

CITY OF WILDWOOD



PURCHASING POLICY

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OVERVIEW

The Purchasing Policy is designed to establish control over cash expenditures prior to the commitment of funds. The policy makes essential the use of requisitions, purchase orders and payment request forms for all materials, services and construction. It also centralizes purchasing in some instances so that advantages can be taken of discounts on bulk or multiple purchases. The Purchasing Policy is governed by the City of Wildwood Code of Ordinances and supporting Resolutions.

It is also the intent of this policy to provide for the procurement of goods and services from a responsible vendor at the lowest possible cost. It is further intended that this procedure provide an orderly, efficient and well documented process for the purchase of goods and services. When in conflict, the spirit of this procedure shall supersede the letter of it and any employee found to be in violation of its intent will be liable for losses incurred by the City arising from his/her malfeasance.

The Finance Department is responsible for ensuring that all purchasing is conducted in an unbiased and fair manner that results in public funds being spent for high quality goods and services at a fair and competitive price. The goal is to achieve a proper balance between quality and cost while maintaining public confidence in the purchasing policy.

Note: From time to time, the City of Wildwood may implement certain administrative changes that will alter paperwork handling details set forth in this Policy. However, staff may not assume greater purchase authority than herein set forth.

GOALS OF THESE POLICIES AND PROCEDURES

The goals of the Purchasing Policy are to:

- Acquaint all persons (internal and external) in respect to the City's purchasing policies and procedures;
- Attempt to gain the most value for every purchase;
- Provide added security in attempting to ensure public spending is not used to enrich elected officials or government employees or to confer favors on favored constituents;
- Establish a strong business-like relationship with all interested vendors;
- Ensure public funds are safeguarded. Purchases are reviewed for completeness and are tested on a sample basis for adequate departmental purchasing methods;
- Ensure fair and open competition among bidders; and
- Ensure local businesses have an added opportunity in the contract awards process. This serves an interest of the City as a whole by assisting local vendors to stay in business.

SCOPE

This Policy shall apply to all purchases of goods and services by the City.

RESPONSIBILITIES OF CITY EMPLOYEES

The City wants to promote and protect its governmental integrity. Public employees must, therefore, discharge their duties impartially to assure fair, competitive access to City procurement. All City staff engaged in procurement for the City shall comply with the ethical standards set forth in the following section.

The employees of the City responsible for purchasing activities should:

- Purchase the proper goods or services to suit the City's need;
- Get the best possible price for the goods or services using City policies;
- Have the goods or services available when and where the City needs it;
- Assure a continuing supply of needed goods and services;
- Guard against misappropriation of City funds;
- Facilitate cooperation with other governmental units;
- Maximize competition from responsible bidders;
- Safeguard public funds and receive the best value for the public dollar;
- Never use public spending to enrich elected officials or City employees; and
- Never make purchases for personal use in the City's name.

Every supervisory employee is responsible for assuring that any materials and services used to complete tasks assigned to their supervision have been properly requisitioned, entered into the City's financial software, and approved before the materials are withdrawn from the store's warehouse or ordered from a supplier.

The Finance Department under the direction of the Finance Director will act as the principal procurement officer for the City and is responsible to ensure the Policy is followed by City departments. The Finance Director and/or the Assistant Finance Director is the primary contact person for questions regarding the Policy and is responsible for the implementation of revisions on an as needed basis.

ETHICS

The City is committed to a purchasing process which fosters fair and open competition, is conducted under the highest ethical standards and enjoys the complete confidence of the public. The policy of the City is no City employee shall engage in any act which is in conflict with fair and open competition, or creates an appearance of unfairness, during the performance of official duties.

- The City will avoid unfair practices by granting all competitive respondents equal consideration as required by State, Federal, and City regulations.
- The City will conduct business in good faith; demanding honesty and ethical practices from all participants in the purchasing process.
- The City will promote positive respondent and contract relationships by affording respondent representatives courteous, fair, and ethical treatment.
- The City will make every reasonable effort to negotiate equitable and mutually agreeable settlements of controversies with a respondent.
- The City will avoid involvement in any transactions or activities that could be considered to be a conflict between personal interest and the interest of the City.
- Employees must not become obligated to any supplier(s) and shall not participate in any City transaction from which they may personally benefit, except as may be authorized by applicable State law.
- No Commission Member or employee shall directly or indirectly, give or receive, or agree to receive any compensation, gift, reward, commission, or gratuity from any source except the City for any matter directly connected with or related to his/her official services as such employee with this City.
- Except as authorized by applicable State law, no Commission Member or employee shall bid for, enter into, or be in any manner interested in any City contract for purchases.
- No Commission Member or employee shall seek to influence the purchase of a product or service from any supplier or vendor. This restriction shall not be construed to restrict persons from evaluating and appraising the quality and value of the product to be purchased or service to be rendered where the person's scope of employment contemplates advice and counsel with respect to the purchase.

An employee shall be deemed to have an Ethics conflict if the employee:

- Has any financial interest in any sale to the City of any goods or services when such financial interest was received with prior knowledge that the City intended to purchase the property, goods or services.
- Solicits, accepts, or seeks a gift, gratuity, or favor from any person, firm, or corporation involved in a contract or transaction which is or may be the subject of official action by the City. Examples of acceptable courtesies include: a meal or social event; exchanges of floral offerings or gifts of food to commemorate events such as illness, death, birth, holidays, and promotions; a sample or promotional gift of nominal value (\$25 or less). Except for courtesies as provided, no employee shall, directly or indirectly, give or receive any compensation, gift, reward, commission, or gratuity from any source except the City for any matter directly connected with or related to his/her official services as such employee with the City.
- Participates in his/her capacity as a City employee in the issuing of a purchase order or contract in which he/she has a private pecuniary interest, direct or indirect, or performs in

regard to such contract some function requiring the exercise of discretion on behalf of the City.

- Engages in, accepts employment from, or renders services for private interests for any compensation or consideration having monetary value when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in performance of official duties, or give the appearance of the above.
- Discloses or used without authorization confidential information concerning property or affairs of the City to advance a private interest with respect to any contract or transaction which is or may be the subject of official action of the City.

If a Commission Member or employee is found to be in violation of this policy the City Manager shall investigate, or cause to be investigated, all suspicions, allegations, and written complaints of unethical conduct. Complaints which are considered by the City Manager to be serious may be referred to an Ethics Panel, composed of City employees appointed by the City Manager. The Ethics Panel, when constituted, shall investigate and hear the complaint and recommend to the City Manager any action deemed appropriate. Complaints or allegations which may be criminal in nature may be referred to an appropriate outside agency for investigation.

Any employee who is found to be in violation of this policy may be subject to disciplinary action up to and including termination from employment. Depending upon the seriousness of the action, other appropriate civil or criminal sanctions may also be pursued.

CONFLICTS OF INTEREST

It shall be a breach of ethics for any employee of the City to participate directly or indirectly in procurement when the employee knows that:

- The employee or any member of the employee's immediate family has a financial interest pertaining to the procurement;
- A business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement; or
- Any other person, business or organization with which the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

The avoidance of actual or perceived conflicts of interest is a prerequisite to the efficient and sound operation of the City and maintenance of the public trust.

