility in duties to fill in the gap on the Procurement Contract Analysts side. The chart below demonstrates the increase in workload on the Procurement Contract Analysts side since 2014. With the growth of the County, we expect that this trend will continue.

| FY | Bid Exemption | Non-Solicitation Contract | Contract Amendment | Project Amendment | Piggyback | Solicitation | Sole Source/St | Task Order | Total | Staffing History |
|------|---------------|---------------------------|--------------------|-------------------|-----------|--------------|----------------|------------|-------|-----------------------------|
| 2015 | 2 | 48 | 94 | 83 | 1 | 148 | 3 | 8 | 387 | 3 PCA's 2 Procurement Techs |
| 2016 | 4 | 44 | 68 | 27 | 3 | 143 | 7 | 117 | 413 | 4 PCA's |
| 2017 | 7 | 69 | 81 | 27 | 2 | 146 | 2 | 125 | 459 | 4 PCA's |
| 2018 | 4 | 67 | 52 | 27 | 5 | 171 | 5 | 167 | 498 | 4 PCA's |
| 2019 | 9 | 86 | 80 | 33 | 7 | 174 | 6 | 243 | 638 | 4 PCA's one Coordinator |

64% increase in TOTAL from 2015 to 2019

Approx. 17% increase from 2018 to 2019 due to sales tax



Goals and Initiatives

| Goals | Initiative | Lead |
|---|--|--|
| <p>Goal 1</p> <p>To reorganize department to allow for additional cross training of positions to ensure efficient workflow, gap coverage, and for overall enhancement to customer service.</p> | <p>A. Update all job descriptions</p> <p>B. Develop cross training program</p> | <ul style="list-style-type: none"> • Director and Purchasing Manager |
| <p>Goal 2</p> <p>To utilize technology in order to accommodate increased work volume while offering more comprehensive reporting capabilities</p> | <p>A. Maximizing use of Tyler Munis</p> <p>B. Develop Spend Analysis Program based on Tyler Munis Commodity Coding</p> | <ul style="list-style-type: none"> • PCA/BSS • BSS/Management |
| <p>Goal 3</p> <p>To continue to grow and inform our vendor base. With additional focus on growing local vendor participation.</p> | <p>A. Continue to develop and refine vendor training sessions</p> <p>B. Working in conjunction with local agencies and the PIO to develop and refine plans for local vendor outreach</p> | <ul style="list-style-type: none"> • PCA/BSS • PCA/BSS |
| <p>Goal 4</p> <p>To continuously review and update policies and procedures to accommodate changes in law and to promote efficiency and transparency and cost savings.</p> | <p>A. Revise Procurement Ordinance</p> <p>B. Revised Procurement Manual</p> | <ul style="list-style-type: none"> • Management/Legal • Management/BSS/PCA |



Goal 1



INITIATIVE A

To reorganize department to allow for additional cross training of positions to ensure efficient workflow, gap coverage, and for overall enhancement to customer service.

Initiative

Update Job Descriptions

Project Statement

In conjunction with our staff and the HR department, look at all job descriptions with the goal of integration of various aspects of each position.

Background

The Business Services Specialists and the Procurement Contract Analysts perform functions that work hand in hand. They currently work with each other to determine contract pricing, terms and other aspects of procurement of goods and services. The more they learn about each others functions the more they will be able to help our customers which include the department staff as well as vendors.

Expected Results

Improved customer service and efficiencies

Action Plan/ Project Timeline

Summer of 2021—Start review of current job descriptions and conduct discussions with staff.

Performance Measure

Customer satisfaction surveys from both internal and external customers.

Lead

Director/Procurement Manager

Goal 1



INITIATIVE B

To reorganize department to allow for additional cross training of positions to ensure efficient workflow, gap coverage, and for overall enhancement to customer service.

Strategy

Develop Cross Training Program

Project Statement

Developing a program for cross training in specific areas for Business Services Specialists and Procurement Contract Analysts.

Background

The implementation of Tyler Munis has allowed for additional training and redistribution of staff to further balance workloads. The cross training of these two main positions types within Procurement (Business Services Specialists and Procurement Contract Analysts) would include shadowing, training sessions and updated Standard Operating Procedures. Currently, some aspects of each of these positions can be done by a Staff Assistant, PCA or BSS. This program will allow for additional cross training and integration of duties.

Expected Results

Improved customer service and efficiencies

Action Plan/ Project Timeline

Begin Fall of 2021 through end of year.

Performance Measure

Workload distribution and turn-around time are currently documented with expected minimums for each position. Although the workload is still expected to grow as the county grows, we are looking for ways to ensure these minimum turn-around times improve or stay the same. This allows for a continued high standard of service through the growth, without increases in staff.

Leads

Director /Procurement Manager

Goal 2



INITIATIVE A

To utilize technology in order to accommodate increased work volume while offering more comprehensive reporting capabilities

Initiative

Maximizing use of Tyler Munis

Project Statement

Continue to implement the various modules of Tyler Munis to lessen the disparate applications currently in use for various functions

Background

As Procurement and the County continue to implement modules within Tyler Munis, we are exploring innovation methods of utilizing these modules to replace existing procedures. Electronic forms and workflow, for instance, may be implemented within the Tyler Work Order module. Currently, Sharepoint is used for all of our forms and most of these forms can be filled out online but then are printed out, signed and sent over by inter-office mail. A fully functioning and integrated electronic workflow through Tyler, could eliminate much of the hardcopies and should be a faster process.

Expected Results

Additional efficiencies and reporting capabilities

Action Plan/ Project Timeline

January 2022 expected implementation

Performance Measure

Processing time for both the PCA and BSS functions

Lead

PCA/BSS

Goal 2

INITIATIVE B



To utilize technology in order to accommodate increased work volume while offering more comprehensive reporting capabilities

Strategy

Develop Spend Analysis Program based on Tyler Munis Commodity Coding

Project Statement

Develop a method of gathering data and reporting through the Tyler Munis system to establish a process of analyzing spend throughout the county.

Background

Tyler Munis has allowed us to begin entering commodity codes tied to each transaction. In addition, it has enabled us to have a central database for p-card transactions as well as purchase order and payment request transactions. In the prior system, the p-card transactions were brought in as a lump sum.

Expected Results

Tyler Munis will give us the ability to draw information from multiple sources and consolidate the information into customizable reports thereby eliminating manual consolidation of these reports. It will give us more granular analysis of our spend. Reorganization of our department will allow us to reclassify a position for spend analysis.

Action Plan/ Project Timeline

Begin immediately with a full fiscal year of information being in the system by October 2021.

Performance Measure

Reporting capabilities within the software will be customizable and efficient. Performance of this program will be measured in time to process information.

Lead

Director/Manager/BSS

Goal 3



INITIATIVE A

To continue to grow and inform our vendor base. With additional focus on growing local vendor participation.

Strategy

Continue to develop and refine vendor training sessions

Project Statement

Enhancement of current training sessions will increase transparency and competition. Specialized training sessions geared toward local vendors that will go beyond doing business with Marion County, such as doing business with the State of Florida will increase local participation in government contracts bringing more dollars to Marion County.

Background

This plan is ongoing and has been a part of our overall goals for many years. All positions in our department will be tasked with taking part in these various programs designed to not only increase vendor participation but to inform our local vendors and help to grow their businesses. The plan includes partnering with local agencies such as the CEP and also other local government organizations.

Expected Results

Increase in local vendor directory participation. Increase in local vendor participation in quote and bid opportunities.

Action Plan/ Project Timeline

Started and ongoing

Performance Measure

Increase in local vendor directory participation. Increase in local vendor participation in quote and bid opportunities.

Lead

PCA/BSS

Goal 3



INITIATIVE B

To continue to grow and inform our vendor base. With additional focus on growing local vendor participation.

