



200.08 Purchasing

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I. POLICY

It is the Sheriff's Office Policy to make all purchases in accordance with generally accepted governmental purchasing practices consistent with the laws of the State of Florida. The primary goal is to procure necessary goods and services in a manner to maximize the purchasing power of public funds while promoting fair and open competition. These guidelines outline the procurement process for the Brevard County Sheriff's Office ("BCSO", "Agency", "Sheriff's Office").

II. SCOPE

This policy shall apply to each expenditure of public funds by any Sheriff's Office employee, regardless of the source of the funds. When the purchase involves the expenditure of grant

or special revenue funds, any applicable Federal or State regulations will apply. Where not inconsistent with law, the Sheriff may waive any provision of these policies when it is determined there is a valid public purpose, including but not limited to the protection of the public's best interest or the need to protect the health, safety or welfare of the citizens of Brevard County or Sheriff's Office Employees.

III. PURCHASING ETHICS

The Sheriff's Office 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 Sheriff's Office business and make every effort to meet these requirements on the basis of quality, service and price. The avoidance of actual or apparent conflict of interest is a prime requisite to the efficient and sound operation of the Sheriff's Office and the maintenance of the public trust.

A. Conduct and business relations with vendors will be as follows:

1. During interviews with vendors, no employee may comment on a preference for any product or service; provide information or comment regarding performance or price of any vendor or service provider which might in any way give one vendor an advantage over another vendor; or infer that the Sheriff's Office is predisposed toward selection of a particular vendor or embarrass the Sheriff's Office.
2. An open and competitive environment will be maintained.
3. Consistent purchasing policies and principles will be maintained.
4. The confidence of the vendor and their company as to proprietary information will be respected, when applicable.
5. Vendors shall be provided an equal opportunity to submit quotes on a competitive basis. Care shall always be taken to avoid imposing on a vendor's time when it is known that bids will be requested and open to all.
6. No Sheriff's Office employee shall accept gifts from a vendor that violates the provisions of State law.
7. No Sheriff's Office employee or volunteer shall participate in the selection, award or administration of a contract if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee or volunteer, any member of his or her immediate family, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

- B. The Sheriff's Office will not tolerate circumstances that produce, or reasonably appear to produce, conflicts between the personal interest of any employee, volunteer or representative of the Sheriff's Office and the interest of the Sheriff's Office. Accordingly, the Sheriff's Office may terminate at no charge to the Sheriff's Office any purchase order or contract if it is found that gifts or gratuities were offered to a Sheriff's Office employee,

volunteer or representative. Any Sheriff's Office employee or volunteer that is found to have an undisclosed conflict of interest will be subject to disciplinary actions up to and including termination.

C. Vendor Practices: Enforcing the following guidelines will enforce appropriate business practices between the Sheriff's Office and vendors at large. The Sheriff's Office will:

1. Maintain and enforce equitable competition
2. Offer equitable and concise specifications
3. Enlist consistent procurement policies and principals
4. Observe "truth in purchasing" guidelines in all transactions and correspondence
5. Avoid any interface with a vendor that could be considered or interpreted as preferential treatment

D. Gifts, Rebates, Prizes or Subsidies:

The employees of the Sheriff's Office will not accept any gift, gratuity or reward in money from any person or business to which any purchase order or contract is or might be awarded, or any personal benefit, except that which is authorized by law. No employee shall receive any gift of compensation from a vendor or to influence that employee's recommendation for awarding business.

E. Financial Interest:

In no case will members of the Sheriff's Office be involved in awarding or recommending the award of contracts or in procuring goods, services or supplies when their relatives are associated directly or indirectly with the vendor.

F. Internal Control Authority

The Brevard County Sheriff's Office Central Logistics Unit will ensure proper internal controls and adherence to this policy by exercising independent authority and procurement practices. The Central Logistics Unit may change vendors, requisitions, substitute commodities and change cost coding in accordance with budgetary parameters, as determined to be in the best interest of the Agency, but must notify the originating agency of same. Any disputes will be resolved by a Chief Officer.

IV. GOVERNING AUTHORITY

The Brevard County Sheriff is responsible for enforcing the laws of the State of Florida and Brevard County. The duly elected Sheriff establishes and enforces the policies of the Brevard County Sheriff's Office including purchasing policies. The Sheriff's purchasing authority is derived from Florida State Statute Chapter 30 and applicable Florida Attorney General Opinions. The Sheriff has the unilateral ability to waive, alter, change or enlist exceptions to this policy as deemed in the best interest of the Sheriff's Office to protect the citizenry of Brevard County.