GRATUITIES

It shall be a breach of ethics of city employment to offer, give or agree to give any representative of the City or for any representative of the City to:

- Solicit, demand, accept or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, and preparation of any part of a program requirement or purchase request.
- A gratuity breach of ethics would also influence the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or to any solicitation or proposal therefore pending before the City.

Any employee who is found to be in violation of this Policy may be subject to disciplinary action up to and including termination from employment. Depending upon the seriousness of the action, other appropriate civil or criminal sanctions may also be pursued.

NEW VENDOR SET-UP

When purchasing from a vendor that the City has not used before, it is the responsibility of the department placing the order to make sure that the Finance Department has the following from the new vendor:

- Insurance
- Performance and Payment Bonds, executed by a surety company authorized to do business in the State of Florida, when required
- W9

It is also the responsibility of the department to make sure that the vendor is not on the State of Florida's Discriminatory Vendor List and Convicted Vendor List.

PURCHASING APPROVALS

All purchases must receive proper approval prior to the purchase acquisition. Approval authority is based upon the total transaction amount. The table below outlines the approvals needed based upon the purchase amount. In regards to the dollar threshold amounts indicated below, the total cost of the purchase should be considered, not the cost of the individual items. Purchases may not be divided into multiple transactions to fall within the threshold limits.

Purchase Amount	Approver
Less than \$2,500	<p>Department Director or other employee authorized by the City Manager, if the item or service to be purchased is included in the approved budget for the department.</p> <p>City Manager or designee, if the item or service is NOT included in the approved budget for the department and a budget amendment is NOT necessary.</p> <p>City Commission, if the item or service to be purchased is NOT included in the approved budget for the department and a budget amendment is necessary.</p>
From \$2,501 to \$20,000	<p>City Manager or designee, if the item or service is included in the approved budget for the department and a budget amendment is NOT necessary.</p> <p>City Commission, if the item or service to be purchased is NOT included in the approved budget for the department and a budget amendment is necessary.</p>
\$20,001 or greater	City Commission

REQUISITION STEPS

All departments under the City Commission shall obtain equipment or commodities and materials by submitting a requisition in the City's financial software for items totaling more than \$500. Departments may purchase goods and services priced less than \$500 without a requisition. All purchases exceeding \$500 must be requisitioned.

Purchases between \$2,500 - \$7,499 are required to have two informal quotes. Purchases above \$7,500 are required to have three formal quotes. Informal quotes can take the form of an email to/from a vendor, a catalog listing, or some similar form. A formal quote should be on vendor letterhead with quantity and price of good or scope of service detailed. Formal quotes should be itemized as much as possible.

Unless covered as an emergency expenditure or under a blanket purchase order, no items are to be picked up by a department before inputting the requisition in the City's financial software and getting all the required approvals. The Department Director shall be responsible for unauthorized purchases.

Sufficient funds must be available before departments request the purchase of goods or services. Departments must check availability of funds prior to submission of a requisition. If funds are not available, it will be the responsibility of the Department Director or designee to rectify the situation.

Purchases Between \$500 - \$2,499.00

- Choose a Vendor
- Verify that adequate funds are available in the budget line item.
 - If funds are not available see if there is enough in another line item.
 - If enough funds are available in another line item, file a Line Item Transfer Request.
 - If there are not enough funds in alternate line item, then Department Director will need to discuss with City Manager about the need for purchase and budget amendment. If City Manager approves request then Department Director will need to file request for budget adjustment to Finance.
- After funding is verified, enter requisition in the City's financial software.
- Department Director or designee must approve requisition.
- Finance will review requisition for compliance with the purchasing policy and if approved, will convert the requisition to a purchase order.
- After purchase order is issued, department places order.
- After merchandise is received/service provided and invoice is received, the Finance Department verifies that the purchase order and invoice match. If invoice and purchase order do not match, Finance will contact Department Director for correction.
- Purchase order is approved for payment in the City's financial software.
- Check will be cut for payment.

- Check mailed to vendor.

Purchases Between \$2,500 - \$7,499.00

- Unless competitively bid, obtain a minimum of 2 informal quotes and choose lowest quote that meets need.
- Verify that adequate funds are available in the budget line item.
 - If funds are not available, see if there is enough in another line item.
 - If enough funds are available in another line item, file a Line Item Transfer Request.
 - If there are not enough funds in alternate line item, then Department Director will need to discuss with City Manager about the need for purchase and budget amendment. If City Manager approves request, then Department Director will need to file request for budget adjustment to Finance.
- After funding is verified, enter requisition in the City's financial software (include scan of 2 quotes or copy of competitively bid contract).
- Department Director or designee must approve requisition.
- City Manager will approve or deny requisition.
- Finance will review requisition for compliance with the purchasing policy and if approved, will convert the requisition to a purchase order.
- After purchase order is issued, department places order.
- After merchandise is received/service provided and invoice is received, the Finance Department verifies that the purchase order and invoice match. If invoice and purchase order do not match, Finance will contact Department Director for correction.
- Purchase order is approved for payment in the City's financial software.
- Check will be cut for payment.
- Check mailed to vendor.

Purchases Between \$7,500 - \$19,999.00

- Unless competitively bid, obtain 3 formal written quotes and choose lowest quote that meets needs.
- Verify that adequate funds are available in the budget line item.
 - If funds are not available, see if there is enough in another line item.
 - If enough funds are available in another line item, file a Line Item Transfer Request.
 - If there are not enough funds in alternate line item, then Department Director will need to discuss with City Manager about the need for purchase and budget amendment. If City Manager approves request, then Department Director will need to file request for budget adjustment to Finance.
- After funding is verified, enter requisition in the City's financial software (include scan of 3 quotes or copy of competitively bid contract).

- Department Director or designee must approve requisition.
- City Manager will approve or deny requisition.
- Finance will review requisition for compliance with the purchasing policy and if approved, will convert the requisition to a purchase order.
- After purchase order is issued, department places order.
- After merchandise is received/service provided and invoice is received, the Finance Department verifies that purchase order and invoice match. If invoice and purchase order do not match, Finance will contact Department Director for correction.
- Purchase order is approved for payment in the City's financial software.
- Check will be cut for payment.
- Check mailed to vendor.

Purchases Greater Than \$20,000.

- Unless competitively bid, obtain 3 formal written quotes and choose lowest quote that meets needs.
- Verify that adequate funds are available in the budget line item.
- Create Agenda Item for Commission approval.
- Purchase approved by Commission.
- Enter Requisition in the City's financial software (include scan of 3 quotes or copy of competitively bid contract).
- Department Director or designee must approve requisition.
- Finance will review requisition for compliance with the purchasing policy and if approved, will convert the requisition to a purchase order.
- After purchase order is issued, department places order.
- After merchandise is received/service provided and invoice is received, the Finance Department makes sure that purchase order and invoice match. If invoice and purchase order do not match, Finance will contact Department Director for correction.
- Purchase order is approved for payment in the City's financial software.
- Check will be cut for payment.
- Check mailed to vendor.