Strategy

Working in conjunction with local agencies and the PIO to develop and refine plans for local vendor outreach

Project Statement

Work with local agencies such as the CEP and the SBDC (Small Business Development Center) as well as other local government agencies such as the City of Ocala, and the county PIO to generate interest in doing business with the County. Partnering with other outside agencies increases awareness of opportunities for local businesses.

Background

The County has had success in partnering with various agencies in training sessions and other programs such as the reverse trade show and open house training. Further developing these relationships with local agencies can increase the participation of local businesses in the procurement process.

Expected Results

Increase in local vendor directory participation. Increase in local vendor participation in quote and bid opportunities.

Action Plan/ Project Timeline

This is presently an on-going initiative that will be enhanced and expanded through additional training and programs in conjunction with local agencies.

Performance Measure

Measuring local vendor participation in the local vendor directory as well as through survey results and solicitation participation.

Lead

PCA/BSS

Goal 4



INITIATIVE A

To continuously review and update policies and procedures to accommodate changes in law and to promote efficiency and transparency and cost savings.

Strategy

Revise Procurement Ordinance

Project Statement

Working in conjunction with the County Attorney's Office, review and revise the Procurement Ordinance to reflect the changes in law and best practices.

Background

The Procurement Ordinance was last updated in 2018. The goal is to update at least every five years. The ordinance must be approved by the Board of County Commissioners after a public hearing. It is then sent to the State for acceptance into our County Code of Ordinances. Most references to thresholds in statutes do not need to be updated but in order to keep up with other changes and best practices, this needs review at least, annually

Expected Results

Up to date Procurement Ordinance

Action Plan/ Project Timeline

March 2022

Outcome

Completion and acceptance of ordinance

Lead

Director/Manager/Legal

Goal 4



INITIATIVE B

To continuously review and update policies and procedures to accommodate changes in law and to promote efficiency and transparency and cost savings.

Strategy

Revise Procurement Manual

Project Statement

The Procurement Manual to be updated to reflect changes in technology which affect process, as well and changes to reflect best practices.

Background

The Procurement Manual is a more detailed reflection of the Procurement Ordinance. The manual needs constant attention and revision. These revisions can be approved by the County Administrator providing they do not conflict with the ordinance. With the ongoing implementation of various Tyler Munis modules, the updates to the manual are crucial.

Expected Results

Updated Manual to reflect changes in policy and procedures as a result of changes in technology, law, and best practices.

Action Plan/ Project Timeline

May 2022

Outcome

Approval of manual by County Administrator

Lead

Director/Manager

APPENDIX A



Consider doing business with Marion County
If you have ever thought about doing business with your local government, now is the time. The Marion County Board of County Commissioners is dedicated to engaging the local business community in the various bid and quote opportunities available. Find out more by calling 352-671-8444.



Scan this QR code with a smart phone to visit the Marion County Procurement Services website.

Local Business Directory Application

Marion County Procurement Services



PROCUREMENT CONTACTS

Contact Procurement Services staff directly by phone at 352-671-8444 or email at purchasing@marioncountyfl.org.

Susan Olsen (Director)

Becky Jayne (Contract Officer)

Carrie Hyde and Christine Nagy
(Procurement Contract Analysts)

Megan Brobst and Bryan Matus
(Procurement Technicians)

Marion County Procurement Services
2631 SE Third St.
Ocala, FL 34471

Phone: 352-671-8444

Fax: 352-671-8451

Email: purchasing@marioncountyfl.org

www.marioncountyfl.org/procurement.htm



APPENDIX A CONT.

Please provide the information requested below and email your completed form to purchasing@marioncountyfl.org or fax it to 352-671-8451. This application must be renewed every two years.

Company name:

Address:

Length of time at this address:

Phone:

Fax:

Email:

Owner/officer:

Federal employer ID:

Signature of owner or officer:

Date:

*By signing this application, you are stating that the information provided above is true and accurate and your firm meets the local vendor ordinance requirements.**

***Local Vendor Definition -** a Marion County person, firm, or corporation which: (1) has its headquarters, manufacturing facilities or locally owned franchise located in, or having a street address within, the legal boundaries of Marion County for at least one year immediately prior to the issuance of the request for quotation or formal bid solicitation (post office boxes do not qualify as a business address); (2) 30 percent or more of its full-time employees have primary residences located within the legal boundaries of Marion County; and (3) the owner or principal officer of such local business maintains a primary residence within the legal boundaries of Marion County.

Check all of the commodities or services your business offers:

- | | | |
|--|---|---|
| <input type="checkbox"/> A/C repairs | <input type="checkbox"/> File systems | <input type="checkbox"/> Playground equipment |
| <input type="checkbox"/> Air compressor | <input type="checkbox"/> Financial services | <input type="checkbox"/> Plant/nursery sales |
| <input type="checkbox"/> Alarm services | <input type="checkbox"/> Fire equipment sales | <input type="checkbox"/> Plumbing services |
| <input type="checkbox"/> Appliance | <input type="checkbox"/> Fire equipment testing | <input type="checkbox"/> Postage machines |
| <input type="checkbox"/> Architect services | <input type="checkbox"/> Fire sprinklers services | <input type="checkbox"/> Printing services |
| <input type="checkbox"/> Asbestos abatement | <input type="checkbox"/> Flooring services | <input type="checkbox"/> Promotional supplies |
| <input type="checkbox"/> Asphalt repairs | <input type="checkbox"/> Food services | <input type="checkbox"/> Radio communication |
| <input type="checkbox"/> Auctioneering | <input type="checkbox"/> Fuel-oil-lubricants | <input type="checkbox"/> Radio and TV ads |
| <input type="checkbox"/> Auto part sales | <input type="checkbox"/> Furniture repairs | <input type="checkbox"/> Recycling equipment |
| <input type="checkbox"/> Awards/trophies | <input type="checkbox"/> Furniture sales | <input type="checkbox"/> Road construction |
| <input type="checkbox"/> Background checks | <input type="checkbox"/> Garage door repairs | <input type="checkbox"/> Rock-sand-granite |
| <input type="checkbox"/> Batteries | <input type="checkbox"/> Glass and mirror sales | <input type="checkbox"/> Roofing services |
| <input type="checkbox"/> Blueprints | <input type="checkbox"/> Grading of roads | <input type="checkbox"/> Septic services |
| <input type="checkbox"/> Book sales | <input type="checkbox"/> Hydraulic repairs | <input type="checkbox"/> Shipping services |
| <input type="checkbox"/> Beverages | <input type="checkbox"/> Ice sales | <input type="checkbox"/> Shoes/boot sales |
| <input type="checkbox"/> Brick supplies | <input type="checkbox"/> Industrial supplies | <input type="checkbox"/> Signage |
| <input type="checkbox"/> Building construction | <input type="checkbox"/> Insurance services | <input type="checkbox"/> Sod-fertilizer-seeds |
| <input type="checkbox"/> Building supplies | <input type="checkbox"/> Internet and cable | <input type="checkbox"/> Sports equipment |
| <input type="checkbox"/> Carpet cleaning | <input type="checkbox"/> Junk/litter removal | <input type="checkbox"/> Street sweeping |
| <input type="checkbox"/> Chemical sales | <input type="checkbox"/> Land clearing | <input type="checkbox"/> Surveying services |
| <input type="checkbox"/> Cell phones | <input type="checkbox"/> Large equipment repairs | <input type="checkbox"/> Temporary labor |
| <input type="checkbox"/> Cleaning services | <input type="checkbox"/> Landscaping services | <input type="checkbox"/> Tire sales/disposal |
| <input type="checkbox"/> Computer | <input type="checkbox"/> Lawn equipment repairs | <input type="checkbox"/> Title company |
| <input type="checkbox"/> Concrete services | <input type="checkbox"/> Lawn maintenance | <input type="checkbox"/> Tool sales/repairs |
| <input type="checkbox"/> Consulting services | <input type="checkbox"/> Lighting supplies | <input type="checkbox"/> Towing services |
| <input type="checkbox"/> Copiers | <input type="checkbox"/> Locksmith services | <input type="checkbox"/> Traffic control supplies |
| <input type="checkbox"/> Debt collection | <input type="checkbox"/> Lumber sales | <input type="checkbox"/> Traffic striping |
| <input type="checkbox"/> Document shred | <input type="checkbox"/> Equipment rental | <input type="checkbox"/> Trailer sales |
| <input type="checkbox"/> Drug rehab | <input type="checkbox"/> Mailing services | <input type="checkbox"/> Tree trimming |
| <input type="checkbox"/> Dumpster services | <input type="checkbox"/> Medical supplies | <input type="checkbox"/> Trucking/excavating |
| <input type="checkbox"/> Electrical repairs | <input type="checkbox"/> Metal fabrication | <input type="checkbox"/> Uniforms |
| <input type="checkbox"/> Elevator services | <input type="checkbox"/> Moving services | <input type="checkbox"/> Upholstery cleaning |
| <input type="checkbox"/> Embroidery | <input type="checkbox"/> Music equipment sales | <input type="checkbox"/> Utility services |
| <input type="checkbox"/> Endangered species | <input type="checkbox"/> Office machine repairs | <input type="checkbox"/> Vending services |
| <input type="checkbox"/> Engineering | <input type="checkbox"/> Office supplies | <input type="checkbox"/> Video taping |
| <input type="checkbox"/> Engraving | <input type="checkbox"/> Outdoor advertising | <input type="checkbox"/> Water testing |
| <input type="checkbox"/> Environmental assessments | <input type="checkbox"/> Painting and supplies | <input type="checkbox"/> Welding services |
| <input type="checkbox"/> Fencing services | <input type="checkbox"/> Paper products | <input type="checkbox"/> Well/pump repairs |
| | <input type="checkbox"/> Paving services | |
| | <input type="checkbox"/> Pest/termite control | |

