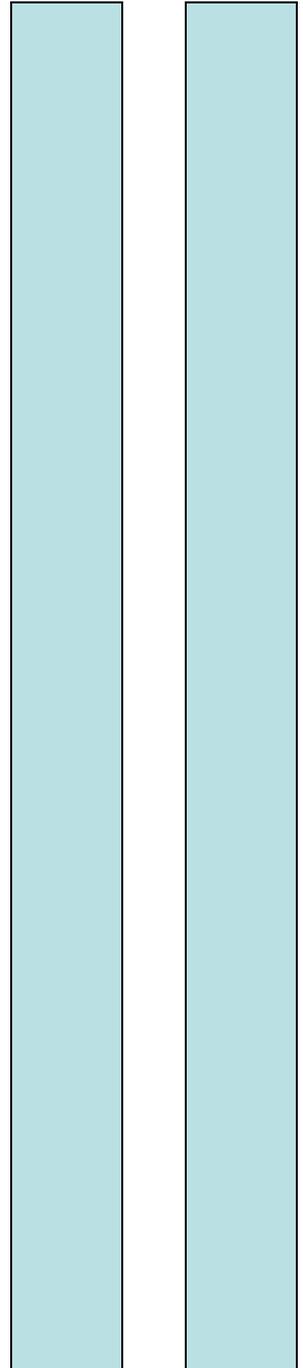


General Services Procedures Manual



Florida's Warmest Welcome



GENERAL SERVICES DEPARTMENT
PROCEDURES MANUAL

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INTRODUCTION TO THE GENERAL SERVICES DEPARTMENT

General Information

The General Services Department is located at 1190 N.E. 3rd Avenue, Building C, Pompano Beach, Florida 33060.

Located at this facility are the Purchasing Division, Central Stores and the Print Shop. The Mail Room is located in City Hall, 1st Floor, 100 W. Atlantic Boulevard, Pompano Beach, Florida 33060.

Staffing

Staffing of the General Services Department is as follows:

Director of General Services

Purchasing Division

Purchasing Agent (2 positions)
Buyer
Office Assistant II

Central Stores

Chief Material Handling Specialist
Material Handling Specialist
Material Handling Specialist Assistant (part-time)

Print Shop/Copy Center (Central Services)

Printing Technician (part-time)
Printers Assistant (part-time)

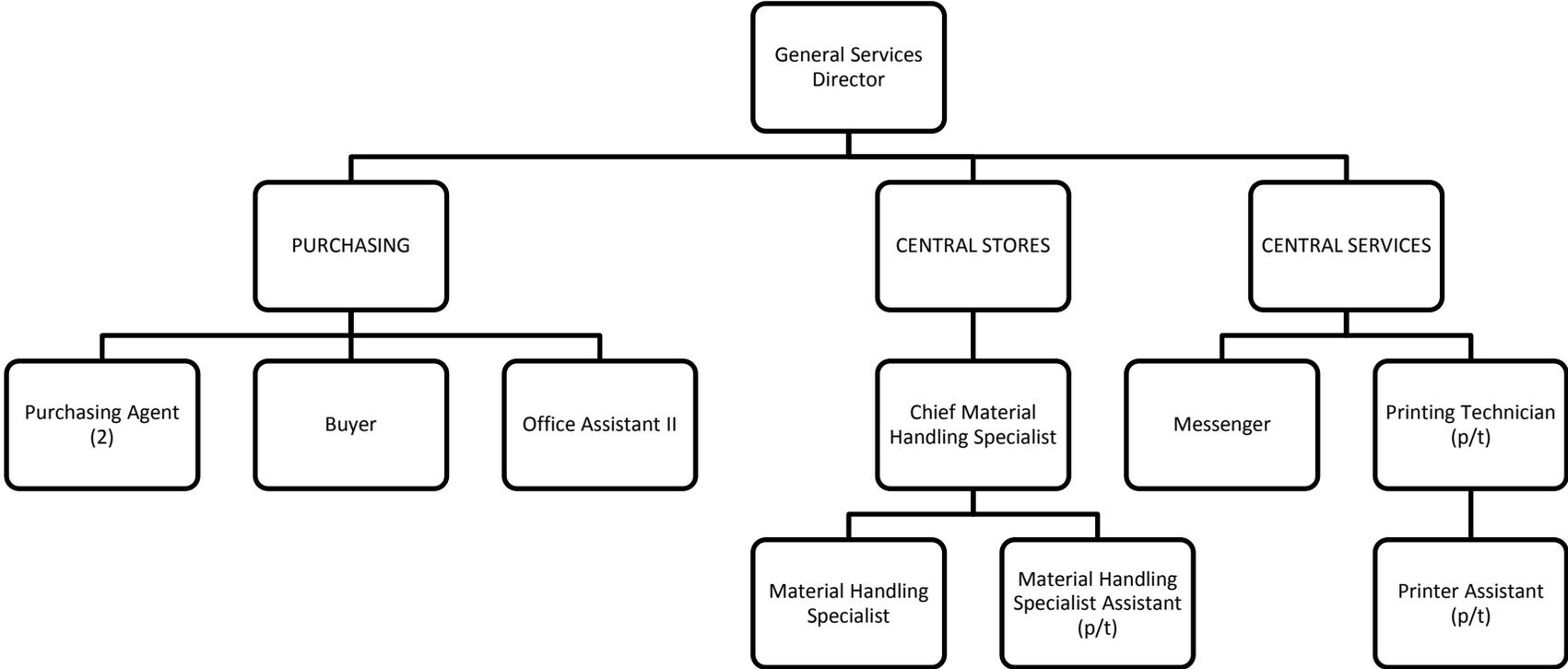
Mail Operation (Central Services)