PROCESSING PURCHASE ORDER CHANGE/CANCELLATION

It is expected that the amount of a purchase order may need to be adjusted from time to time. Upon approval from the Director of the department making the purchase, the Finance Department can make a change to a purchase order amount if the amount of the purchase order after adjustment is under \$2,500. If a purchase order being adjusted is over \$2,500 but under \$20,000, the Finance Department can adjust the purchase order amount after approval

from the City Manager, as long as the revised purchase order amount does not exceed \$20,000. The City Commission must approve any adjustment to a purchase order if the adjustment causes the purchase order to exceed \$20,000, unless the purchase was competitively bid, in which case the City Manager can approve. The Finance Department can make an adjustment to any purchase order if the adjustment is a decrease to the total purchase order amount.

RECEIPT OF COMMODITIES AND SERVICES

- Equipment, services or commodities shipped directly to the ordering department must be checked by that department as to accuracy, quantity and quality. Only after this has been accomplished should a delivery ticket or receiving report be signed. All exceptions are to be noted on the document signed. All claims for defective equipment should be processed in accordance with the City and/or carrier policies.
- To avoid delays in payment to the vendor and compliance with the Florida Prompt Payment Act, all packing slips must be sent to the Finance Department, to indicate final payment should be made.
- When signing for services performed, sign only for what was actually performed. Never sign blank invoices or service tickets. Always insist that the vendor leaves a copy with your department.
- If items are damaged or defective, the receiving department should make every effort to resolve the situation. The receiving department shall not approve payment until the item(s) is corrected or replaced by the vendor.
- Departments initiating purchase orders should keep track of all outstanding purchase orders.

PURCHASING METHODS

The goal is to obtain goods and services at the lowest price by stimulating competition. The following methods shall be used in the purchasing of goods and services for the City:

Petty Cash Funds

The City of Wildwood maintains petty cash funds to facilitate the purchase or reimbursement of minor expenditures. These funds are to be used for any amount up to \$25.00. A receipt is **required** for reimbursement.

Informal Purchasing

Informal purchasing may be used for the purpose of goods and services costing less than \$500. Purchases must be within budget constraints and authorized by the Supervisor or Department Director. It is the responsibility of the employee to ensure goods and services are being purchased in the most efficient and cost effective manner possible.

Quote Request

At least three (3) formal written quotes must be obtained for the purchases of goods and services greater than \$7,500. If at least three (3) written quotes are not possible, a written explanation of such shall be approved by the City Manager based on purchasing approvals. Supporting documentation shall be included in the City's financial software and accompany the invoice for payment.

Quote award shall be based on qualifications of the vendor, acceptability of the product, delivery time, inventories, past performance, degree of compliance with requirements, price and other circumstances that will encourage delivery of the best products and services.

Invitation to Bid

Except as otherwise provided herein, the Invitation to Bid (ITB) is a formal solicitation required for purchases of goods and services when the City is capable of specifically establishing precise specifications defining the actual commodity or contractual services, per Florida Statutes 255.20. Responses to the ITB shall be received in a sealed bid format, opened, and read aloud at a specific date, time, and location. All ITB's shall be administered by the requesting department.

Request for Proposal

Except as otherwise provided herein, the Request for Proposal (RFP) is a formal solicitation required for the purchase of goods and services when the City cannot specifically define the scope of work or when it is not practical or advantageous to procure by competitive sealed bidding. The vendor provides detailed information in response to the RFP and usually the proposal results in a contractual agreement. The process does allow for negotiation in the scope of requested services, price, and delivery. Per Florida Statute 287.057(1) "Procurement", the City **must** consider the prior relevant experience of a vendor when evaluating the response to an RFP. All RFPs shall be administered by the requesting department.

Request for Qualification

Except as otherwise provided herein, the Request for Qualification (RFQ) is a formal solicitation required in the acquisition of professional services. RFQ proposals primarily indicate information regarding the education and experience background of the respondent. Price is not to be indicated in the initial RFQ but it is negotiated with successful respondent. If the RFQ is for professional architectural, engineering, landscape architectural or surveying and mapping services, then the rules of applicable State law (Florida Statute 287.0559(b) Consultants' Competitive Negotiation Act (CCNA)) shall apply. All RFQ's shall be administered by the requesting department.

Government Agency Contracts (Piggyback)

Piggybacking is a procedure of procuring goods or services without formal bid procedures via utilizing other public entity's award of an ITB/RFP. The objective of Piggybacking:

- Better prices due to larger volumes (economy of scale);
- Better quality due to improved competitive specifications; and
- Savings in time and administrative cost, since only one entity prepares and issues the ITB/RFP.

Each Department Director shall have the authority to utilize the competitively awarded contracts of other government agencies when the best interest of the City would be served and the purchase is in accordance with the City's Purchasing Policy. The requisitioning department's purchase of goods or services may be fulfilled by procuring commodities or services from contracts made available by the State and Federal Government or other governmental entities. When goods or services are purchased from such contracts, the Department Director or designees must determine whether such goods or services meet the City's requirements relative to price and quality resulting in the best value.

The competitive bid process is waived in the event that the desired goods and services may be purchased through the use of other governmental agency's contracts when such contracts are the result of a competitive public procurement process. The criteria to piggyback a governmental agency contract includes having an active contract with specific scope of services and a competitive bid tabulation or scoring matrix of the solicitation. The City may also piggyback sole source contracts as long as fairness and reasonableness of price is justified and documented. All purchases pursuant to other government agency contracts shall be administered by the requesting department. Florida Statute 287.056 "Purchases From Purchasing Agreements and State Term Contracts" enables the City to purchase commodities and contractual services from purchasing agreements established and state term contracts procured.

Sole Source Purchases

A Sole Source procurement is a purchasing situation in which a particular vendor (or consultant) is identified as the only qualified source available to fulfill the requirement for a particular product or service with a procurement value greater than the maximum non-competitive, bid dollar threshold. For goods/services only available from a single manufacturer reseller, a verification letter from the Original Equipment Manufacturer (OEM) is required and should be attached to the requisition.

The competitive bid process is waived when it is determined and substantiated in writing, after conducting a good faith review of available sources, that there is only one source for the goods

and services. Price and terms shall be negotiated whenever possible, and a record of single source procurement shall be maintained as a public record. Florida Statute 287.057(3)(c).

Emergency Purchases

The competitive bid process is waived when the normal functioning and operation of the City would be hampered or where property, equipment, public health or life could be endangered through unexpected circumstances by adhering to the usual purchasing procedures. (Florida Statute 287.057(3)(a)) To meet an emergency condition, a written justification detailing the complete circumstances of the emergency and probable consequences along with supporting documentation of the emergency purchase must be approved by the City Manager prior to the purchase. The City Manager shall be empowered to authorize the Department to secure by open market procedures, equipment, commodities, or services regardless of the amount of the expenditures. The City Manager shall notify the City Commission detailing the emergency and place an agenda item on the next City Commission meeting when the purchase exceeds \$20,000. Lack of planning by the requesting department does not constitute an emergency.