V. GENERAL PROVISIONS

- A. All purchases will be made in accordance with applicable state and federal legal requirements.
- B. The Central Logistics Unit will prepare purchase orders ensuring separation between integral accounting functions.
- C. The Sheriff's Office will patronize only those businesses that have adequate financial strength, high ethical standards, adequate records of, or the ability to adhere to, specifications and shipping requirements.
- D. All bids will be conducted in accordance with local, state, and federal statutes and laws. All qualified bidders will be given an equal opportunity to bid/quote and compete on equal terms.
- E. The subdivision of purchases is prohibited. Subdividing means splitting an aggregate purchase into separate, smaller purchases. No contract or purchase will be subdivided to avoid the requirements of this order.
- F. The Sheriff's Office may issue blanket purchase orders when it is determined such document will be the most cost effective means for capturing total requirements for non-capital items for a period of time not to exceed 12 months within the same fiscal year. No blanket purchase order issued by the Sheriff's Office will confer upon any person the exclusive right to furnish the Sheriff's Office requirements for the supplies, services, or construction called for by the blanket purchase order.
- G. No Sheriff's Office personnel will issue any order for delivery on a contract or open market purchase until the unit has verified that there is sufficient unencumbered appropriation balance, in excess of unpaid obligations to defray the amount of such order. There are procurement card exceptions to this requirement.
- H. Only the Sheriff or a Chief Officer should sign contracts and agreements which commit Agency funds. All fully executed contracts and agreements will be filed into the contract management system for record retention purposes.
- I. Failure to adhere to these policies by any Sheriff's Office employee may result in the employee being held personally liable for the purchase and/or disciplinary action.
- J. The Brevard County Sheriff's Office is a non-profit, governmental tax-exempt agency. Governmental agencies are exempt from state and federal sales and use taxes. This exemption is unilateral within the State of Florida. As a general rule, all states will acknowledge a governmental tax-exempt status. The Sheriff's Office tax exempt certificate (FUF-12) can be obtained from the Finance Unit, the Central Logistics Unit or the Sheriff's Office intranet.

VI. PURCHASING THRESHOLDS

A. The following thresholds apply to all requisitions of goods and/or services (total purchase cost, not per item):

Total Amount of Request	Type of Bid/Quotes Required	Responsible for Bids/Quotes
Up to \$999.99	Efforts made to obtain the best value for the Agency	Department with assistance from Central Logistics as necessary
\$1,000 to \$9,999.99	Two (2) email or written quotes based on like products; attach quotes in the "notes" section of the requisition	
\$10,000 to \$49,999.99	Three (3) written quotes based on like products; attach quotes in the "notes" section of the requisition	
\$50,000+	Competitive bids/proposals	Central Logistics with assistance from Department Project Manager

1. Approval of purchase requisitions is contingent upon budget availability.
2. For purchasing compliance consideration, the amount is determined by the total amount of the purchase (aggregate) or the total contract.
3. Capital assets are defined as all purchases equal to or greater than \$1,000 with a life expectancy of one year or more. All capital items require Finance approval. No capital items are to be purchased on a procurement card unless written/email approval is obtained from the Chief Financial Officer or designee.
4. The Sheriff may waive the purchasing thresholds for any goods and/or services, as long as waiving same does not violate any law of the State of Florida. When it is determined there is a valid public purpose, including but not limited to the protection of the public's best interest or the need to protect the health, safety or welfare of the public, inmates or employees that would warrant deviating from the process and thresholds herein, the reason should be documented.
5. Exceptions to written competitive bids are permitted when the following conditions apply:
 - a. Emergency - If it is determined an emergency exists in regard to the purchase of any goods and/or services, and a delay would be detrimental to the public interest, the Command Level Supervisor shall prepare a written statement describing the emergency condition to the Chief Financial Officer. The goods and/or services will then be purchased by the most expeditious

means available, if time permits, by the use of a purchase order and the use of a single source supplier.