List any additional commodities or services.

Sign up to attend **FREE** vendor orientation/training sessions held throughout the year.
Call for additional information.



APPENDIX B

Footnotes:

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Editor's note— Ord. No. 11-52, § 1, adopted Sept. 20, 2011, amended Art. VII in its entirety to read as herein set out. Former Art. VII, §§ 2-232—2-253, pertained to similar subject matter and derived from: Ord. No. 03-21, §§ 1—22, adopted Oct. 21, 2003; Ord. No. 04-23, § 1, adopted Nov. 2, 2004; and Ord. No. 09-20, § 1, adopted July 21, 2009.

Cross reference— Financial affairs, § 2-16 et seq.

Sec. 2-232. - Purpose.

The purpose and intent of this article is:

- (1) To clarify the law governing the County of Marion's procurement system.
- (2) To ensure the fair, equitable, and uniform treatment of all persons who deal with the procurement system of this county.
- (3) To foster effective broad based competition within the free enterprise system in procurement activities.
- (4) To establish a procurement services department under the management supervision of the county administrator. The county administrator may delegate such authority as he/she deems applicable, to the procurement services director, or others to facilitate the day-to-day operations of the procurement services department.

(Ord. No. 11-52, § 1, 9-20-11)

Sec. 2-233. - Definitions.

Addendum means additional directions or modifications during the county procurement process to a solicitation which is issued as a separate advisory document after issuance of such solicitation by the procurement services director or his/her designee.

Administration consists of the county administrator and the assistant county administrators who are appointed by the board of county commissioners and shall serve as the administrative head of the county and shall be responsible for the administration of all departments of the county government which the board of county commissioners has authority to control pursuant to the general laws of Florida, or other applicable legislation.

Amendment means the method of changing the terms, conditions, or requirements of a contract or agreement beyond what is specifically provided for in that contract or agreement. All amendments shall be approved with equal dignity and formality as the original contract signed by the individuals holding the positions of the original signatories; provided however, that any amendment which causes a contract expenditure to exceed original amount, shall be approved by the board of county commissioners.

Black out period means the period between the time the authorization for invitation for bids or the request for proposals, qualifications, or information, or the invitation to negotiate, as applicable, is received at the Marion County Procurement Services Department, or given verbally by direction of the board of administration, and the time the board awards the contract.

Capital improvement project means any public improvement which the county undertakes, including the construction or reconstruction, in whole or in part, of any building, road, highway, street improvement, plant, structure, or facility necessary in carrying out the functions of the county government.

Change order means a written order amending a purchase order to correct errors, omissions, or discrepancies in it, to cover acceptable cost over-runs and freight costs, to incorporate requirements to expand or reduce the scope of goods or services ordered, or to direct other changes in the contract execution to meet unforeseen field, emergency, climatic, regulatory, or market conditions, and to track contingency expenditures if applicable.

Competitive bidding means two (2) or more bids or proposals submitted for the same item or services by responsible bidders.

Consultant's Competitive Negotiation Act (CCNA) means the official name for F.S. § 287.055, relating to the Procurement of architectural, engineering, landscape architecture, and registered land surveying services. These services shall be procured by letters of interest and qualifications, and by competitive selection and negotiation.

Contract means a deliberate, verbal or written agreement between two (2) or more competent parties to perform, or not perform, a specific act or acts. Any type of agreement, regardless of what it is called, for the procurement or disposal of supplies, services or construction.

Contractor means any person or firm having a contract with the county.

Cooperative purchasing means a procurement conducted by or on behalf of more than one public procurement unit.

Debarment means the exclusion for cause of a vendor or contractor from bidding and/or doing business with the county.

Emergency purchases means those procurements which shall be exempted from the mandatory bid requirements of this article in the event of an emergency. Because the circumstances of the delay, in complying with such requirements, would be detrimental to the health, safety and welfare of the citizens of the county, such emergencies shall include, but are not limited to, war, declared or undeclared; insurrection; hurricane; flood; tornadoes or any other form of disaster or unforeseen circumstances threatening destruction of life or damage to property. This exemption shall be in effect through any such circumstances, including the cleanup and repair to property period following such an event.

Employee means an individual of a governmental body of the county government under the control of the board of county commissioners who is drawing a salary or wages from the board.

Fixed assets means assets of a long-term character, which are intended to continue to be held or used generally for more than one fiscal year, such as land, buildings, improvements other than buildings, machinery and equipment.

Initial determination means the determination made by the procurement director in response to the initial informal part of the protest process.

Inventory means a detailed list showing quantities, descriptions and values of property and, frequently, units of measure and unit prices.

Invitation to bid means the solicitation document, which includes all documents attached or incorporated by reference, used for competitive sealed bidding for the purchase of goods and/or services.

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

Lobbying means the attempt to influence the thinking of county elected officials or county staff for or against a specific cause related to a solicitation for goods or services, in person, by mail, by facsimile, by telephone, by electronic mail, or by any other means of communication.

Local business program means a program wherein local businesses may register with Marion County Procurement Services for notification of solicitation opportunities for purchases and for notification of opportunities for targeted procurement training.

Local government means any county or municipality.

Local vendor means a Marion County person, firm, or corporation of which:

- (1) Has its headquarters, manufacturing facilities, or locally owned franchise located in, or having a street address within, the legal boundaries of Marion County for at least one year immediately prior to the issuance of the request for quotation or formal bid solicitation (post office boxes do not qualify as a business address). If a business is operated out of a residence, that residence shall be on record with the Marion County Tax Collector for at least one year immediately prior to the issuance of the solicitation request; and
- (2) Thirty (30) percent, or more, of its full-time employees working in the locally owned franchise or locally managed facility, shall have primary residences located within the legal boundaries of Marion County; and
- (3) The owner or principal officer, with legal authorization to execute contracts, of such local vendor maintains a primary residence within the legal boundaries of Marion County.

