

ORDINANCE # 2005-35

PUTNAM COUNTY PURCHASING ORDINANCE

AN ORDINANCE REPEALING ORDINANCE NO. 2002-08, AS AMENDED BY ORDINANCE NO. 2003-12, AND ESTABLISHING PURCHASING POLICIES FOR PUTNAM COUNTY, FLORIDA; CREATING THE POSITION OF GENERAL SERVICES DIRECTOR; PROVIDING FOR FORMAL CONTRACT PROCEDURES; PROVIDING FOR OPEN MARKET PROCEDURES; PROVIDING AUTHORITY FOR WAIVER OF IRREGULARITIES; PROVIDING FOR AWARD OF CONTRACT; PROVIDING FOR PUTNAM COUNTY LOCAL PREFERENCE; PROVIDING FOR AWARD TO OTHER THAN LOW BIDDER; PROVIDING FOR BID PROTESTS; PROVIDING FOR AUTHORITY TO INCREASE CONTRACTS; PROVIDING FOR STANDARDIZATION, COOPERATIVE PURCHASING, AND GOVERNMENTAL CONTRACTS; PROVIDING FOR PERFORMANCE AND PAYMENT BONDS; PROHIBITING UNAUTHORIZED PURCHASES; PROVIDING FOR EMERGENCY PURCHASES; PROVIDING PROHIBITION AGAINST SUBDIVISION; PROVIDING FOR SURPLUS STOCK; PROVIDING FOR SALE/LEASE OF REAL PROPERTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners Putnam County, Florida, in a meeting assembled on the 13th day of September, 2005, that the following Ordinance be adopted.

FILED

2005 SEP 22 AM 9:11

CLERK OF STATE
TALLAHASSEE, FLORIDA

1. PURPOSE

The purpose of this policy is to prescribe the manner in which Putnam County will purchase materials, supplies, equipment and certain contractual services, will sell or lease real property, and will maintain a high ethical standard for all officers and employees in connection therewith.

2. DEFINITIONS

For the purposes of this policy the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the content, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (a) "County" is the County of Putnam, Florida.
- (b) "Board" is the Board of County Commissioners of Putnam County.
- (c) "General Services Director" is the Purchasing Director/Agent of Putnam County.
- (d) "Contractual Services" shall mean and include telephone, gas, water, electric light and power service, cleaning service, insurance, leases and concessions, the rental, repair or maintenance of equipment, machinery and other County-owned property and other like services.
- (e) "Supplies" shall mean and include all supplies, materials and equipment.
- (f) "Using Agency" is any department, division, agency, commission, board, committee authority, or other unit in the County Government under the purview of the Putnam County Board of Commissioners, using Supplies or procuring Contractual Services.

3. ESTABLISHMENT OF PURCHASING DEPARTMENT

There is hereby established a Purchasing Department of the County.

4. GENERAL SERVICES DIRECTOR

There is hereby created the position of General Services Director, who shall be supervisor of the Purchasing Department, shall perform all duties required by law and

such other duties as assigned by the Board and shall have the powers and duties prescribed by this Ordinance.

Scope of Purchasing Authority: The General Services Director shall have the power and it shall be his/her duty:

Purchase or contract: To perform the duties herein specified in connection with the purchase or all Supplies and Contractual Services needed by any Using Agency.

Public Improvement Contracts: Awarding of contracts involving public constructions and improvements must be authorized by the Board and must adhere to the formal bid and contract policy contained herein. The General Services Director, on request of the County Administrator, may serve as the County's representative with oversight responsibility for these contracts.

Minimum Expenditure: Act to procure for the County the highest quality in Supplies and Contractual Services at the least expense to the County.

Encourage Competition: Discourage uniform bidding and endeavor to obtain as full and open competition as possible on purchases and sales.

Procedures: Establish, and amend when necessary, all procedures necessary to implementing this policy and any other necessary to its operation.

Purchasing Analysis: Keep informed of current developments in the field of pricing, prices, market conditions and new products, and secure for the County the benefits of research conducted in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations and private businesses and organizations.

Purchasing Manual: Prescribe and maintain a standard purchasing manual for all Using Agencies to include required forms and standard nomenclature and internal purchasing procedures.

Vendor File: Prepare, adopt and maintain a vendor file.

Tax Exemptions: Procure for the County all tax exemptions to which it is entitled.

Cooperation: Cooperate with Using Agencies so as to secure for the County the maximum efficiency in budgeting and accounting.

Disqualification of Bidders: Have the authority to disqualify vendors who default on their quotations or other irresponsible bidders from receiving any business from the County for an appropriate period of time.