- b. Where a sole supplier's goods and/or services are needed for trial use or testing.
- c. Purchase of goods and/or services for which it is determined there is no functional equivalent.
- d. Professional services for experts. An expert is an individual or company that has unique knowledge of the subject matter.
- e. Already negotiated contracts including state contracts, federal supply schedules, other governmental entity contracts, or other procurement associations (Florida Sheriff's Association).
- f. Sole Source may be used for OEM (Original Equipment Manufacturer) and warranty repairs, if prior approval is obtained from the CFO or his designee. All purchases involving a Sole Source vendor where competitive bids are required shall be accompanied by a Purchase Justification form (CLF-2) signed by a Command Level supervisor detailing the reason for a Sole Source purchase. In some cases, documentation of Sole Source may be required from the vendor.
- g. On-going services that are under a contract, including rents and leases, maintenance and service agreements.
- h. Medical physicals and expenses, employee insurance and benefit programs, and the related third-party administrators.
- i. Insurance premiums for workers compensation, vehicle, liability and property.
- j. Services only provided by one vendor (i.e. utilities, annual dues, subscriptions).
- k. Travel and Training
- l. When authorized by the Sheriff.

VII. PURCHASING PROCESS

- A. Contracts, purchases, rentals, leases, or acquisition of commodities described in this policy shall, whenever possible and practical, be based on solicitation from a reasonable number of qualified sources of supply to assure the purchase is to the advantage of the Sheriff's Office.

1. A record of such competitive bids shall be made a permanent part of the Brevard County Sheriff's Office.
2. When soliciting written quotes less than \$10,000, emails and/or facsimile transmissions are encouraged and authorized.

B. Expenditure Limits:

1. Up to \$999.99 - Purchased from reputable source / supplier using published price lists, or catalogs. Purchases in this category should, when feasible, be rotated among available sources / suppliers to provide price comparison.
2. \$1,000 to \$9,999.99 - Two (2) written competitive quotations for purchases may be submitted by facsimile, e-mail, or in person. Quotes must be recapped using the Quote Tabulation form (CLF-3) and shall be recorded in the purchasing files of the Brevard County Sheriff's Office. The quotations shall include the name of the supplier or person quoting and the amount quoted.
3. \$10,000 to \$49,999.99 - Three (3) written competitive quotations must be obtained from suppliers. Quotes must be recapped using the Quote Tabulation form (CLF-3) and shall be recorded in the purchasing files of the Brevard County Sheriff's Office. The quotations shall include the name of the supplier or person quoting and the amount quoted.
4. \$50,000.00 or over - Formal sealed, competitive bids shall be solicited from suppliers when purchases are anticipated to result in costs of \$50,000 or more.
5. GSA Schedules - The Sheriff's Office does not have a mandatory right to GSA contracts; however, many suppliers elect to sell to state and local governments under the terms of the GSA Schedule. The use of the GSA contract assures the supplier is offering his lowest price to his most favorable customers; accordingly, if a supplier offers to sell to the Sheriff under the auspices of a GSA contract, Purchasing may cite the GSA Schedule which shall satisfy competitive requirements as outlined in this policy.
6. Any requirement in this section may be waived by the Sheriff.

C. Emergency Purchase or Rental

In the case of an apparent emergency which requires an immediate purchase or rental of supplies, services or construction, the Sheriff or an authorized designee will be empowered to secure by open market procedures, at the lowest obtainable price, any supplies, services, or construction, regardless of the amount of the expenditure, when such procurement is essential to prevent delays in the work of the Sheriff's Office which may vitally affect the life, health, welfare or convenience of the citizens. A Purchase Justification form with "Emergency" checked as the type of purchase justification will accompany all requisitions to support such an emergency purchase. BCSO procurement cards may be used for such purposes, subject to the procedures relating to these cards. Should an emergency arise which would require an emergency appropriation of funds larger than that appropriated in the budget, the Sheriff may make a request to the Board

of County Commissioners for Brevard County for such funds in accordance with FS 30.49(10).

D. Single Source Purchase

When it has been determined that a certain type of supplies, services, or construction is available from only one (1) source, or no other substitutive supplies, services, or construction are available for purchase, the Sheriff's Office may purchase the items from the single source of supply without complying with the competitive purchasing provisions of this manual. A "Purchase Justification" form (CLF 2) with "Single Source" checked as the type of purchase justification will accompany all requisitions to support such a single-source purchase. If the purpose of using the single source justification is to willingly, with corrupt intent, circumvent the competitive bidding process, the public servant may be guilty of committing a felony of the second degree as stated in FS 838.22.