Messenger

Responsibilities and duties are detailed in each divisional section of this manual.

GENERAL SERVICES DEPARTMENT

Organizational Chart



Manual Maintenance

The Director of General Services is responsible for coordinating, approving and distributing all revisions to the Departmental Procedures Manual. All requests for changes should be forwarded to the Director's office.

Copies of the manual will be maintained in loose-leaf form to facilitate the insertion and removal of pages. All new and revised pages will be numbered to properly conform to the remainder of the manual and will bear the effective date of the revision. Revisions and additions are to be incorporated immediately into the manual upon receipt, and the superseded pages removed and destroyed.

A complete electronic copy of the Manual is also posted to the S drive.

By reference, the General Services Procedures Manual is incorporated into the City's Administrative Policy Manual.

Disclaimer

In the event of any conflict between a provision of this manual and the Charter, Code of Ordinances of the City of Pompano Beach, collective bargaining contract or Florida State Statute, the Charter, Code of Ordinances, collective bargaining contract or Florida State Statute shall prevail.

These conflicts should be immediately brought to the attention of the Director of General Services who is responsible for initiating action to resolve the conflict.

SECTION I
PURCHASING DIVISION

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CHAPTER 1
PURCHASING DIVISION
POSITION
RESPONSIBILITIES

PURCHASING DIVISION
POSITION
RESPONSIBILITIES

The Purchasing Division office is located at 1190 N.E. 3rd Avenue, Building “C”, Pompano Beach, Florida 33060 and is open Monday through Friday from 8 a.m. to 5 p.m.

Following is a brief description of each position to allow the using departments/divisions to more fully understand the role each position is responsible for in the procurement process:

A. GENERAL SERVICES DIRECTOR

This position reports directly to the Assistant City Manager and has overall responsibility for the supervision of the material management operations of the City, including Purchasing, Central Stores, Mailroom, and Print Shop.

In addition, in the event of a declared emergency (i.e.: hurricane) or undeclared emergency (i.e.: prolonged power outage, fire, etc.) which causes the disruption of normal Purchasing Division activities, the General Services Director shall have the authority to take whatever action is deemed necessary to assure that the best interest of the City is served, based upon the Director’s judgment.

Examples of emergency action include, but are not limited to, the following:

1. Relocation of IFB/RFP/RLI opening sites.
2. Rescheduling of IFB/RFP/RLI opening date and time.
3. Notification by most efficient and practical means in lieu of written form, including telephone and/or fax message.
4. Postponement of IFB/RFP/RLI deadline until resolution of emergency.
5. Waiver of requirement for issuance of a formal written Addendum.