5. CONFLICT OF INTEREST

No employee of the County shall contract with or for any business dealing with the County whereby he/she may derive income or benefits other than those provided as remuneration from the County for his/her employment, except as allowed by law.

6. FORMAL CONTRACT PROCEDURE

Except as otherwise provided herein, all Supplies and Contractual Services whose estimated cost exceeds twenty-five thousand dollars (\$25,000) shall be purchased by formal written contract and/or purchase order from the lowest and best bidder, after due notice inviting proposals. The Board shall have the authority to waive execution of a formal contract in cases it deems appropriate.

7. NOTICE INVITING BID

Newspaper Notice The Invitation to Bid shall be published once in at least one official newspaper having general distribution in the County at least seven (7) calendar days preceding the last day set for the receipt of bids.

Scope of Notice The newspaper notice shall include a general description of the articles to be purchased or sold, shall state where bid blanks and specifications may be secured and the time and place for opening bids.

Bidder List The General Services Director shall also solicit sealed bids from all responsible suppliers who have requested their names be added to a "bidder list".

Bid Deposits When deemed necessary by the General Services Director, bid deposits shall be prescribed in public notices inviting bids. Unsuccessful bidders shall be entitled to a return of their deposit. A successful bidder shall forfeit its deposit upon failure on his/her part to enter a contract within the limits established by the bid.

Sealed Bids Bids shall be submitted sealed to the County Administrator's Office or other location established by the bid.

Tabulation A tabulation of all bids received shall be made and shall be available for public inspection.

8. REVIEW OF BIDS

The General Services Director shall review all bids before they are finalized for advertising and make the decisions as to bid bond, performance bond, warranties, and the like and make such changes in specifications as are necessary. Bids shall be opened by the General Services Director and shall be reviewed by the originating department head before offering recommendation to the Board for award of bid. The Board shall have the authority to accept, reject or change the recommendations, and award all bids as it deems appropriate. The Board and the General Services Director shall have the authority to waive any and all irregularities in bids.

9. AWARD OF CONTRACTS

All contracts whose value is \$25,000.00 or less shall be awarded by the General Services Director to the lowest and best bidder. All contracts whose value exceeds \$25,000.00 shall be awarded by the Board to the lowest and best bidder. In determining the lowest and best bidder, in addition to price the following shall be considered:

- (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, without delay or interference
- (c) The character, integrity, reputation, judgment, experience and efficiency of the bidder
- (d) The quality of performance on previous contracts
- (e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract
- (f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service
- (g) The quality, availability and adaptability of the Supplies or Contractual Services to the particular use required

- (h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.

10. OPEN MARKET PROCEDURES

All purchases of Supplies and Contractual Services whose estimated value is \$25,000.00 or less may be made in the open market without newspaper advertisement and without observing formal bidding or sales procedures.

- (a) Open market purchases shall be made as follows:

<u>Purchase Price</u>	<u>Quote(s) Required</u>
\$2,500.00 or less	2 oral or written
Over \$2,500.00 up to \$25,000.00	3 written

- (b) The individual department shall obtain and keep a record of all open market quotes used for purchases up to \$2,500.00 and shall submit same to the Finance Dept. with the invoice.
- (c) The General Services Director shall obtain and keep a record of all written open market quotes used or received for purchases over \$2,500.00.
- (d) The General Services Dept. shall use current lists of bidders and suppliers.

11. PUTNAM COUNTY LOCAL PREFERENCE

A preference will be given to the lowest bidder who:

- (a) holds a current Florida business license; and
- (b) submits a bid for Supplies under the name on the Florida business license; and
- (c) has maintained a place of business within Putnam County staffed by the bidder, or an employee of the bidder, for a period of one year immediately preceding the date of the bid; and
- (d) is incorporated under Florida law; or is a sole proprietorship whose proprietor is a resident of the County; or is a partnership, all of whose partners are residents of the County; or

- (e) is a joint venture, all of whose venturers qualify under the relevant portion of subsection (d) above; or
- (f) is a Limited Liability Company whose manager is a resident of the County.

(The bidder, if any, meeting the above criteria is referred to as the "Preferred Bidder").

The Preferred Bidder shall be entitled to match the lowest bid and be considered the lowest bidder, by prompt written notice to the County. The local preference provisions shall apply only to the purchase of Supplies by the County; they shall not apply to a contract which primarily involves the purchase of Contractual Services.