E. Public Good

As a recipient of public funds, all expenditures incurred must be necessary to support our organization in an effort for our agency to provide law enforcement services for the benefit of the general public. It is the responsibility of all personnel to develop specifications that do not exceed the functional requirements of the item being purchased and to search for the lowest price available to purchase necessary goods, products and services. Examples of expenditures that do not meet the public safety needs of the taxpayers are:

1. Refrigerators and microwaves for independent units, unless approved by the Chief Financial Officer as a necessity of the operational mission.
2. Coffee and related supplies, general beverages, food products and other consumable goods for the regular consumption of employees during normal daily operations. An exception to this rule would be the purchase of these products to support specialized, mission-essential operations, or the general public; justification by a command staff member is required.
3. Seasonal or holiday decorations.
4. Luxury items.

F. Accountable Use of Public Funds

Any purchase that is not directly attributable to providing support to law enforcement activities for the good of the general public is not an accountable and proper use of public funds.

G. Centralized Purchasing Program

All items supplied by Central Logistics Unit through the Centralized Purchasing Program are to be requested electronically through the iMagic system (<http://officesupplies.bcsos.us:8033/>).

VIII. CONTRACTS

Only the Sheriff or a Chief Officer should sign contracts and agreements which commit Agency funds. All fully executed contracts and agreements will be filed into the contract management system for record retention purposes.

IX. REQUISITIONS

- A. Requisitions are submitted to the Central Logistics Unit electronically through the ADG System as the first step to securing goods, products, or services. Requisitions will be submitted prior to acquiring goods, products, or services.
- B. Requisition Preparation: The requester will log into the ADG system and enter the following information:
 - 1. Ladder Code: Indicating if item or service is Non-Capital (L01) or Capital (L02)
 - 2. Delivery Code: Insure that the Delivery Code is accurate
 - 3. G/L Account : Enter a valid G/L Account for each line of the requisition
 - 4. Description: Enter a complete description of each item being requested, including brand name, model number, etc. If the requisition is for a service contract or maintenance agreement, the effective dates of the contract or agreement must be noted in the description.
 - 5. Quantity
 - 6. Unit Price
 - 7. Unit of Measure (UOM): ea, pkg, cs, etc.
 - 8. Vendor/Warehouse: Vendor number as found in ADG. If a vendor is not in the ADG system, requester will enter "99" and obtain a W-9 from the vendor. The W-9 should be attached in the Notes Master section of the requisition choosing the W-9 Notes Class.
 - 9. Once the requisition is complete, the requester must approve. This will advance the requisition to the next level of approval.
 - 10. Notes: Attachments applicable to the item or service to include but not limited to; general notes, quotes per thresholds including the Quote Tabulation form (CLF-3), a contract number and information (including contract valid dates), a W-9 if the vendor is new to the ADG system, a signed Purchase Justification form (CLF-2).

C. Approval Limits

Command Level Supervisor	Up to \$9,999.99
Chief Officer	\$10,000 to \$49,999.99
Requires two signatures from amongst the Sheriff and Chief Officers	\$50,000.00 and above

The Chief Financial Officer, or designee, will have the authority to place a purchase requisition on hold in the event the requisition does not meet budget requirements and/or adherence to purchasing thresholds.

D. Open Market Purchase Procedures

1. The requisition in its entirety will be routed to the Central Logistics Unit for processing.
2. The Central Logistics Unit has the authority to purchase the item from a vendor other than the one specified by the originating division. The originating division will be notified of any change in vendor allocation.

X. PURCHASE ORDERS

- A. A purchase order is a unilateral instrument issued by the Sheriff's Office when ordering supplies, services, or construction, which becomes a contract by the other party through formal acceptance or by performance.
- B. Upon notification of a completed and approved requisition, the Central Logistics Unit will issue a purchase order. The purchase order authorizes the supplier to ship and invoice the goods and/or services as specified.
- C. A standard purchase order form will be used for all purchases, except procurement card purchases and check requests. After the purchase order is prepared and approved by the Central Logistics designee, a copy of the purchase order will be emailed to the requester from the ADG system.
1. A copy of the purchase order shall be forwarded to the vendor by the requester as authorization to proceed with the purchase. It is the responsibility of the requester to ensure the vendor received the purchase order and to follow-up on delivery in a timely manner.
 2. Once all materials are received and/or services completed, the originating unit will forward a copy of the purchase order and any invoices or other documentation received to the Finance Unit. The invoice must be signed and noted that it is approved to be paid. The Finance Unit will be responsible for remitting payment to the vendor.
- D. Blanket Purchase Orders: Blanket purchase orders are made available to provide units with the means of procuring and documenting low cost, routine items, and recurrent costs without going through the full purchasing procedures on a continual basis. Blanket purchase orders should be requested for a 12-month period to cover reoccurring costs

for the fiscal year. It is the command level supervisor's responsibility to ensure that valid, unencumbered balances exist for these purchases.