B. PURCHASING AGENT

This position reports directly to the General Services Director. The primary responsibility of this position is to purchase equipment, supplies, services, and construction requested by user departments that have a value of \$15,000.00 or more in accordance with City purchasing policy. This position processes purchases in compliance with the City’s purchasing policies, and is responsible for creating appropriate commission agenda reports regarding the procurement of goods and services via formal advertised solicitations.

C. BUYER

This position reports directly to the General Services Director. The primary responsibility of this position is to purchase equipment, supplies, and services requested by user departments that have a value of \$5,000.00 but less than \$15,000.00. This position is responsible for issuing informal written quotations within the above value range. This position coordinates the disposal of surplus property; property for re-use; and, obsolete property through the use of the Property Control Forms, and functions as an alternate Departmental payroll timekeeper.

D. OFFICE ASSISTANT II

This position reports directly to the General Services Director. The primary responsibility of this position is that of administrative support for the Purchasing office and other General Services divisions. This position is also the primary person to greet visitors to the General Services Department and the initial answering of telephone calls.

Included in the responsibilities of this position, but not limited to, are: primary Departmental payroll timekeeper, the maintenance and update of the vendor portion of the automated Purchasing/Inventory System, and the responsibility to enter completed/partial receipts of General Services Department purchasing requirements into the Purchasing/Inventory system.

CHAPTER 2
TERMS AND DEFINITIONS

TERMS AND DEFINITIONS

The purchasing profession is characterized by various terms and definitions which may not be commonly used by other disciplines. As a reference, the NIGP “Dictionary of Purchasing Terms” is the standard being used by the City of Pompano Beach Purchasing Division. Some general terms and definitions are provided herein for reference.

ADVERTISING (Formal) -- Giving notice in the official newspaper of the City of Pompano Beach that sealed bids, proposals, or letters of interest will be received at a set time and place.

ALTERNATES -- Substitutes offered by vendors that differ materially from the specifications as set forth in the procurement solicitation.

AUTHORIZED PERSONNEL -- Personnel who are authorized to enter and/or approve purchase requisitions or stock requisitions in the automated procurement system. Personnel are authorized a level of security by the Information Technologies Department and specific account ranges for each user are entered into the automated system by the General Services Director.

BIDDERS LIST -- A current file of vendors who have indicated a desire to supply goods and/or services for City use, and, list of companies that have been notified for a particular solicitation.

BID CLOSING -- Time set for termination of accepting bids i.e.: 2 PM (Local) Monday, November 13, 1995.

BLANKET PURCHASE ORDER -- A specific type of Purchase Order generated by the automated NaviLine system that is used to link expenditure information to the automated work order system. Blanket purchase orders are issued for a specific “Not to Exceed Amount”, for a certain length of time, to vendors when no specific item(s) can be identified and charged against a budget expenditure account.

BRAND NAME -- The name given a product by the manufacturer by which the product is generally known, i.e.: “Milwaukee Tools”.

CENTRAL PURCHASING OFFICE -- The division charged with the responsibility of purchasing goods and services for the City.

CENTRALIZED PURCHASING -- Purchasing by a single office, agency or person for each political subdivision of government as required by law.

CHANGE ORDERS -- Submitted by using departments/divisions to reflect any change, (increase/decrease) to the original commitment on an outstanding Purchase Order.

“CONFIRMING” PURCHASE ORDER -- P.O.’s issued after the fact to cover emergency procurements.

CONFLICT OF INTEREST -- Relationship of officer or employees of an agency of government with vendors prohibited or established by law.

COOPERATIVE PURCHASE -- Combining the needs of several governmental agencies into a single requirement to take advantage of quantity pricing.

EMERGENCY PURCHASE -- Defined as a requirement brought about by a sudden unexpected turn of events (i.e.: acts of God, circumstances or causes beyond the control of the agency in the normal conduct of its business) which impacts the health, welfare, injury or loss to the City and which can be rectified only by the immediate purchase of equipment, supplies, materials and/or services. Emergencies exist when there is a threat to health, welfare, or safety of people and/or property.