Non-Competitive Purchases

The competitive bid process is waived when it is determined that it is not practical, feasible nor advantageous to the City in securing goods and services. Price and terms shall be negotiated whenever possible. Non-competitive purchases exceeding \$20,000 shall require City Commission approval.

The following transactions are exempt from non-competitive purchases:

- Real Property acquisition, such as land, easements, rights-of-way, existing buildings, structures, or improvements, resulting from negotiations and approved by City Commission
- Court-ordered fines and judgments, resulting from litigation.
- Court-ordered fees, resulting from the judicial process.
- Fees and costs related to bond refunding, loans and investments.
- Debt service payments
- Refunds and reimbursements
- Grant disbursements or payments to federal, state, or local government agencies, or to private groups or agencies
- Disbursements to County or Constitutional officers of funds budgeted for their requisition and use
- Inter-fund or inter-departmental transfers or reimbursements within or among City Departments
- Insurance and related services including but not limited to liability, property, medical, and workers compensation insurance, insurance consulting or payments from any loss fund established for such purpose

- Utilities (electricity, natural gas, telephone, cell phones, cable, etc.)
- Advertising in newspapers, magazines, social media, etc.
- Toll charges
- Gas credit card charges
- Postage, shipping, and express mail costs
- Dues and memberships
- Subscriptions for periodicals, magazines, newspapers, copyrighted material, etc. including costs related to update of code of laws and ordinances
- Professional medical services and authorized hospital expenses
- Travel expenses
- Training, tuition and fees for training instructors or facilitators
- Legal services including attorney's expert witnesses, court reporter services and legal fees
- Title insurance, title commitments, title searches, and ownership and encumbrance searches and real estate appraisal services to determine the market value of real property
- Political lobbying services
- Transactions authorized by Agreements approved by City Commission
- Franchise agreements
- Camp programs including admission fees to parks, movies, entertainment venues, etc.
- Vehicle registration fees
- Office, warehouse space, boat slip, submerged land or other property rental or lease
- Permit and license fees
- Fees owed to the Clerk of the Circuit Court or other constitutional officers
- Railroad leases, maintenance & repair charges and fees
- Right-of-way maintenance agreements
- Warranty or maintenance agreement costs required by the original manufacturer or installer
- Proprietary software maintenance agreements, upgrades, and services
- Services required by local, state or federal law

Specialty (Preferred) Vendors

It is the intent of the City to buy only from suppliers who have adequate financial strength, high ethical standards and a record of adhering to specifications, maintaining shipping promises and giving a full measure of service.

The City strives to maintain strong and enduring relationships with vendors of proven ability and those who desire to meet its needs. To accomplish this, purchasing activities will be conducted so that vendors will place a high value on City business and make every effort to meet these requirements on the basis of quality, service and price.

The Finance Director has full authority to question the quality, quantity, price, competitive nature, and type of items requisitioned in order that the best interests of the City are served. The competitive bidding/selection process shall not be required for specialty vendors, defined as specific vendors providing services under at least one of the following conditions, proposed by the purchase originator and acknowledged by the City Manager:

- The primary work elements cannot be accurately determined in advance, prohibiting the ability to obtain advance or competitive quotes.
- The vendor is currently on site performing services acquired pursuant to this Administrative Procedure and has the expertise to perform specialized work which is needed immediately.
- The vendor has unique, relevant knowledge of the City's assets/infrastructure, specifications, policies, procedures and preferences, or applicable regulatory requirements, which cannot be replicated by another vendor efficiently and in a timely manner.

Blanket Purchase Agreements/Contract Purchase Agreements

Blanket Purchase Agreements (BPA) and Contract Purchase Agreements (CPA) are initiated by the requesting Department to secure commonly needed goods and/or services, usually on an annual basis.

Blanket/Contract Purchase Orders are usually a result of a term contract, which is competitively secured in accordance with the conditions set forth within the City of Wildwood's Purchasing Policy and/or State of Florida Statutes. The City Manager may approve blanket/contract purchase orders over his /her approval threshold as long as the contract was competitively secured and approved by City Commission.

Blanket Purchase Orders may be issued when appropriate for standard recurring expenditures such as maintenance items or repetitive purchases from the same vendor. Blanket purchase orders must be covered by an approved contract, state bid or GSA (General Services Administration) schedule unless the annual expected expenditures are less than \$20,000. These levels do not eliminate the need to secure proper quotes. Such items may be covered by a Blanket Purchase Order for the current fiscal year, provided the contract is in effect for the same period. For any contract or bid that carries over into the next fiscal year, the Blanket Purchase Order should initially be issued for goods/services through September 30th of that year. At the start of the next fiscal year a new Blanket Purchase Order should be issued for the remaining time on the contract.

RESPONSE REJECTIONS

In all of the above stated purchasing methods, the City Manager has the authority to reject any or all responses after the solicitation due date when it has been determined that the respondent(s) is non-responsive, or award recommendation is not in the best interest of the

City. In the event of a Request for Proposal or Qualification, where there is a Selection Committee established to review the responses, the Selection Committee must authorize the City Manager to reject any or all responses.

ADVERTISEMENT REQUIREMENTS

Formal solicitations such as Request for Bids, Request for Proposals and Request for Qualifications with project construction costs greater than \$200,000 shall be publicly advertised at least once in a newspaper of general circulation in the county where the project is located at least twenty-one (21) days prior to the solicitation due date and at least five (5) days prior to any scheduled pre-bid conference. Formal solicitation for construction projects that are projected to cost more than \$500,000 shall be advertised at least once in a newspaper of general circulation in the county where the project is located at least thirty (30) days prior to the solicitation due date and at least five (5) days prior to any scheduled pre-bid conference. (Florida Statute 255.0525 Advertising for Bids/Proposals)

Quote Requests and Requests for Information are not required to be advertised in the newspaper; however, they shall be placed on the City's website and a web-based notification and delivery system for public solicitations, such as DemandStar.

It is the responsibility of the department going out for bid to make sure that formal solicitations are advertised as required.

CONTRACT APPROVAL, EQUIPMENT MAINTENANCE AGREEMENTS, AMENDMENTS, RENEWAL AND EXTENSIONS

The City Manager or designee is authorized to approve and execute contracts if the total contract amount does not exceed their purchasing approval limit and funds are available in the approved budget for the Department. This includes, but is not limited to, service or maintenance agreements, awards on proposals, competitive negotiated agreements, and consultant agreements. All contracts with total contract amounts of \$20,000 or greater shall require City Commission approval.

The City Manager or designee is authorized to approve any change to a contract that alters the terms and conditions or provides a change in the scope which total value does not exceed their purchasing approval limit. Such changes must be signed and approved in a formal amendment. All amendments which result in an increase greater than \$20,000 or results in a contract originally under \$20,000 to exceed \$20,000 shall require City Commission approval.

The City Manager is authorized to renew approved contracts as long as such action is in accordance with the terms, conditions, and renewal period specified in the original contract and the total dollar amount of the contract is within the City's approved budget.