12. AWARD TO OTHER THAN LOW BIDDER

When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared and signed by the General Services Director and filed with the other papers relating to the transaction. Award of all tie bids of \$25,000 or less shall be made by the General Services Director. All tie bids of more than \$25,000 shall be awarded by the Board.

13. BID PROTESTS

Any contractor/vendor that has submitted a bid to the County who wishes to challenge an intended decision with respect to the award of such bid shall file with the General Services Director a written notice of intent to file a protest not later than 4:00 p.m. on the third business day after the posting of the bid tabulation or, in those instances where the contractor/vendor with the lowest price is not selected, after receipt of written notice from the County of the intended decision.

The notice of intent shall state all grounds claimed for the protest and clearly indicate it as the notice of intent to file a bid protest. Failure to list a ground for protest in this notice shall constitute a waiver with respect to that ground.

If the contractor then wishes to pursue a formal written protest, it must be filed within five (5) calendar days after the date of filing of the notice of intent to file a protest.

The formal written protest shall contain the following:

- (a) County bid/proposal identification number and title.
- (b) The name and address of the protesting party, and the title or position of the person submitting the protest.
- (c) A statement of disputed issues of material fact. If there are no disputed material facts, the protest must so indicate.
- (d) A concise statement of the facts alleged and of the rules, regulations, statutes, and constitutional provisions entitling the party to relief.
- (e) A statement indicating the relief sought by the party.
- (f) Such other information deemed material.

Upon receipt of a timely filed notice of intent to protest, the General Services Director shall abate the award process until the protest is resolved pursuant to fundamental principles of due process, except and unless the General Services Director sets forth in writing particular facts and circumstances which would require the continuation of the award process for the purpose of avoiding an immediate and serious danger to the public health, safety or welfare.

The General Services Director shall conduct a meeting with the protesting party to attempt an amicable resolution of the protest.

If such resolution does not occur, the General Services Director shall forward to the Board a recommendation, which shall include background information related to the bid.

The Board shall thereafter conduct an informal hearing at a regularly scheduled meeting or at such other time as may be arranged. Following presentations by all involved parties, the Board shall render its decision on the merits of the protest.

All bid/proposal solicitations shall set forth the following statement:

“Failure to follow the Bid Protest procedures prescribed by the Putnam County Purchasing Ordinance shall constitute a waiver of your protest and any resulting claims.”

14. AUTHORITY TO INCREASE CONTRACTS

The Board hereby authorizes the County Administrator to increase the dollar value of approved contracts by an amount not to exceed \$25,000 over the original contract amount when the best interests of the County would be served. This action shall be reported at the next regularly scheduled Board meeting.

15. STANDARDIZATION, COOPERATIVE PURCHASING AND GOVERNMENTAL CONTRACTS

- (a) Where standardization is determined to be desirable by the General Services Director, the purchase of Supplies and Contractual Services may be by negotiation with the approval of the Board.
- (b) The General Services Director shall have authority to join with other units of government in cooperative purchasing ventures when the best interests of the County would be served.
- (c) This Ordinance shall not apply to established State of Florida contracts or Federal General Services Administration contracts. Purchases of any amount may be made under such contracts. The contract must be awarded as set forth in Section 9.

16. PERFORMANCE AND PAYMENT BONDS

A contractor or vendor shall provide a corporate surety bond from a surety company authorized to do business in Florida to guarantee the full and faithful performance of his/her contract obligations and the payment of labor and material expended pursuant to the contract whenever and in such amounts as is deemed necessary by the General Services Director.

17. PROCEDURES

The General Services Director is hereby authorized and directed to adopt such procedures as may be necessary for the implementation of this policy. Copies of the procedure shall be on file in the office of the General Services Director.

18. UNAUTHORIZED PURCHASES

It shall be a violation of this Ordinance for any County officer or employee to order the purchase of any Supplies and Contractual Services, or make any contract within the purview of this Ordinance other than as set forth herein, and any purchase order or contract made contrary to the provisions hereof shall not be approved and the County shall not be bound thereby.

(a) **Exceptions Prohibited** Only the Board may allow exceptions to the provisions hereof.

(b) **Emergency** This section shall not apply to any emergency purchase which is approved by the General Services Director or the County Administrator in writing.

19. EMERGENCY PURCHASE

An emergency purchase is defined as one brought about by a sudden unexpected turn of events (i.e., acts of God, riot, fires, floods, accidents, or any circumstances or cause beyond the control of the agency in the normal conduct of its business) involving health, welfare, injury or loss to the County and which can be rectified only by immediate purchase of Supplies and Contractual Services. In case of an apparent emergency, the General Services Director or County Administrator is authorized to secure by open market procedure as set forth in Section 10 any required Supplies or Contractual Services.