1. The use of one or more blanket purchase order(s) to initiate a single-item or aggregate purchase of like or similar item purchases over \$999.99 (purchase order splitting) without proper quotes or justification is strictly prohibited.
2. The Central Logistics Unit will issue blanket purchase orders. The maximum amount chargeable to the vendor will not exceed the aggregate amount of the request for an identified period. When the amount on an approved blanket purchase order is exhausted, and additional funds are necessary, an email must be forwarded to the Central Logistics Unit through the department's chain of command requesting a supplemented amount to be added to the original blanket. It will be the responsibility of the originating unit to monitor available, unencumbered balances of blanket purchase orders.
3. Blanket purchase orders are to be used by the Command Level Supervisor or their designated representatives only.
4. Within five (5) working days of purchase, a copy of a current blanket purchase order will be submitted with original invoices for payment to the Finance Unit. The originator will sign, date and denote approval to pay on invoice submitted for payment. If different than indicated, the proper account number for which the expense is to be charged needs to be noted on the copy of the blanket purchase order when submitted with invoice(s) for payment.
5. If any of the above practices are violated, the privilege of using blanket purchase orders may be rescinded for that unit.

XI. RECEIVING PROCEDURES

A. Responsibility

The unit receiving goods or products is responsible for promptly unpacking and inspecting shipments and verifying that items received agree with the packing slip and purchase order. Any discrepancies should be reported promptly to the vendor. It will be the responsibility of the originating unit to reconcile all discrepancies.

B. Authorization to Pay

After receiving goods or products, a copy of the purchase order will be attached to a signed and dated invoice, and forwarded to the Finance Unit within five (5) working days after delivery to enable Accounts Payable to take advantage of discounts offered by vendors for early payment of an invoice. Packing slips or any other documentation received must be submitted with the copy of the signed invoice. This procedure applies to both partial and full shipments of goods or products. Invoices should not be held for the entire purchase to be received.

C. Invoices

1. Invoices should generally be mailed to the Finance Unit by the vendor. The originating unit should not retain a completed receiving copy while waiting for an invoice. Invoices cannot be paid until the copy of the invoice is signed off with an approval to pay and forwarded to the Finance Unit.
2. When an invoice exceeds the amount of the original Purchase Order an overpayment can be made up to 10% not to exceed \$250. If the amount exceeds \$250 the payment will require the approval of a Chief Officer or a revision to the Purchase Order.

XII. CHECK REQUESTS

- A. A Check Request form (FUF-5) can be used in lieu of a purchase order for goods or services of \$100.00 or less to vendors who do not accept the VISA procurement card. The Finance Unit may waive the \$100.00 limit when it would be more cost effective to use a Check Request rather than a purchase order for payments such as employee reimbursements, payroll related payments, copy machine maintenance, or any other cost authorized by the Finance Director. The purchasing policy must still be adhered to when a check request is used in lieu of a purchase order.
- B. Upon receipt of a completed Check Request form, the Finance Unit will issue a check to be paid directly to the vendor. A Check Request form should be completed as follows:
 1. Date.
 2. The vendor number if the vendor is currently in ADG. Otherwise a completed W-9 will be required so a vendor number can be created in ADG.
 3. The name and address of the vendor to whom the check should be made payable.
 4. The description of the goods or services.
 5. The cost center and account number to be charged.
 6. The amount and account description.
 7. The requester must sign and date the Check Request. A Command Level supervisor must approve the Check Request. Signatures can be electronic or written.
 8. Attach any paperwork that should accompany the check (i.e. membership applications or invoices obtained from the vendor). A copy of the signed invoice must be attached to the check request.
- C. If any of the above practices are violated, the privilege of using Check Requests will be rescinded for that unit.