APPEAL PROCEDURES

1. Any bidder affected adversely by an intended decision with respect to the award of any bid, shall file with the City Clerk's Office a written notice of intent to file a protest not later than seventy-two (72) hours (excluding Saturdays, Sundays, and legal holidays), after the posting of the bid tabulation. A formal protest must also be filed within ten (10) days of the filing of the written notice of intent to protest. Failure to timely file the notice of intent to file a protest or the formal notice of protest shall constitute a waiver and invalidation of any protest to the applicable solicitation, bid, or award. The formal protest shall contain the following:
 - Name and contact information for the protestor;
 - The ITB/RFP number and title;
 - Clearly state the factual basis upon which the protest is based;
 - State all statutes, laws, ordinances, or other legal authorities supporting such protest; and
 - Identify the relief to which the protestor is entitled.
2. Bid Protest Fee: A person or entity filing a protest must render, along with their written protest, payment of a bid protest fee in the form of a certified check, cashier's check, attorney's trust account check or money order made payable to the City of Wildwood in the amount of (i) \$500.00 where the notice of award recommendation relates to a bid of less than \$100,000; (ii) \$1,000.00 where the notice of award recommendation relates to a bid of \$100,000 to \$500,000; or (iii) \$2,500.00 where the notice of award recommendation relates to a bid exceeding \$500,000. Failure to render timely payment of the bid protest fee shall result in the bid protest being rejected and of no force and effect. In the event the protesting party ultimately prevails in the protest proceeding before the City, the bid protest fee will be returned to such party.
3. Stay of Award. Upon timely receipt of a protest, and in the absence of emergency circumstances, the City Manager shall ensure that the award is suspended until such protest is resolved. If the City Manager, after consultation with the head of the requisitioning department, determines that a bid or contract must be awarded without delay in order to protect the public health, welfare or safety, to comply with an existing regulatory, permitting or contractual obligation, or to prevent the loss of a funding source, a bid protest shall not delay or otherwise impede the award of such bid or contract.
4. City Manager Review. After receipt of a timely written protest, the City Manager shall consider and attempt to resolve the protest. For the purposes of investigating, reviewing, and resolving a protest, the City Manager may appoint a designee of his/her

choosing to represent and act on behalf of the City Manager at all stages of the bid protest review and proceedings. Such designee should have adequate experience and background in public procurement matters and be familiar with the City's procurement procedures. Prior to rendering a decision, the City Manager shall schedule and conduct a meeting in order to hear the arguments from the protestor and other interested bidder/responders. The time, date and location of the protest meeting will be noticed by the City to the protestor and other bidders/responders.

5. **Protest Meeting.** At the protest meeting, the protestor and any other interested bidders/responders who may be affected by the City's procurement decision or award recommendation, or their designated legal counsel, will be allowed to make a brief oral presentation of evidence and argument. However, neither direct nor cross examination of witnesses will be permitted, although the City Manager or his/her designee may make whatever inquiries deemed pertinent to a determination of the protest. Submission of written or physical materials, objects, statements, affidavits and arguments relevant to the protested matters may be submitted prior to or at the protest meeting. The City Manager or his/her designee may solicit and receive input from City employees, consultants and other persons not a party to the protest proceeding. The statutory and judicial rules of evidence shall not apply to the proceedings. Any party may arrange for the proceedings to be stenographically recorded and shall bear the expense of such recording.
6. **City Manager's Decision.** In making his/her decision on the protest, the City Manager or his/her designee shall have the authority to uphold the award recommendation, cancel the pending procurement process, re-bid the contract, revise the award recommendation, and take other such actions that are within City's procurement authority. After conducting the protest meeting, the decision of the City Manager or his designee may be orally announced at such meeting. However, after the protest meeting the City Manager's office shall promptly issue a written decision stating the reason for the action taken with a copy furnished to the protesting party and all other interested bidder/responders. The decision of the City Manager's office shall be final and conclusive as to any contract award not requiring City Commission approval. For contracts requiring City Commission approval, the decision of the City Manager's office may be appealed to the City Commission, if such appeal is timely filed.
7. **Appeal to City Commission:** Bidders/responders who are adversely affected by the Office of the City Manager's decision with respect to a contract award requiring City Commission approval, may appeal the City Manager's decision by filing a written appeal with the City Clerk, no later than 5:00 p.m. on the third (3rd) business day following the date of the written decision issued by the City Manager or his/her designee. The written appeal shall substantially conform to the written protest notice content requirements of

Section 1. Failure to timely file a written appeal shall constitute a waiver and invalidation of any protest to the applicable solicitation, bid, or award.

8. Appeal hearing. If an appeal is timely received, the appeal shall be heard by the City Commission at a public meeting. The time, date and location of the City Commission meeting shall be noticed by the City in the same manner as it notices regular City Commission meetings. The City Commission's review of the City Manager's decisions shall be conducted as if the protest review is being conducted for the first time. The procedure for the City Commission's review will be similar to the process specified for the protest meeting in Section 5. After conclusion of the presentations, the City Commission shall conduct public deliberations, and, upon completion thereof, hold a vote as to the resolution of the appeal. The outcome of such vote and reasons provided therefore shall constitute the City's final determination of the matter.
9. Exclusive method of protest, objection, and appeal. There is a compelling City interest in procuring goods and services in a timely manner so as to provide City residents and visitors with efficient, cost-effective, and operationally effective City infrastructure, facilities, and services in a timely manner. Consequently, procurement disputes must be resolved with minimal delays. Therefore, the procedure set forth herein is the sole means by which a bidder/responder aggrieved by a decision of the City may seek recourse. Refusal or failure by any aggrieved bidder/responder to pursue its right of protest under these procedures shall constitute a waiver of its right to pursue any further remedies or appeals, either administratively or judicially. Any judicial proceedings that may or could be filed against the City by an aggrieved or adversely affected party shall be filed within thirty (30) days after the City's final decision on a procurement matter. Failure to timely file a judicial action in accordance with these procedures shall constitute a waiver and invalidation of any protest to the applicable solicitation, bid, or award.

MINORITY BUSINESSES

Minority businesses shall be ensured to have an equitable opportunity to participate in the City's procurement processes. Florida Statute 255.101 "Utilization of Minority Business Enterprises" encourages the City to be sensitive to the effect of job-size barriers on minority businesses. It also encourages the competitive award of public construction projects in excess of \$100,000. Florida Statute 255.102 provides for consideration by agencies of preferences for price or weighted formulas to increase minority participation.

FLORIDA VETERANS BUSINESS ENTERPRISE OPPORTUNITY ACT

Florida Statute 295.187 reflects preference to include Wartime Veterans. A “Certified Veteran Business Enterprise” means a business that has been certified by the Department of Management Services to be a Veteran business enterprise. The business has to be:

- Independently owned (at least 51 percent owned by one or more wartime veterans or service-disabled veterans);
- Employs 200 or fewer permanent full-time employees;
- Is organized to engage in commercial transactions;
- Is domiciled in the State of Florida;
- Together with its affiliates has a net worth of \$5 million or less or, if a sole proprietorship, has a net worth of \$5 million or less including both personal and business investments;
- And the management and daily business operations of which are controlled by one or more wartime veterans or service-disabled veterans or, for a service-disabled veteran having a permanent and total disability, by the spouse or permanent caregiver of the veteran.