20. PROHIBITION AGAINST SUBDIVISION

No contract or purchase shall be subdivided to avoid the requirements hereof.

21. SURPLUS STOCK

All Using Agencies shall submit to the General Services Director, at such times and in such form as he/she shall prescribe, reports showing Supplies which are no longer used or which have become obsolete, worn out or scrapped ("Surplus Stock").

(a) **Transfer** The General Services Director shall have the authority to transfer Surplus Stock to other Using Agencies, governmental entities, or any other entity not for profit which is organized to promote community interest and welfare.

- (b) **Sale** The General Services Director shall have the authority to sell Surplus Stock of a value of \$25,000.00 or less, or to exchange the same for, or trade in the same on, new Supplies. Sales under this section shall be made to the highest responsible bidder in conformance with competitive conditions. Sales of surplus stock of a value in excess of \$25,000.00 (except trade in) shall require approval of the Board.

22. SALE OR LEASE OF REAL PROPERTY

The Board is hereby authorized to sell or lease real property belonging to the County whenever the Board determines that it is in the best interest of the County to do so. Requests to initiate the sale or lease of real property shall be presented to the Board by the County Administrator.

Upon a determination by the Board that it is in the best interest of the County to sell or lease a parcel or parcels of real property and, unless specifically directed by the Board to effect the disposition through the use of a particular method, the General Services Director is hereby authorized, in his/her discretion, to exercise all rights, powers, and duties to effect such transaction through one of the following methods:

- (a). In accordance with procedures set out in F. S. §125.35(1), the sale or lease of real property may be made to the highest bidder who has complied with terms and conditions established for bids for such property after notice of such proposed transaction has been published once a week for at least two (2) weeks in a newspaper of general circulation published in Putnam County. The General Services Director may require that a deposit be made or a surety bond be given with each bid submitted.
- (b) In accordance with procedures set out in F. S. §125.35(2), a private sale of property may be made when the parcel is of insufficient size and shape to be issued a building permit or when the value is \$15,000.00 or less and when, due to size, shape, location and value, it is of use only to one or more adjacent property owners.
- (c) Pursuant to the authority granted in F. S. §125.35(3), the sale or lease of real property may be made to the highest bidder at a public auction under the following conditions:

- i. The General Services Director is hereby authorized to market, advertise and otherwise promote the parcel or parcels to be offered for sale or lease.
- ii. The General Services Director shall establish minimum bids.
- iii. A notice setting out the date, time and location of the public auction shall be published in a newspaper of general circulation published in Putnam County once a week for at least two (2) weeks prior to the date set for the auction. The notice shall contain a legal description of the parcel or parcels of real property to be sold or leased, the existing land use designation for the property as established by the Putnam County Comprehensive Plan and the Putnam County Land Development Code, the minimum bid and a statement that copies of documentation and information relating to the properties to be auctioned and procedures for the auction shall be available at the Putnam County Purchasing Division during normal business hours.
- iv. The successful bidder at auction shall make a cash payment of ten per cent (10%) of the successful bid on the date of the auction and shall pay the balance at a closing to be held no later than thirty (30) days from the date of the auction.

(d) In addition to the methods of disposition provided elsewhere in this Section 22, the County Administrator is authorized to pursue any other method of disposition that he/she deems appropriate in the circumstances, including without limitation through private negotiations. A contract or lease entered into pursuant to this Subsection (d) shall not be binding unless it is approved by the Board at a subsequent public meeting.

(e) Sales of real property shall be "as is", and shall convey only the interest of the County in the property. The County shall not warrant the title or otherwise represent any state of facts concerning the property and conveyance shall be made by a County Deed pursuant to F. S. §125.411.

23. SEVERABILITY

If any one or more of the provisions of this Ordinance should be held invalid, then such provisions shall be null and void and shall be deemed severable from the remaining provisions hereof and in no way shall affect the validity of any other provisions hereof.

24. REPEALER

Putnam County Ordinance No.'s 2002-08 and 2003-12 are hereby repealed in their entirety.

25. EFFECTIVE DATE

This Ordinance shall take effect upon filing with the Department of State.


DONE, ORDERED AND ADOPTED THIS 15th day of September, 2005.

**BOARD OF COUNTY COMMISSIONERS
PUTNAM COUNTY, FLORIDA**

ATTEST:



Tim Smith
Clerk of Circuit Court

By 

Kevin Durscher, Chairman