Open purchase order means a purchase order whereby a vendor provides to the county supplies, services, or construction work on demand or on a prescribed schedule which shall not exceed a period of twelve (12) consecutive months. An open purchase order may be used as a release and encumbrance document to authorize the county to order, on an as-needed basis, a predetermined amount of supplies, services, or construction work from an open end contract.

Posting means the act whereby the county places, in a designated location, a listing which indicates the vendor or vendors that county staff is recommending to receive the award of an invitation for bid or request for proposal. It is also public notice of any official action by the county in matters relating to this article, including suspension or debarment.

Principal officer means any officer of a corporation with authority to execute contracts and documents on behalf of the corporation.

Procurement means buying, purchasing, renting, leasing, or otherwise acquiring any supplies, services or construction. It also includes all functions that pertain to the obtaining of any supplies, services, or construction, including the description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

Procurement services director means the person holding the position as head of the procurement services department.

Professional services means any narrow discipline wherein a known practitioner has, through education and experience, developed expert advisory and programming skills as a vocation. It is any service performed primarily by vocational personnel which requires the analysis or certification of a professional before the services are acceptable to the user of the service. It includes any other advisory, study, or programming activity where the procurement services director determines that the level of skills and/or creativity or the potential or known practitioner warrant procurement in lieu of competitive bid or quotation process.

Proposal means an executed formal document submitted to the county stating the goods and/or services offered to satisfy the need as requested in the request for proposal.

Protest means a process by which a prospective bidder or proposer may attempt to resolve an aggrievement in connection with the pending award or other element of the solicitation process leading to the award of a contract.

Protest meeting means the meeting held after the initial determination is released and responded to by the aggrieved vendor within three (3) business days of the initial determination.

Protest meeting determination means the determination made in writing as a result of the protest meeting.

Purchase order means a document which authorizes the delivery of specific merchandise or the rendering of certain services and the making of a charge for them.

Purchasing card means a card issued to designated county employees with the authorization of the department head and the procurement services director, or his/her designee, which authorizes the user to purchase specific goods or services as set forth in the policies and procedures for the purchasing card.

Quotation means any oral or informally written offer made by a vendor, to the county, to furnish specific goods and/or services at a stated price.

Request for information (RFI) means a formal written request, or an informal written, oral, or electronic request, or a combination of formal and informal requests, for soliciting information to obtain recommendations from suppliers for a procurement that cannot be described in sufficient detail to prepare a solicitation.

Request for proposal (RFP) means a solicitation of the responses for goods and/or service for which the scope of work, specifications or contractual terms and conditions cannot reasonably be closely defined. Evaluation of a proposal is based on prior established criteria which may include, but may or may not be totally limited to, price.

Request for qualifications (RFQ) means a solicitation of responses from vendors whereby they are invited to submit a summary of their particular qualifications and to state their interest in performing a specific job or service for the county. From such submissions, the county selection committee determines which of such vendors shall be short-listed, interviewed, and recommended to the board of county commissioners for permission to negotiate for scope of work and fees.

Responsible bidder means an individual or business which has submitted a bid, offer, proposal, quotation, or response which, as determined by the county, has the capability in all respects to perform fully the contract requirements. The experience, integrity, reliability and capacity, facilities, equipment and credit which give reasonable assurance of good faith and performance. The county may also consider and give weight to the bidder's previous conduct and performance under previous contracts with the county and other agencies (including, but not limited to delinquency), and determine the quality of the bidder's previous work. County staff may, after bid opening, request additional information from the bidder concerning his/her ability to perform; and the bidder may voluntarily, after opening, provide additional or corrective information concerning its responsibility as bidder.

Responsive bid means a bid or proposal which conforms, in all material respects, to the invitation to bid or request for proposals.

Responsive bidder means an individual or business which has submitted a bid, offer, proposal, quotation or response which, as determined by the county, conforms in all material respects to the solicitation which may include, but is not limited to, pricing, surety, insurance, specifications of the goods or services requested, or any other matter, unequivocally stated in the invitation for bids as a determinant of responsiveness. A lack of conformity in these matters, which is non-substantive in nature, may be considered a technicality or irregularity which may be waived by the county; provided, however, that failure of a bidder or proposer to certify the firm has a drug-free workplace in accordance with F.S. § 287.087, shall result in rejection of the bid or proposal as nonresponsive.

Selection committee means the committee approved by the county administrator or his/her designee to review offers and responses to requests for proposals (RFP) and requests for qualifications (RFQ) in accordance with the policies and procedures of the procurement services department, and when required, in accordance with the State of Florida Competitive Consultants Negotiation Act (CCNA). A selection committee shall not have a predominant amount of staff from one department. A supervisor and subordinate may not serve on a selection committee together unless approved in advance by the county administrator.

Sole source means the only existing source of the items that meet the needs of the using department as determined by a reasonably thorough analysis of the marketplace and upon approval of the county administrator, or by the board of county commissioners, if the purchase or future purchases will meet or exceed fifty thousand dollars (\$50,000.00) per fiscal year.

The county means Marion County, a political subdivision of the State of Florida, or any of its authorized representatives pursuant to ordinance, resolution, or administrative code.

(Ord. No. 11-52, § 1, 9-20-2011; Ord. No. 15-12, § 1A, 8-18-2015; Ord. No. 18-06, § 1A, 2-20-2018)

Sec. 2-234. - Applicability.

This article shall apply to every procurement except as otherwise stated herein, of the Marion County Board of County Commissioners or any governmental body, unit or department under the control or supervision of said board acting in any capacity, irrespective of the source of funds involved.

(Ord. No. 11-52, § 1, 9-20-2011)

Sec. 2-235. - Exemptions.

This article shall not apply to:

- (1) Procurement contracts between the board of county commissioners and nonprofit organizations, other governments, or other public entities.
- (2) Procurement of dues and memberships in trade or professional organizations; subscription for periodicals or various internet subscription services; real property; books (maps, pamphlets and similar material); works of art for public display; pharmaceutical products; medically related professional services; real estate broker; room or board for social service clients; funeral related services; water, sewer, electrical, cable television, or other utility services; payroll, personnel, full- or part-time, whether in the classified service or not; medical services for indigents qualified by the department of community services; and performances, shows or other cultural events.
- (3) Any procurement under State of Florida purchasing agreements and contracts or approved purchasing cooperatives.
- (4) Procurements of goods and services as part of the process of apprehending persons suspected of violating the law.
- (5) Books, periodicals and other published materials not available by competitive pricing.
- (6) Services of attorneys and other legally related services, rather, contracts for attorney services and other legal services shall be secured by negotiation of the county attorney as approved by the board of county commissioners.
- (7) Appraisers, and expert witnesses for condemnation matters, and similar services. Contracts for these services shall be negotiated by the county attorney.

(Ord. No. 11-52, § 1, 9-20-2011; Ord. No. 15-12, § 1B, 8-18-2015; Ord. No. 18-06, § 1B, 2-20-2018)

Sec. 2-236. - Central procurement system.

- (a) There is hereby established a central procurement system which consists of a procurement services department supervised by a procurement services director and specified staff members of the department and deemed appropriate and budgeted for by the county administrator and approved by the board of county commissioners. All procurements for goods and services for the county, except those goods and services excluded from the application of this article, shall be effected through the central procurement system.
- (b) The county is authorized to procure goods and services of every description and nature necessary to the operation of county government under this article.

(Ord. No. 11-52, § 1, 9-20-2011; Ord. No. 18-06, § 1C, 2-20-2018)

Sec. 2-237. - Procurement of goods or services.

No procurement of goods or services of fifty thousand dollars (\$50,000.00) or more shall be made unless upon competitive sealed bids received in the manner hereinafter prescribed, except in at least one of the following circumstances:

- (1) When it is determined in accordance with procedures adopted by the county administrator and set out in the Marion County Procurement Manual that the use of competitive sealed bidding is either not practicable or not advantageous to the county, a contract may be entered into by any of the following:
 - a. Competitive sealed proposals;
 - b. Consultant's Competitive Negotiation Act (CCNA);
 - c. Request for qualification;
 - d. Request for proposal;
 - e. Sole source procurement;
 - f. Invitation to negotiate;
 - g. Bid exemption.