When considering two or more bids, proposals, or replies for the procurement of commodities or contractual services, at least one of which is from a certified veteran business enterprise, which are equal with respect to all relevant considerations, including price, quality, and service, shall award such procurement or contract to the certified veteran business enterprise.

DISCRIMINATORY VENDOR LIST

Pursuant to Florida Statute 287.134 “Discrimination, Denial or Revocation of the Right to Transact Business with Public Entities”, discrimination or discriminated means a determination of liability by a state circuit court or federal district court for a violation of any state or federal law prohibiting discrimination on the basis of race, gender, national origin, disability, or religion by an entity. The Florida Department of Management Services maintains a list of the names and addresses of any entity which has been disqualified from the public contracting and purchasing process. The Department of Management Services will publish an updated version of the list quarterly (www.dms.myflorida.com). The City may not accept any bid, proposals, or replies from, award any contract to, or transact any business with any entity or affiliate on the Discriminatory Vendor List for a period of 36 months following the date that entity or affiliate was placed on the Discriminatory Vendor List unless that entity or affiliate has been removed from the list. It is the responsibility of the issuing department to check and make sure that none of the vendors applying are on the Discriminatory Vendor List.

CONVICTED VENDOR LIST

Pursuant to Florida Statute 287.133 “Public Entity Crime”, the Florida Department of Management Services maintains a list of the names and addresses of those who have been disqualified from the public contracting and purchasing process under this section.

(www.dms.myflorida.com). Public Entity Crime means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or with the United States, including, but not limited to, any bid, proposal, reply, or contract for goods or services, any lease for real property, or any contract for the construction or repair of a public building or public work, involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation. The City may not accept any bid, proposal, or reply from, award any contract to, or transact any business in excess of \$35,000 with any person or affiliate on the Convicted Vendor List for a period of 36 months following the date that the person or affiliate was placed on the list. It is the responsibility of the issuing department to check and make sure that none of the vendors applying are on the Convicted Vendor List.

DRUG-FREE WORKPLACE PROGRAM

Whenever two or more bids, proposals, or replies that are equal with respect to price, quality, and service are received by the City for the procurement of commodities or contractual services, a bid, proposal, or reply received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. See Florida Statute 287.087 for requirements on businesses certifying to be a Drug-Free Workplace.

E-Verify

In accordance with section 448.095, Florida Statutes, as created by chapter 2020-149, Laws of Florida, contractors shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment of eligibility of all new employees hired by the contractor during the term of the contract/project. The E-Verify system is located at <https://www.uscis.gov/e-verify>. The contractor shall expressly require any subcontractors to utilize the E-Verify system.

CONSULTANTS' COMPETITIVE NEGOTIATION ACT (CCNA)

Florida Statute 287.055 "Consultants' Competitive Negotiation Act (CCNA)" provides specific details for the selection of professional services including architectural, engineering, landscape architectural, or survey and mapping services. This applies to procurements for services, excluding continuing contracts for professional services, when the estimated cost for construction exceeds \$325,000 or for a planning/study activity when the fee exceeds \$35,000. A "continuing contract" is a contract for professional services entered into between the City and firm whereby the firm provides professional services to the City for projects in which the estimated construction cost of each individual project under the contract does not exceed \$4 million, for study activity if the fee for professional services for each individual study under the contract does not exceed \$500,000, or for work of a specified nature as outlined in the contract required by the City, with the contract being for a fixed term or with no time limitation except that the contract must provide a termination clause. Firms providing professional services under continuing contracts shall not be required to bid against one another.

The CCNA process allows for professional firms to be hired based on the ability of the firm and quality of personnel, minority business enterprise consideration, firm experience with project of similar size and scope, firm's willingness to meet the schedule and budget requirements, volume of work previously awarded by the City, effect of the firms current and projected workload, location and past performance.

In addition, the City has the right, as an option, to bid construction management services and design build contracts through an invitation to bid or request for proposal process as provided in Florida Statute 255.20 (1), where price is considered in the award process. The option to bid construction management services and design build contracts shall be the sole option of the City.

Release of CCNA Request for Qualifications (RFQ)

The requesting department shall develop a Request for Qualifications (RFQ) document based on the needs of the project and release the document per procedure established in this policy. The RFQ document shall contain a general description of the project and shall indicate the method and the time within which interested professional firms can provide their written responses. In addition, the RFQ document shall contain a draft agreement, period of term and any potential contract extensions.

Selection Committee

The CCNA Selection Committee shall consist of at least three (3) but typically not more than seven (7) members based upon their expertise and association with the project. The selection committee must consist of at least one person from the requesting department. The Selection Committee may consist of subject matter experts and professionals from outside of the City of Wildwood as deemed necessary.

All selection committee members must be free of conflicts of any sort, either direct or indirect.

All selection meetings are open to the public. The Selection Committee may be convened at any time to address pertinent issues pertaining to the procurement process.

Evaluation of Consultants

The Selection Committee shall review statements of qualifications and performance data submitted in response to a released RFQ and "Short List" the most qualified firms accordingly. The process utilized to evaluate CCNA RFQ's shall be the same process utilized for all other City RFP processes. This process of evaluation involves individual review with consensus scoring determined at a public meeting. By utilizing this process, CCNA RFQ's will be consistent in approach with all other City RFQ processes.

The Selection Committee shall select at least three (3) firms deemed to be the most qualified, if at least three (3) firm's respond to the RFQ. If there are less than three (3) firms responding to the RFQ and after searching it is decided every effort was made to meet the requirements of Florida Statue 287.055, the City shall proceed with the evaluation process.

The Selection Committee may request public/oral presentations and/or shall request some type of discussions with a minimum of three (3) firms (if three firms submitted to the RFQ). Each Selection Committee member shall rate each firm and the committee will decide on a total average combined score to determine the top ranked firm. If public/oral presentations are not conducted the ratings applied during the "Short List" phase will determine the rank order of firms for negotiation.

Upon completion of firm ranking and oral presentations (if applicable), the requesting department will obtain Commission approval of the rankings and approval to move forward with the negotiation process.

Short List or Initial Ranking Criteria (May be modified based on needs or situation.)

1. Ability of firm and its professional personnel, willingness, and ability to meet schedule and budget based on current and projected workload.
 - Review the level of qualifications and experience of the firm and project team and appropriateness of the organization of the project team.
 - Review the professional resources available to properly provide services as requested in the RFQ document.
 - Review the project team to ensure the team proposed contains all the critical disciplines required.
 - Project team proposed should have exceptional professional resources to properly provide services.
 - The project manager and proposed team should be uniquely qualified to provide the desired services.
 - Evaluate the workload commitments that will impact the firm's ability to complete services on schedule.
 - The submittal should demonstrate that the firm has adequate time available and personnel to complete services on schedule and additional backup staffing capability in the event of unforeseen circumstances.