XIII. FORMAL BIDS

- A. The Sheriff's Office will require estimated purchases of \$50,000 (single-item or aggregate purchase of similar or like items) or more to be procured by written, sealed competitive bids, requests for proposal or requests for quote.
- B. Bid Specifications
 - 1. Bid specifications will be provided by the Department Project Manager. Specifications should be tailored to meet the specific demand of the desired purchase. Bid specifications will not be written in any manner that would preclude a particular vendor of a like good. All formal bids will be compiled, issued and monitored by the Central Logistics Unit. Before a formal bid is published, it must be reviewed and approved by the Unit Commander or the Department Project Manager.
 - 2. The Sheriff's Office will purchase supplies, services and construction utilizing competitive purchasing methods except to the extent the laws of the State of Florida or of the United States of America preempt those methods. Bid and contract awards will consider the following.
 - a. The ability, capacity and skill of the bidder to perform the contract;
 - b. Whether the bidder can perform the contract within the time specified;
 - c. The character and integrity, reputation, judgment, experience and efficiency of the bidder and its senior management staff;
 - d. The quality of performance of previous contracts by the bidder;
 - e. Compliance by the bidder with requirements of the Invitation to Bid ("ITB") or Request for Proposal ("RFP");
 - f. Previous and existing compliance by the bidder with laws and ordinances relating to the contract;
 - g. The solvency of the financial resources of the bidder;
 - h. The quality, availability and adaptability of the supplies, services or construction to the particular use required;
 - i. The ability of the bidder to perform any warranty obligations called for by the contract.
 - j. The availability of the bidder to provide service.
 - k. The bid or contract award will be deemed in the best interest of the Sheriff.

C. Bid Procedures

All purchases desired to be incurred by the Sheriff's Office, except as otherwise provided herein, when the estimated cost thereof will exceed \$50,000 (single-item or aggregate purchase of like or similar items), will be purchased by formal written bilateral contract from the bidder or proposer who submitted the bid or proposal that will serve in the best interest of the Sheriff's Office after public notice inviting bids or proposals.

1. Public Notice

- a. Notice inviting bids or proposals may be published in a local newspaper; on DemandStar.com; on VendorRegistry.com; and on www.brevardsheriff.com.
- b. The notice required will include a general description of the goods or services to be purchased and will state how bid packets and specifications may be secured and the time and place of the formal bid opening.
- c. After an ITB or RFP has been published, any contact by a bidder or potential bidder of any BCSO personnel other than the Central Logistics Unit to gain further information, clarification or other documentation is strictly prohibited. Violation of this requirement will be reason for disqualification.

2. Professional Bidder's Request

The Sheriff's Office will solicit bids or proposals from all responsible prospective bidders who contact the Sheriff's Office for the purpose of submitting bids and proposals.

- a. The Sheriff's Office will send a bid package to each bidder of pertinent profession that requests a bid package.
- b. As a courtesy, the Sheriff's Office can mail or e-mail the notices as aforesaid only to those bidders who ordinarily provide supplies, services or construction similar in character to those called for by the invitation for bids or request for proposals.

3. Bid Deposits

- a. When deemed necessary by the Sheriff's Office, bid deposits will be prescribed in the public notices inviting bids or proposals.
- b. Unsuccessful bidders will be entitled to the return of surety wherein the Sheriff's Office has required such.
- c. A successful bidder will forfeit any surety required by the Sheriff's Office upon failure to enter into a contract upon the terms contained in the bidder's bid or proposal within ten (10) working days after the award.

4. Bid Opening

- a. Sealed bids and proposals will be submitted to the Sheriff's Office Central Logistics Unit, and will identify the ITB or RFP number in writing on the outer face of the envelope.
- b. Bids and proposals will be opened at the time and place stated in the public notice. All bid openings are recorded with each bidder being identified when their proposal is opened.
- c. If necessary, the Central Logistics Unit may reach out to a bidder and request clarification on any bid submitted during the tabulation process.
- d. A tabulation of all bids and proposals received will be compiled and may be posted on DemandStar.com or VendorRegistry.com for the purpose of public inspection.