- (2) The county administrator or his/her designee shall have the authority, subject to the approval of the board of county commissioners if purchases are expected to meet or exceed fifty thousand dollars (\$50,000.00) in a fiscal year, to cooperate with other federal, state and local governments or federal, state or local public entities in the development and use of mutually cooperative purchasing contracts. Such contracts, irrespective of the sponsoring entity, as they pertain to the county, shall be awarded by the board of county commissioners.
- (3) The county administrator or his/her designee shall have the authority, subject to the approval of the board of county commissioners if purchases are expected to meet or exceed fifty thousand dollars (\$50,000.00) in a fiscal year to utilize contracts of other federal, state or local governments or other public entities to procure goods and services, so long as the vending contractor extends the terms and conditions of the contract to the county, and the contract has been awarded through procedures substantially equivalent to the requirements of this article, provided that authorization to purchase under said contract is in conformance with the monetary limitations for purchases, as contained in this article.
- (4) A contract may be awarded for goods or services without competitive bids when the county administrator or his/her designee determines, in writing, that there is only one source for the required item. Any such purchase, meeting or exceeding fifty thousand dollars (\$50,000.00) in a fiscal year, is subject to the approval of the board of county commissioners.
- (5) Where the county administrator, or his/her designee, finds it to be in the best interest of the county, he/she may declare the existence of an emergency procurement condition, and, based thereon, suspend any or all of the provisions of this article and authorize an emergency procurement; provided that such emergency procurement shall be made with such competition as is practicable under the circumstance. When an emergency procurement is authorized, meeting or exceeding fifty thousand dollars (\$50,000.00), the factual basis for the emergency and for the selection of the particular contractor shall be documented in an agenda item and ratified by the board of county commissioners at a regularly scheduled meeting.
- (6) In the procurement of professional, architectural, engineering, landscape architectural or land surveying services, the county shall comply with the provisions of F.S. § 287.055, Consultants Competitive Negotiation Act (CCNA), as may be amended from time to time, and the Marion County Procurement Manual.
- (7) Competitive proposals shall be solicited through a request for proposals.
- (8) Adequate public notice of the procurement procedure shall be given in the same manner as provided for in the competitive sealed bid process.
- (9) The procurement procedures shall state the relative importance of price and other evaluation criteria.
- (10) A pre-submittal meeting may be held where the procurement procedure shall be publicly discussed with all attending respondents. Discussion shall include questions from respondents on any issues considered germane to the requirements or project. The date and time of the pre-submittal meeting shall be included in the advertised notice of the procurement procedure.
- (11) Award shall be made to the responsible offer or whose proposal is determined in writing to be most advantageous to the county taking into consideration price and the evaluation criteria set forth in the procurement procedure. A summary of the basis on which the award is to be made shall be included in the official contract file and presented to the board of county commissioners.
- (12) Any certified public accountant for auditing services required by F.S. § 11.45 as may be amended from time to time, shall be selected in accordance with the provisions of that statute. Any selection of a certified public accountant for any other purpose shall be done by any procedure designed to select the best firm at the least cost to the county.
- (13) The county administrator or his/her designee may, under his/her own authority, waive the bid procedures for general services amendment administration (GSA) contracts is allowed or permitted by federal law, rules or regulations. The county may thus procure directly from such a GSA contract or similar state contract when it is in the best interest of the county.
- (14) When procurement of repairs, services, or equipment are requested for continuance of essential operations or are necessary to maintain public health and safety, such situation shall be deemed a valid emergency and such procurements may be approved by the county administrator. A report of the action and circumstances shall be included in the board minutes of a regularly scheduled meeting held within thirty (30) days of the emergency, if the purchase meets or exceeds fifty thousand dollars (\$50,000.00).
- (15) The board of county commissioners may choose to waive the formal competitive solicitation process if it is deemed to be in the best interest of the county or for standardization of a commodity. The county administrator may choose to waive the informal competitive solicitation process if it is deemed to be in the best interest of the county.

(Ord. No. 11-52, § 1, 9-20-2011; Ord. No. 15-12, § 1C, 8-18-2015; Ord. No. 18-06, § 1D, 2-20-2018)

Sec. 2-238. - Conflict of interest.

In addition to the prohibitions set out in F.S. Ch. 112, pt. III, neither the county administrator, the procurement services director, nor any member of his/her staff shall be financially interested or have any personal beneficial interest, directly or indi-

rectly, in any purchase or contract of any supplies, materials, equipment, or services used by or furnished for the county. The county administrator, the procurement services director and every member of their staff are prohibited from accepting or receiving, from any person, firm or corporation to which any purchase or contract may be awarded, any money, rebate, gift, anything of value or any promise or obligation or contract for future reward of compensation. Members of a selection committee which may result in a recommendation of award of contract may not be financially interested or have any personal beneficial interest either directly or indirectly to any of the firms or individuals being reviewed.

(Ord. No. 11-52, § 1, 9-20-2011; Ord. No. 15-12, § 1D, 8-18-2015; Ord. No. 18-06, § 1E, 2-20-2018)

Sec. 2-239. - Procurement card.

(a) The purpose of the procurement card program is to:

- (1) Provide an efficient method of purchasing and paying for goods and services not exceeding the limit of the card.
- (2) Ensure procurement card purchases are in accordance with the county's Code, policies and procedures.
- (3) Ensure that the county bears no legal liability from inappropriate use of procurement cards.
- (4) Provide for disciplinary action if the procurement cards are misused.

(b) The policies and procedures as detailed in the procurement manual are minimum standards for departments. Departments may establish additional controls if necessary with approval of county administration.

(Ord. No. 11-52, § 1, 9-20-2011; Ord. No. 15-12, § 1E, 8-18-2015)

Editor's note— Ord. No. 15-12, § 1E, adopted Aug. 18, 2015, changed the title of § 2-239 from "Purchasing card" to read as herein set out.

Sec. 2-240. - Authority of county administrator or his or her designee.

Unless otherwise provided for in this article, the procurement of all goods and services shall be under the supervision and management of the county administrator or his/her designee. It shall be the duty, responsibility, and authority of the county administrator or his/her designee to:

- (1) Supervise the procurement of all goods and services except as otherwise provided for herein, required by the board of county commissioners and departments and agencies under its control, and for which payment is made from funds of the county.
- (2) In conjunction with using agencies, prepare and enforce standard specifications which shall apply to all goods and services purchased for the use of the county.
- (3) Maintain current files, or contract with a qualified agency for maintenance of current files, for sources of supply for goods and services required by the county.
- (4) Perform other related duties as may be assigned by the board of county commissioners.
- (5) Sign, duly issued purchase orders or assign said responsibility to a designee.
- (6) Take all reasonable steps to insure that the specifications for an item to be procured are developed to permit competition among businesses whenever practicable.
- (7) Oversee the procedures for the disposal of county property which becomes surplus to the county's needs.
- (8) Maintain a system of accountability and numbering of all contracts for purchase of goods and services under the jurisdiction of the board of county commissioners whether exempt from the procurement system or not.
- (9) Recommend the rejection of all bids as may be in the best interest of the county where competitive sealed bids have been required for the procurement of goods and services and such rejection of bids is approved by the board of county commissioners.

(Ord. No. 11-52, § 1, 9-20-2011; Ord. No. 18-06, § 1F, 2-20-2018)

Sec. 2-241. - Prohibition of lobbying in procurement matters.

Except as expressly set forth in subsection 2-245(11), during the blackout period, which is defined in this article. No proposer, no lobbyist, principal, or other person may lobby, on behalf of a competing party in a particular procurement matter, nor any member of the board, or any county employee other than the procurement services department staff. Violation of this provision may result in disqualification of the violating party.