2. Firm experience with project of similar size and past performance
 - Review the firms experience with projects of similar size, type and scope and the performance on those specific projects.

- The prime firm must have adequate, recent (within the past five years) experience with projects of similar type as defined in the RFP document.
- Experience pertaining to specific City of Wildwood projects may also be considered. City of Wildwood staff shall not, however, furnish references for such projects.
- The scope of services provided should represent projects that are similar to those defined in the RFP document.
- The overall performance of the firm relative to projects of similar size and scope should be evaluated.

Public/Oral Presentation Criteria (May be modified based on needs or situation.)

1. Understanding of Project.

Evaluate the firms' understanding of the overall project including the scope of work which may include but is not limited to, studies performed that affect the project, key design elements and effect on the community involved. Evaluation of the firm's qualifications and qualifications of the individuals proposed for the project including the project manager and staff of the firm to be assigned. Qualifications shall include but not be limited to experience with similar projects, management experience, firm experience, etc.

2. Ability to Provide Required Services within the Schedule and Budget.

Evaluation of the firm's overall approach including experience in scheduling projects, systems that will be used to keep track of the project schedule, cost control, quality assurance and quality control, issues and methods employed to avoid cost overruns and project delays.

3. Managerial Methods Used to Plan, Design and Administer the Project.

Evaluation of the overall approach of the project proposed by the firm and the appropriateness of the methods proposed to plan, design, and administer the project in relation to the scope of work and City of Wildwood requirements.

Negotiation

The city manager or his/her designee will negotiate a contract with the most qualified firm (number one ranked firm) for professional services. Detailed discussions must be held by the firm and the City of Wildwood to clearly establish the scope of the project and the exact services to be performed by the firm. Should the City of Wildwood and firm fail to reach agreement, negotiations with the first firm are terminated and negotiations with the second ranked firm shall commence. If again unsuccessful, the process is repeated with the next ranked firm. The process is continued until a mutually agreeable contract is concluded or the procurement process is abandoned. Termination of negotiations with the first firm and commencement of subsequent negotiations does not require approval.

Truth in Negotiations

The successful professional firm shall execute a truth in negotiation certificate stating that wage rates and other factual unit costs supporting compensation are accurate, complete, and current at the time of contracting. Any professional service agreement in which such a certificate is required shall contain a provision that the agreement price shall be adjusted to exclude any significant sums where the City of Wildwood determines the agreement price was increased due to inaccurate, incomplete, or noncurrent wage rates and other factual unit costs. All adjustments to the agreement, if any, shall be made within one (1) year following the end of the agreement.

Award of Contract

The final negotiated contract will be presented to the City Commission for approval per this Policy.

Contract Signing Authority and Execution

NO employee other than those designated in writing, are authorized to sign or execute contracts and purchase agreements for ANY dollar amount on behalf of the City of Wildwood.

The appropriate copies of vendor-signed contracts shall be presented to the City Manager or City Commission (depending on the dollar amount) for execution.

CONTRACTING FOR PROFESSIONAL SERVICES (NON-CCNA)

Services Selection Process for Non-CCNA Professional Services

1. To be utilized for all competitive Request for Proposals (RFP) non-CCNA
2. A selection committee will be established for specific services being solicited on an as needed basis.
3. Requisitioning department will Prepare Request for Proposal (RFP) with detailed scope of services.
4. Public announcement (if necessary) prepared by the requesting department and advertised through the City's website.
5. Publish RFP on a web-based notification and delivery system for public solicitations, such as DemandStar.

6. Proposals are due back by a certain date and time. Multiple copies of the proposal response are requested in the released RFP document and must be submitted by the respondents before the proposal deadline. Copies of the proposal and evaluation instructions are forwarded to the selection committee for their review.
7. At the evaluation meeting, selection committee members orally discuss each criterion pertaining to each firm's response. Each member of the selection committee then selects an individual score within the range provided for the criterion. This process continues until all firm proposal submittals have been evaluated and tabulated.
8. The Selection Committee develops a ranking of proposals based upon how the scores fit into a competitive range. A competitive range is established based on score grouping after the evaluation process is complete. Generally, scores will develop a natural competitive range where a group of scores separate from the remaining scores clearly demonstrating qualified firms.
9. The contract is negotiated where certain aspects of the scope of work, terms and conditions and price are discussed with the firm to improve the benefit of the contract to the City. Once negotiations are complete, the ranking of firms and negotiated contract will be forwarded to the City Manager for award based on delegated authority. The Selection Committee may also request award of proposals based on the original proposal submittal without negotiation.
10. Certain specific contracts require a two-step approval process. The ranking of firms is approved first by the Selection Committee. The contract is then negotiated and presented for consideration to the City Manager. If the value of the contract is below \$20,000 the City Manager can execute the contract. If the value of the contract is above \$20,000 the requesting department will submit the contract to the City Manager and get approval from the City Commission.
11. When proper delegated authority approves the contract, execute agreements and proceed with contracting process.

PUBLIC RECORDS

Formal solicitations are not immediately subject to Florida's Public Records Act. Chapter 119.071 of the Florida Statutes exempts the City from allowing interested parties to examine sealed bids or proposals (formal solicitations) until such time as the City provides notice of an intended decision or within thirty (30) days after opening of a formal solicitation, whichever is earlier. Any and all materials initially submitted or subsequently submitted as part of a solicitation process shall become property of the City and shall be treated as City documents subject to typical practice and/or applicable laws for public records. Respondent should not

submit any information in response to a solicitation which the respondent considers proprietary or confidential.

If the City rejects all bids, proposals, or replies and concurrently provides notice of its intent to reissue a competitive solicitation then the following rules pertain:

- The recording and any records presented at the exempt meeting remain exempt until such time as the City provides notice of an intended decision concerning the reissued competitive solicitation,
- Or until the City withdraws the reissued competitive solicitation.
- A recording and any records presented at an exempt meeting are not exempt for longer than 12 months after the initial City notice rejecting all bids, proposals, or replies.
- A meeting that would reveal a security system plan or portion thereof made confidential is exempt.
- Any portion of a meeting at which a negotiation with a vendor is conducted pursuant to a competitive solicitation, at which a vendor makes an oral presentation as part of a competitive solicitation, or at which a vendor answers questions as part of a competitive solicitation is exempt.
- Any portion of a Selection Committee meeting at which negotiation strategies are discussed is exempt.
- A complete recording shall be made of any portion of an exempt meeting. No portion of the exempt meeting may be held off the record.
- The recording of, and any records presented at, the exempt meeting are exempt until such time as the City provides notice of an intended decision or until 30 days after opening the bids, proposals, or final replies, whichever occurs first.

WHEN FORMAL BIDS ARE USED/REQUIRED

Bids received by or on behalf of government entities (Piggyback bids), including but not limited to federal, state, county, municipal, or special district, may be considered formal bids for the purpose of administering this section, where not otherwise prohibited by law.