5. Rejection of Bids

The Sheriff's Office will have the authority to reject any or all bids or proposals when the public interest will be served thereby. The Sheriff's Office may reject the bid or proposal of a bidder when:

- a. The bid or proposal does not conform to the technical specifications;
- b. The bid or proposal is facially non-conforming as to acceptable materials and components or services;
- c. The bid materially and substantially differs from the ITB or RFP specifications;
- d. The price contained in the bid is unacceptable and is outside the financial resources available to the Sheriff's Office;
- e. The Sheriff's Office will not solicit or accept the bid or proposal of a contractor who is in default of payment of taxes, license fees, uninsured or otherwise in poor community standing, thus making that contractor ineligible.
- f. The bid or proposal is from a vendor who has demonstrated a history of non-compliance with previous bid awards, which would include price changes within the original term of an RFP, failure to deliver product in a reasonable time, unauthorized substitutions, or any other practice that had impeded the Brevard County Sheriff's Office from acquiring acceptable goods or services for the benefit of the agency and the citizens of Brevard County.

6. Performance Bond

The Sheriff's Office will have the authority to require a performance bond before entering into any contract in such amount as the Sheriff's Office will find reasonably necessary to protect its interest.

7. Cooperative Purchasing

The Sheriff's Office may procure, without compliance with the competitive purchase procedures of this manual, supplies, services and construction under the terms of contracts entered into, by or through other governmental agencies as follows:

- a. The United States Government General Services Administration (GSA), or other such federal contract;
- b. State Department of Purchasing and Procurement and the Florida Sheriff's Association;
- c. Brevard County government, School Board and municipalities.
- d. Multi-county cooperatives; or
- e. Cooperative governmental purchasing agreements as designated by the Central Logistics Unit or Chief Financial Officer.

XIV. FEDERAL EMERGENCY AND FEDERAL GRANT REQUIREMENTS

Grant Purchases: All purchases funded through a State or Federal grant must follow all additional procedures required by the grantor. It is the responsibility of the Grant Coordinator and the requesting unit to insure these requirements are followed throughout the purchasing process. No purchases to be covered by the grant can be made prior to the execution of the grant agreement unless approved by the grantor.

PURPOSE

This policy provides the requirement to comply with federal regulations and federal grant guidelines regarding the use of federal funds in purchase/contracts to Agency vendors/contractors.

BACKGROUND

In 2014, the Federal Government implemented Uniform Guidance, also known as 2 CFR 200, which governs applying for, obtaining, sub-awarding, spending, monitoring and reporting of Federal Financial Assistance. This policy addresses the following procurement requirements for the use of Federal Funds:

- Established thresholds for spending federal dollars —2 CFR 200.67 (Micro Purchases) and 2 CFR 200.88 (Simplified Acquisition).

- Suspension and Debarment of Suppliers and sub grantees — 2 CFR 180
- The Davis-Bacon Act in regards to Prevailing Wages- 40 USC 3141-3144, 3146 and 3147.

PROCUREMENT THRESHOLDS IF USING FEDERAL DOLLARS

A. When using federal funds to obtain goods or services, the Brevard County Sheriff's Office will do so in compliance with federal grant guidelines and federal regulations. When applying thresholds to purchases made with federal funds, the more restrictive threshold applies.

1. Micro Purchase - \$10,000 or less - This threshold applies to supplies or services (aggregate amount). To the extent practicable, the Agency must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the Sheriff's Office considers the price to be reasonable.
2. Small Purchase / 3 Quote Purchase - \$250,000 or less - This threshold applies to services, supplies or other property. The procurement will require price or rate quotations. The Sheriff's Office threshold for this procurement method is \$50,000. As such the Agency threshold shall be used for small/three quote purchases.
3. Sealed Bids - \$250,000 or more - This threshold applies to services, supplies or other property as appropriate. The procurement uses a formal solicitation process with a firm fixed price contract awarded to responsive bidder.

B. Non-Competitive Proposals

1. The procurement process is found to be non-competitive for small purchases, sealed bids, competitive proposals for services, and competitive proposals for when there is only one source.
2. If only one source is available an exception may be granted if any of the following apply:
 - a. Sole Source - this is rare occurrence that only one vendor can provide the service or supply.
 - b. Emergency - in cases of emergency and there is only one proposal an exception may be granted.
 - c. Authorized by awarding or inadequate competition. This requires clear documentation that requirements are met and possibly obtaining awarding agency approval.

USE OF FEDERAL FUNDS

- A. The Agency awarded federal assistance shall ensure that their sub-grantees and subcontractors obtain goods and/or services with federal funds only in compliance with federal regulations.
- B. The Agency shall not procure goods or services from federally suspended or debarred vendors when using federal funds.
- C. The Agency must abide by the procurement standards noted in 2 CFR 200 Sections 317-326.