(Ord. No. 11-52, § 1, 9-20-2011; Ord. No. 15-12, § 1F, 8-18-2015; Ord. No. 18-06, § 1G, 2-20-2018)

Sec. 2-242. - Delegation of authority.

Subject to the approval of the county administrator, the procurement services director may delegate in writing, his/her authority in whole or in part to designees within his/her department or other county departments.

(Ord. No. 11-52, § 1, 9-20-2011; Ord. No. 18-06, § 1H, 2-20-2018)

Sec. 2-243. - Procurement manual.

- (a) After adoption of this article, the procurement services director shall prepare the Marion County Procurement Manual ("procurement manual") which shall be administratively adopted and which may be administratively changed as circumstances require, in order to implement this article.
- (b) The guidelines for the procurement of goods and services contained in the procurement manual shall be consistent with the procedures established under this article. Such guidelines may establish the designation of the responsibility of administration of contracts, prequalification of bidders, bidding procedures, administration of bid procedures and conferences, bid opening procedures, procedures for the correction or withdrawal of bid, procedures for sealed proposal solicitation, proposal procedures, contracts award procedures, protest procedures, administration of contract awards, contracts disputes, small procurement procedures, contract execution procedures, bonding requirements, insurance requirements, purchase order procedures, payment procedures, and such other matters as may be required to establish a sound procedure for the procurement of goods and services under this article and applicable Florida law.

(Ord. No. 11-52, § 1, 9-20-2011; Ord. No. 18-06, § 1I, 2-20-2018)

Sec. 2-244. - Competitive sealed bid process.

- (a) All procurements requiring the receipt of competitive bids under this article shall be upon invitation for bids. Invitations for bids shall be issued and shall include procurement specifications, bid evaluation criteria, and all principal terms and conditions applicable to the procurement. The bid evaluation criteria that will affect the bid price and/or be considered in evaluation for the award shall generally be objectively measurable. Such evaluation may include, but is not limited to, conformance to specifications, discounts, transportation costs, and total or life cycle costs. No criteria may be used in the bid evaluations that are not set forth in the bid package document or any subsequent addendum.
- (b) Notices inviting sealed competitive bids shall be published at least once in a newspaper of general circulation in the county as required by Florida State Statutes. Electronic notification is based on the recipient's specific request and application to the county's approved notification vendor. There shall be an interval of at least five (5) calendar days between the date of the public notice and the bid opening. The notice shall include the procurement description, and place where bid documents containing procurement specifications are available, and specify the date, time and location at which bids will be opened.
- (c) Bids shall be received not later than the call for any such bid, at a formal bid opening, to be considered for award. Bids shall be opened publicly in the presence of the county administrator or his/her designee, and other interested parties at the time and place designated in the public notice referred to in subsection (b) hereof. The amount of each bid, together with the name of each bidder, shall be read aloud and maintained in the procurement services department's bid file, which shall be open to public inspection upon recommendation of award from the user department to the procurement services department. The receipt, opening, and award of bids, shall be in accordance with the procurement manual, pursuant to section 2-243 of this article.
- (d) Information in a bid which concerns the responsibility of the bidder shall not necessarily be considered conclusive at the time of the bid opening, except when the invitation for bids unequivocally states that the bid shall not be considered responsive unless the particular information is provided by a vendor in its bid proposal. When such information has not been so declared as a determinant of responsiveness of the bid, the county administrator or his/her designee may, within reason after bid opening, request additional information of the bidder concerning its responsibility to perform.
- (e) To maintain the integrity of the competitive sealed bid process, to assure fairness, and to avoid delays or poor contract performance, the following provisions shall govern the correction of information submitted in a bid when that information is a determinant of the responsiveness of the bid:
 - (1) No bidder shall be permitted to correct a bid mistake after bid opening that would cause such bidder to have the low bid, except for the correction of errors in extension of unit prices in the bids (multiplication, division, addition, or subtraction). In such cases, the unit price bid shall not be changed.
 - (2) Notwithstanding the foregoing, the board of county commissioners reserves the right to cancel any awards or contracts based on bid mistakes, after a written determination of the mistake by the county administrator or his/her or her designee.
- (f) A bidder may withdraw its bid at any time prior to the bid opening date and time set forth in the public notice referred to in subsection (b) hereof. Bids may not be withdrawn after said time, except when the request for withdrawal has been submitted in writing to the county administrator or his/her designee. The request for withdrawal shall clearly state the reasons for withdrawal, and the county administrator, or his/her designee, shall approve the withdrawal.
- (g) Contracts resulting from the competitive sealed bid process that meet or exceed fifty thousand dollars (\$50,000.00) per fiscal year shall be awarded with reasonable promptness by the board of county commissioners by written notice

to the lowest responsible and responsive bidder, unless the basis of award in a bid document has explicitly established other criteria. In the award process, the board of county commissioners reserves the right to reject any and all bids for any reason including, but not limited to, non-responsiveness of bid(s), unavailability of adequate funding, unreasonable price in bid(s), non-responsibility of bidder(s), or a change in the requirements since the issuance of an invitation for bid, or where the board of county commissioners determines the public interest requires such rejection.

- (h) If a low bid is received by a responsive responsible bidder who is not local vendor, and the second low bidder is a local vendor submitting a responsive responsible bid within ten (10) percent of the low bid, both the low bidder and the second low bidder will have the opportunity to present a best and final offer (bid off). The low bidder and the second low bidder will be notified by email of the opportunity to present a best and final offer. The notice will be sent to the email listed in the solicitation response form. The best and final offer will be submitted in a sealed envelope by a date and time set forth by the procurement services department. The lowest responsive, responsible bidder of the best and final offer (bid off) will be recommended for award of the bid. Vendors shall affirm in writing their compliance as a local vendor at the time of submitting their bid or proposal. A vendor who knowingly misrepresents the local vendor status of its firm in a proposal or bid will lose the privilege to claim local vendor status for a period of one year. The procurement services director, at his/her discretion, may also recommend that the firm be referred for debarment in accordance with section 2-248 of the Procurement Code of Marion County.
- (i) In cases of tie bids (monetary as well as all award criteria identified) of two (2) or more responsible and responsive bidders subject to such award, the award shall be made to the bidder doing business from a location within the county. If there is more than one bidder so situated, the award shall be made based on a coin toss by the county administrator or his/her designee before at least three (3) witnesses.
- (j) In the event that all bids for a construction project exceed available budgeted funds, the board of county commissioners may authorize negotiation of the bid price with the lowest responsive and responsible bidder in order to bring the bid within the amount of available funds, or reject all bids and authorize re-advertisement, as the board deems appropriate.
- (k) In the event that the lowest responsible and responsive bidder defaults on the contract awarded through the competitive sealed bid process, the board of county commissioners may award the contract to the next lowest responsible and responsive bidder. When awarding a contract to the next lowest bidder due to default of the lowest bidder, the board of county commissioners shall reserve the right to seize the bid bond of the lowest bidder for failure to faithfully perform under the terms of the bid specifications.
- (l) When bonding is required, bonding requirements shall be stated in the bid documents. For construction projects which are estimated at two hundred thousand dollars (\$200,000.00) or above, a bid bond in the amount of five (5) percent shall be required of the vendor. Upon award of a bid for construction projects that are two hundred thousand dollars (\$200,000.00) or above, a performance and payment bond, in an amount equal to the total bid price will be required of the vendor. This requirement shall not preclude a user department from requesting bonds for projects under two hundred thousand dollars (\$200,000.00).

(Ord. No. 11-52, § 1, 9-20-2011; Ord. No. 15-12, § 1G, 8-18-2015; Ord. No. 18-06, § 1J, 2-20-2018)

Sec. 2-245. - Protested solicitations and awards.