FORMAL BID PROCEDURES

1. The requesting department needs to contact the Purchasing Tech in the Finance Department to obtain a Formal Bid Number and a date and time for the bid opening to be held. After this number has been issued, a copy of the proposed specifications will be sent to the Finance Director and if applicable, to the City of Wildwood Attorney. A Bid Sheet should be attached to the specifications stating quantity, unit price, total price and other information as necessary. Major capital improvements must be budgeted.
2. Request for Bid (RFB) notices will be posted on the City's website and also must be placed in a newspaper or on a web-based notification and delivery system for public solicitations,

such as DemandStar. On occasion, it may be necessary to advertise more than is required by Florida Statute. It is the responsibility of the requesting department to assure compliance with advertising requirements.

3. Awards shall be made to the lowest responsive and responsible bidder or offeror providing the best value whose bid or proposal complies with the specifications in all material aspects, requirements, or criteria set forth in the invitation to bid or request for proposals and/or is in the best interest of the City. The City may opt to refuse award of all bid/proposal responses if not in the City's best interest. The award of bids shall be made within (90) ninety days of the original advertisement.
4. Rejection of Bids - For bids not awarded, that are rejected in total due to budget or other constraints the City Manager shall have authority to reject bids up to \$20,000. The City Commission shall reject all other bids exceeding \$20,000.

Only bids from responsive and responsible bidders are to be considered. A **responsive** bidder is one who has submitted a bid, which conforms in all material respects to the bid terms, conditions, and specifications.

A **responsible** bidder has demonstrated the financial capacity and experience to perform on the contract as specified.

For bids awarded by the City Commission and City Manager, there may be a recommendation for rejection of any specific bid, or part of a bid, submitted which is not in compliance with the specifications (non-responsive) for the commodities or services or does not best serve the interest of the City (non-responsible).

If the lowest and most responsive bid and responsible bidder exceeds the budgeted amount and additional funds are not available, bids may be rejected and the requesting department shall solicit new bids after changes are made in the specifications to bring pricing within the funds available.

5. It will be the responsibility of the requesting department to obtain all the necessary forms (executed contracts, certificates of insurance, bonds, W-9, etc.) and to submit the completed original documents to the City Clerk's Office for permanent record keeping.

In accordance with Section 255.05(1), Florida Statutes, no public construction bond is required for construction contracts with a total value of \$200,000 or less.

6. The City Manager shall have the authority to approve direct purchases from equipment and material suppliers in accordance with the terms of competitively bid construction contracts awarded by the City Commission.

INDEMNIFICATION STATEMENT

It is City standard practice to require vendors and contractors to indemnify the City. The City Manager or City Commission will only make deviations from this policy at the sole option of the City, when it is determined to be in the best interest of the City of Wildwood.

STANDARD INSURANCE REQUIREMENTS

The Contractor shall maintain, on a primary basis and at its sole expense, at all times while performing work for the City, the “Standard Insurance Requirements”. Contractors responding to a Request for Proposal, Request for Qualifications, or an Invitation to Bid shall provide with their submittal, a Certificate of Insurance (COI) or a letter from the insurance company stating required coverage is obtainable. Prior to commencement of any work being done for the City, a COI will be required. Work is defined as any service provided to the City by a vendor/contractor who must access City property in order to provide the service(s). The requirements contained herein, as well as the City’s review or acknowledgement, is not intended to and shall not in any manner limit or qualify the liabilities and obligations assumed by the Contractor under the contract.

A Florida Resident Insurance Agent shall sign all Contracts, Bonds, and Insurance requirements by State Law. All insurance shall be obtained from an agency of an insurance company, which agency shall have an established place of business in the State of Florida and be duly licensed to conduct business herein. All insurance companies must have a financial rating of **A** or higher by A.M. Best Company, Inc. with the exception of self-insured insurance companies.

Standard Insurance Required – Limits of Liability will be specified in Bid requirements.

- Commercial General Liability Insurance
- Business Automobile Liability Insurance
- Worker’s Compensation Insurance & Employers Liability Insurance
- Umbrella or Excess Liability Insurance (needed for large contracts)
- Professional or Errors & Omissions Liability Insurance (when applicable)

The Contractor shall endorse the City of Wildwood as an additional Insured on the Commercial General Liability Insurance with a CG 2010 Additional Insured – City’s, Lessees, or Contractors, or CG2026 Additional Insured – City’s, Lessees, or Contractors – Scheduled Person or Organization endorsement, or similar endorsement providing equal or broader Additional Insured coverage. The policy will have a 30-day notice of cancellation.

CONFIDENTIALITY

All information and documentation (verbal and written) relative to development of a contractual document for a proposed procurement shall be deemed confidential in nature, except as deemed necessary by the purchaser to develop a complete contractual document. Such material shall remain confidential until successful completion of the procurement process.

PURCHASE OF INSURANCE

The purchase of insurance for the needs of the City Commission, City Manager and all Department Directors will be the responsibility of the Human Resource Director. The purchase of insurance, unless otherwise required, shall be competitive, issued and released through the Human Resource Department.

FLORIDA'S PROMPT PAYMENT ACT

The City will follow Florida Statutes 218.70 – 218.80 “Prompt Payment Act”. The Act requires payment for all purchases by local governmental entities, including special districts, are made in a timely manner. The Act sets forth timeframes when payments are due by a government entity following receipt of an invoice for purchases relating to services rendered, rental period, contracts and construction services. (Florida Statute 218.73 and 218.735) The payment due date for a local governmental entity for the purchase of goods or services other than construction services is 45 days. The calculation is based on the following:

- The date on which a proper invoice is received by the City after approval by the governing body, if required; or
- If a proper invoice is not received by the City, the date:
 1. On which delivery of personal property is accepted by the City;
 2. On which services are completed;
 3. On which the rental period begins; or
 4. On which the City and vendor agree in a contract that provides dates relative to payment periods.

The payment due date for the purchase of construction services is determined as follows:

- If an agent must approve the payment request or invoice before the payment request or invoice is submitted to the City, payment is due 25 business days after the date on which the payment request or invoice is stamped as received.

- If an agent need not approve the payment request or invoice submitted by the contractor, payment is due 20 business days after the date on which the payment request or invoice is stamped as received.

COMPLIANCE WITH ALL APPLICABLE LAWS

If any situation where compliance with this manual will place the City in conflict with State or Federal law or the terms of any grant, the City shall comply with such State or Federal law, grant requirements, or authorized regulations which are mandatorily applicable and which are either not reflected in these procedures or are contrary to the provisions of these procedures.

PURCHASING CARD (P-Card)

A City purchasing card (P-Card) is available for purchases where a Purchase Order is not accepted (hotel reservations, point of purchase sales, etc.) P-Card charges in excess of \$750.00 per transaction require Department Director approval. A P-Card is available from the Finance Director. (For more rules on a P-Card, see policy on using a City P-Card)

1. The use of the P-Card does not exempt a purchase from the rules in this policy.
2. Personal use of the P-Card is strictly prohibited under any circumstances.