XV. AGENCY PURCHASING CARD PROGRAM – SEE POLICY 200.08A

XVI. DEFINITIONS

AGGREGATE PURCHASE – Like or similar items purchased from one vendor.

BIDDER – An offeror of goods or services who submits a bid or proposal to the Sheriff's Office.

BLANKET PURCHASE ORDER – A continuing purchase order that has been assigned a not-to-exceed dollar limit, designed to capture cumulative transactions to reduce the administrative costs of placing recurrent orders with an established vendor. To be used only for non-capital items.

CAPITAL EXPENSES – Expenses for items valued at or greater than \$1,000 in value (computer equipment limit is \$750 and computer software limit is \$5,000), with a life expectancy of at least one year, and having the ability to be moved. The capital improvement threshold limit is \$35,000.

CHECK REQUEST FORM (FUF-5) – A form that can be used in lieu of a purchase order for vendor payments of \$100 or less.

COMMODITY – Any article of economic good, to include supplies, materials, services, labor, merchandise and equipment, either purchased or leased.

COMPETITIVE SEALED BID – A sealed proposal for goods, products or services submitted by responsive and qualified bidders.

CONTRACT RENEWAL – Extending the terms of an existing contract, in accordance with the terms of the original agreement with the same contractor for an additional contract period after the initial contract period, only if pursuant to contract terms specifically providing for such renewal.

COOPERATIVE PURCHASING – The procurement of goods or services by or through other governmental agencies.

FISCAL YEAR – A twelve-month period to which the annual operating budget applies and at the end of which a government determines its financial position and the results of operations.

INVITATION TO BID (ITB) - A written solicitation for sealed competitive bids with the title, date and hour of the public bid opening designated and specifically defining the commodity or services for which bids are sought.

PROCUREMENT CARD – A specialized purchasing program that is designed to improve the efficiency of procurement through vendors that accept a Visa credit card. A procurement card may be requested using Form CLF-7 for purchasing items \$999.99 and under (see Policy/Procedure 200.08A).

PURCHASE JUSTIFICATION FORM (CLF-2) – A form to be used when a purchase exceeds cost thresholds without quotes or bid present. Form must be signed by a Command Level Supervisor and attached in the notes section of the requisition in ADG.

PURCHASE ORDER – A unilateral instrument issued by and obligating the Sheriff's Office to procure goods, services or construction which becomes a contract by the other party through delivery, formal acceptance or by performance.

QUOTE– A written offer submitted to the Sheriff's Office in response to the Sheriff's Office request for acquiring goods or services. Two (2) written quotes are required for purchases between \$1,000 and \$9,999.99. Three (3) written quotes are required for purchases between \$10,000 and \$49,999.99.

QUOTE TABULATION FORM (CLF-3) – A form used to recap written quotes received.

REQUEST FOR PROPOSAL (RFP) – A written solicitation for sealed competitive bids with the title, date and hour of the public bid opening designated and specifically defining the services for which bids are sought.

REQUEST FOR QUOTE (RFQ) – A written solicitation for quotes which may be published on Vendor Registry and DemandStar to include a set due date and time for receipt of quotes.

REQUISITION – Electronic request generated in the ADG system as the first step in securing goods, products, or services.

SINGLE SOURCE – Choosing a particular vendor with a unique knowledge or expertise when two or more vendors are able to supply the same commodity, technology, and/or perform the services required. Details must be provided on CLF-2.

SOLE SOURCE – A vendor who is the only one qualified or allowed to perform maintenance based on the manufacturer's warranty or who is allowed to sell parts/goods in a particular geographic location for a product or who is the only provider of the commodity, technology and/or services required. Product must have a singular characteristic or performance capability (i.e. unique patent design). Details must be provided on CLF-2.

W-9 FORM – An Internal Revenue Service form used to establish a vendor number in ADG – also known as "Request for Taxpayer Identification Number and Certification" form.

REFERENCES

State/Federal Regulations:

FS 30.49: Budgets

FS 287.055: Consultants' Competitive Negotiations Act

FS 287.057(14): Procurement of commodities or contractual services

FS 838.22: Bid tampering

CFA/FCAC:

None

Forms:

CLF-2: Purchase Justification Form

CLF-3: Quote Tabulation Form

FUF-12: Tax Exempt Certificate (BCSO Certificate of Exemption)

FUF-5: Check Request Form

Other Policy/Procedure References:

A. None