After posting of recommendation of award on the procurement services department designated location, any actual or prospective bidder or proposer who is aggrieved in connection with the pending award or other element of the process leading to the award of a contract, may protest to the procurement services director or his/her designee. Those protests shall be made with requirements as follows:

- (1) The protest shall be submitted within three (3) business days after posting of the recommendation of award at the location where bids or proposals are submitted. The protest shall be in writing and shall identify the protester and the solicitation and include a factual summary of the basis of the protest and the particular grounds for the protest. Any grounds not stated shall be deemed to have been waived by the protestor. A protest may include such additional written or physical evidence, objects, statements, affidavits and arguments that the protestor deems relevant to the issues raised. Such protest is considered filed when it is received by the procurement services department with the protest bond in the appropriate amount.
- (2) Any bidder who files an action protesting a bid solicitation, a bid rejection, or an award pursuant to this section shall post with the procurement services department at the time of filing a protest bond payable to the Marion County Board of County Commissioners. This written request to convene a formal protest shall be accompanied by a protest bond of an amount equal to one percent of the value of the solicitation, but in no case less than five hundred dollars (\$500.00), nor greater than five thousand dollars (\$5,000.00). This bond shall be by a U.S. Postal Service money order, or by a certified cashier's check or bank check payable to the Marion County Board of County Commissioners. Failure to post such bond within three (3) busi-

ness days after the procurement services director or designee's determination shall result in the protest being dismissed by the procurement services director or his/her designee.

- (3) If the person or firm protesting the award prevails, the bond shall be returned to the protestor; however, if, after completion of the protest process in which the county prevails, the bond may be forfeited to the county. The entire amount of the bond may be forfeited if the board of county commissioners determines that a protest was filed for a frivolous or improper purpose, including, but not limited to, the purpose of harassing, causing unnecessary delay, or causing needless cost for the county or other parties.
- (4) Notwithstanding anything contained herein to the contrary, in the event of a timely protest, the procurement services director, or his/her designee, shall stay the award of the contract, unless the county administrator, with the advice of the county attorney, and after consultation with the using department, makes a determination that the award of the contract without delay is necessary to protect substantial interests of the county government.
- (5) If the protestor timely complies with all conditions precedent to filing a protest, the procurement services director or his/her designee, vested with the necessary authority, shall review and attempt to resolve the protest informally. This initial attempt to resolve the protest is mandatory. Upon conclusion of this initial attempt to resolve the protest informally, the procurement services director or his/her designee shall issue a written determination (the initial determination). The initial determination shall be emailed to the protestor or its representative.
- (6) If the protestor is aggrieved by the initial determination and wishes to pursue the protest, the protestor shall request that a protest meeting be held with the county administrator, the procurement services director. Additional county staff may attend the protest meeting at the request of the county administrator or his/her designee. This request for a protest meeting is mandatory and shall be made in writing to the procurement services director or his/her designee within three (3) business days of issuance of the initial determination. Every effort shall be made to ensure the protest meeting is held within ten (10) business days of the receipt of such request. If the protestor is unable or unwilling to meet within ten (10) business days, and in order to not unduly delay the project further, the protest may be unilaterally dropped with the approval of the county administrator.
- (7) In the protest meeting, the protestor, or his/her representative, may make an oral presentation of evidence including the testimony included in the initial protest. At any time, the county administrator, the procurement services director, or other county staff may also make whatever inquiries of the parties and their witnesses that may be pertinent to a determination of the protest.
- (8) At the conclusion of the protest meeting, the county administrator shall prepare a written determination and recommendation ("protest meeting determination"). The protest meeting determination shall be emailed and also sent by certified mail to the protestor, or its representative.
- (9) The protest meeting determination shall be presented for action at the next regularly scheduled meeting of the board of county commissioners. At this time, the protestor shall be allowed to make an oral presentation, present evidence which includes the testimony, and advance arguments to the board of county commissioners. At the conclusion of such presentation, the board shall, by majority vote, accept or reject the protest meeting determination.
- (10) The determination of the board of county commissioners shall be the final and conclusive decision by the county regarding a bid protest. The decision by the board of county commissioners is a prerequisite to the protestor seeking court intervention. Any appeal by a protestor shall be by certiorari to the Fifth Judicial Circuit Court within thirty (30) calendar days of the date of the boards determination.
- (11) Failure to timely adhere to the procedure set forth in this section acts as a complete waiver of the protest.
- (12) No bidder may engage in any effort, either directly or indirectly, to influence the actions of the board with respect to a pending award of a contract for which a solicitation was issued, except as set forth in this section. Any bidder engaging in a protest to the board, as allowed under this section, shall comply strictly with the requirements and restrictions of this section. Any attempt by any bidder to communicate with any board member, directly or indirectly, whether in person or through agents, employees, or lobbyists, or otherwise to influence the vote of any board member, in connection with any pending award of a contract for which a, solicitation has been issued, in any manner not strictly in compliance with the requirements and restrictions of this section shall be deemed in violation of the black out period restrictions of section 2-241. The board of county commissioners may disqualify a bid or proposal in connection with a procurement matter where the county commissioners or a member of the pertinent procurement committee has been lobbied in violation of the black out period restrictions.

(Ord. No. 11-52, § 1, 9-20-2011; Ord. No. 18-06, § 1K, 2-20-2018)

Sec. 2-246. - Small procurements.

Any procurement of less than fifty thousand dollars (\$50,000.00) may be made on the open market without formal bidding. Such procurement, when practicable, shall utilize informal competitive procurement procedures, utilizing a competitive oral or written request for quotations for goods and services. Awards shall be made to the vendor providing the most value to the county. Procurements shall not be artificially divided so as to constitute a procurement of less than fifty thousand dollars (\$50,000.00).

- (1) The following are the guidelines to be used for formal and informal quoting:

- a. \$2,500.00 or below—Purchase through purchase order or purchasing card as per purchasing card guidelines and procedures manual.
- b. \$2,500.01 to \$10,000.00—Department shall request three (3) or more written quotes which can include, but is not limited to, copies of internet pricing, and receive prior approval of department director or county administrator authorized designee by purchase order or purchasing card. Departments shall follow the local business program process in notifying vendors of all quote opportunities.
- c. \$10,000.01 to \$50,000.00—Department shall request, in writing, that the procurement services department solicit written quotes from vendors using county vendor files and the local business program files. Department shall issue a requisition or utilize a purchasing card and receive prior approval from the department head and assistant county administrator or county administrator authorized designee.
- d. All purchases five thousand dollars (\$5,000.00) and over shall be approved by department director or his/her designee, and by finance and procurement. Purchases shall have prior documented approval by memo, email or approval in the electronic requisition system, by the department head.
- e. All purchases twenty-five thousand dollars (\$25,000.00) and over shall have prior documented approval by memo, email or approval in the electronic requisition system by the department director or his/her authorized designee, the county administrator or assistant county administrator or his/her authorized designee, finance and procurement.
- f. All purchases, with the exception of emergency purchases described in this article, fifty thousand dollars (\$50,000.00) and over shall be approved by the department director or his/her authorized designee, the county administrator or assistant county administrator or his/her authorized designee, finance, procurement and the board of county commissioners at a regularly scheduled board of county commissioners meeting under the procurement services consent agenda.

(Ord. No. 11-52, § 1, 9-20-2011; Ord. No. 15-12, § 1H, 8-18-2015; Ord. No. 18-06, § 1L, 2-20-2018)

Sec. 2-247. - Procurement under federal or state procedures.

When a procurement involves the expenditure of federal or state assistance or contract funds, federal or state laws and regulations which are mandatory and applicable shall be complied with, the provisions of this article notwithstanding. The county administrator or his/her designee shall include contract provisions giving the contractor notice of these requirements and, where appropriate, include in those contract provisions the requirements that the contractor give a similar notice to all its subcontractors.

(Ord. No. 11-52, § 1, 9-20-2011; Ord. No. 18-06, § 1M, 2-20-2018)

Sec. 2-248. - Suspension and debarment.

- (a) *Suspension.* After consultation with the county attorney, the procurement services director is authorized to suspend a vendor from consideration for award of contracts, if there is probable cause to believe that the vendor has engaged in any activity which might lead to debarment, pursuant to subsection (c) below. The suspension shall be for a period not to exceed three (3) months, and the procurement services director shall immediately inform the board at the next available regular session and provide notice to the affected vendor.
- (b) *Debarment.* After reasonable notice and an opportunity for the suspended vendor to be heard, the board shall either debar such vendor or terminate the suspension. The debarment should be for a period of not more than three (3) years.
- (c) *Grounds for debarment include:*
 - (1) Entry of a plea of guilty, or no contest, or nolo contendere to, or conviction of, a criminal offense as an incident to obtaining, or attempting to obtain, public or private contract or subcontract, or in the performance of such contract or subcontract or;
 - (2) Entry of a plea of guilty, no contest, or nolo contendere to or conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty or;
 - (3) Entry of a plea of guilty, no contest, or nolo contendere to or conviction under state or federal antitrust statutes arising out of the submission of bids or proposals or;
 - (4) Violation of contract provisions, as set forth below, the character which is regarded by the board to be so serious as to justify debar debarment action:
 - a. Failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or
 - b. A past record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts.
 - (5) Having been adjudicated guilty of any violation of the Marion County Building Department Licensing Division or the State of Florida Construction Industry Licensing Board within the past twelve-month period prior to the time of bid submittal or;

- (6) Having been adjudicated guilty by the Marion County Code Enforcement Board or the department of environmental protection of any violation of an environmental ordinance within the past six-month period at the time of bid submittal; and
 - (7) Any other cause the board of county commissioners determines to be so serious and compelling as to affect responsibility as a county vendor, including debarment by another governmental entity.
- (d) *Notice of decision.* The county administrator or board chairman shall issue a written notice to the vendor of the decision to debar or suspend. The final decision shall state the reasons for the action taken and inform the debarred or suspended person involved of his/her rights concerning judicial review by certiorari appeal to the Fifth Judicial Circuit Court. The written decision shall be mailed or otherwise furnished immediately to the debarred or suspended vendor.

(Ord. No. 11-52, § 1, 9-20-2011; Ord. No. 18-06, § 1N, 2-20-2018)

Sec. 2-249. - Miscellaneous provisions.

- (a) In all cases of procurement brought before the board of county commissioners, whether by bids, sealed proposals, competitive negotiations or otherwise, the board of county commissioners reserves the right to reject any and all bids, sealed proposals or negotiations, and cancel the procurement as they may deem in the best interest of the county.
- (b) In all procurements or procurement contracts, including those to be executed by the chairman of the board of county commissioners, such contracts shall include a provision that payments by the county shall be made under the county's established procedure for payment following receipt of invoice.
- (c) In all procurements in which there is a requirement for insurance and/or surety bond, the vendor shall provide such insurance requirements and bond requirements in the form and in the amount acceptable to the county, prior to the effective date of the procurement contract, or sooner if so stated in the bid specifications. All insurance and surety requirements shall be approved by the county's risk management department.
- (d) A travel policy and procedures will be included in the procurement policy and Procedure manual and will establish a policy for authorizing and obtaining reimbursement for official travel by employees and non-employees (individuals under contract such as public financial management and appointed advisory boards of the Marion County Board of County Commissioners).

(Ord. No. 11-52, § 1, 9-20-2011; Ord. No. 15-12, § 1I, 8-18-2015)

Sec. 2-250. - Change orders.

If it is found that a change order is required to correct errors, omissions, or discrepancies, or to direct other changes to meet unforeseen field, emergency, climatic, regulatory, or market conditions relating to board-approved contracts, the following shall apply:

- (1) Any change orders to purchase orders that do not contain any contingency amount, shall be submitted to the procurement services department in writing on the county change order form. A written change order shall be submitted to the procurement services department if an addition or deletion to the contract price is requested, or if there is a change in the scope of services or number of contract days for completion. The change order shall be executed by the authorized departmental representative, county's project manager or county engineer or their designee (if applicable), the finance department, the procurement services department and the using department's assistant county administrator. The procurement services department will place the requested change order on the agenda for the next available regularly scheduled board meeting if applicable.
 - a. For building construction projects; if the change order is an increase or exceeds a cumulative total of ten (10) percent of the contract price, or there is a change in the scope of services not due to unforeseen conditions, such change order requires the board's approval and execution. The procurement services department will place the request for change order on its agenda for approval and execution at the next available regularly scheduled board meeting.
 - b. For road construction projects the following limits apply to increases:

| | |
|----------------------|---------------------------|
| \$0—\$249,999.99 | 20% contingency allowance |
| \$250,000.00 & above | 10% contingency allowance |

Change orders for road projects that extend beyond these contingencies require the board's approval and the chairman's execution. The procurement services department will place the request for change order on its agenda for approval and execution at the next available regularly scheduled board meeting.

- (2) All change orders shall be in writing and include the additional scope of work, the amount of the change order, any additional days added to the contract and the new total of the contract.
- (3) Upon full execution of the written change order, a change order for pricing change shall be entered into the electronic purchasing system.
- (4) If direct purchasing is being utilized in connection to a construction project, a deduct change order to the contractor in the amount of the direct purchase shall be entered into the electronic requisition system.
- (5) If the project is unable to proceed without the approval of a change order, the county administrator has the authority to approve the change order and bring it before the board at the next regularly scheduled meeting with documented explanation of the condition.

(Ord. No. 11-52, § 1, 9-20-2011; Ord. No. 15-12, § 1J, 8-18-2015; Ord. No. 18-06, § 1O, 2-20-2018)

Sec. 2-251. - Direct purchases.

- (a) The county may elect to purchase materials and equipment included in any contractor's bid for a portion of the work directly from the supplier of such materials or equipment in order to achieve sales tax savings. Such materials and equipment are referred to herein as "direct purchase materials". The contractor shall submit to county a list, of materials and equipment appropriate for consideration by county as direct purchase materials.
- (b) If county elects to purchase any direct purchase materials, the contractor shall promptly furnish to county , at least seven (7) days prior to the date such direct purchase materials shall be ordered, a written cost estimate to purchase the approved direct purchase materials.
- (c) Upon county's receipt of the estimate and supporting materials, county will review the same and, if approved, issue a purchase order directly to the supplier of the applicable direct purchase material, with delivery F.O.B. project site.

(Ord. No. 11-52, § 1, 9-20-2011; Ord. No. 18-06, § 1P, 2-20-2018)

Sec. 2-252. - County employees.

The procurement system shall not be utilized by county employees to purchase goods or services for personal use.

(Ord. No. 11-52, § 1, 9-20-2011)

Sec. 2-253. - Local business program.

- (a) The purpose and intent of this section is to provide the maximum opportunity for increased participation of local businesses in the county's procurement system.
- (b) Once a local business application has been approved by the procurement services department, they will be included by commodity in a database of local businesses. Departments obtaining quotes through the decentralized quoting process will be required to notify any vendors matching the commodity or service on the local business database, of any items requiring written quotes. Quotes and formal solicitations required to go through the procurement services department, ten thousand dollars (\$10,000.00) and over, will also follow the notification process to local business vendors. Applications will be renewed bi-annually by vendors to verify that all requirements as stated in the definition of local business are met.
- (c) A vendor who misrepresents the local business status of its firm in an application or solicitation submitted to the county may lose the privilege to claim local small business for a period of one year. The procurement services director, at his/her discretion, may also recommend that the firm be referred for debarment in accordance with section 2-248 of the Procurement Code of Marion County.

(Ord. No. 11-52, § 1, 9-20-2011; Ord. No. 15-12, § 1K, 8-18-2015; Ord. No. 18-06, § 1Q, 2-20-2018)