ESCALATION -- A means of effecting allowable increases in prices of purchases under contract.

EXTENSION -- Calculation of total prices from unit prices.

F.O.B. (Freight on Board) -- Designates the address or location where freight charges to be paid by the purchaser begin and whether vendor or purchaser is to pay freight charges.

FIRM PRICING -- Pricing that will not fluctuate; stable.

FORMAL BIDS -- Advertised bids in accordance with City and State laws.

IDENTICAL BIDS -- Two (2) or more bids received for the same line item that are exactly equal as to price, terms, delivery, etc.

INVITATION FOR BID -- Formal bid which must be advertised and where price is the main criteria for awarding a contract.

INVOICE -- Itemized statement of merchandise sold by vendor.

ISSUE TICKET -- Method of requesting Central Stores stock on a walk-up basis as opposed to entering a stock requisition.

LOCAL BUSINESS PROGRAM -- Voluntary Local Business Program, established by the City Commission to increase the participation of City of Pompano Beach businesses in the City’s procurement process.

LOWEST RESPONSIVE, RESPONSIBLE BID -- Lowest bid meeting all requirements of the specification, terms and conditions of the solicitation submitted by a company with the financial capability, resources, judgment, skill, ability, capacity and integrity necessary to perform the contract according to requirements included in the solicitation.

NET PRICE -- Price after all discounts are deducted.

NON-PROFESSIONAL SERVICES -- All other service requirements, as opposed to commodity procurements, not included in the State of Florida's definition of "Professional Services".

OPEN PURCHASE ORDER -- Purchase orders issued for a specific "Not to Exceed Amount", for a certain length of time, to vendors when no specific item(s) can be identified and charged against a budget expenditure account.

PROFESSIONAL SERVICES -- As defined in Florida State Statute 287.055 to include: Professional architectural, engineering, landscape architectural or land-surveying services.

PURCHASE REQUISITION -- Electronic request to purchase goods and/or services not stocked in Central Stores warehouse.

REQUEST FOR LETTERS OF INTEREST (RLI) -- Solicitation method used for Professional Services requirements governed by FSS 287.055, where the contract price can only be negotiated after selection of a prime firm. This type of solicitation must be advertised.

REQUEST FOR PROPOSALS (RFP) -- Solicitation method utilized when the City desires a certain solution to a requirement, but will allow the vendors to propose how best to achieve the desired outcome. Price is a consideration but is generally only one of several evaluation criteria used. This type solicitation must be advertised.

RESPONSIBLE BIDDER -- Bidder who possesses the financial capability, resources, judgment, skill, ability, capability and integrity necessary to perform the contract according to requirements included in the solicitation.

RESPONSIVE BID -- Solicitation that conforms to all requirements of the solicitation. i.e.: proper signatures, proper forms executed and included, pricing indicated in appropriate area of solicitation, etc.

SELECTION/EVALUATION COMMITTEE -- Committee established to review responses to RLI's and RFP's.

SMALL BUSINESS ENTERPRISE PROGRAM -- Voluntary Small Business Enterprise Program, established by the City Commission to increase the participation of small businesses in the City's procurement process.

SOLE-BRAND PROCUREMENT -- Due to user requirements, only one brand will meet the needs of the City. Competition is possible if multiple vendors are able to provide the brand.

SOLE-SOURCE PROCUREMENT -- Due to user requirements, only one vendor is able to meet the needs of the City. There is no competition available for this item.

SPECIFICATIONS -- A statement containing descriptive requirements of goods or services. Specifications may be very broad to allow competition; or, may be very narrow if the needs of the City call for this type of specification.

STATE CONTRACTS -- Annual term contracts released by the State of Florida General Services Division of Purchasing or any other State of Florida Agency (university, college, etc) which may be utilized at the option of local governmental agencies.

STOCK REQUISITION -- Electronic requisition used for the purchase of items stocked in Central Stores. Generally utilized by using departments/divisions geographically removed from the Central Stores area and entered into the Inventory System from an individual PC.

CHAPTER 3
DUTIES AND RESPONSIBILITIES

DUTIES AND RESPONSIBILITIES

PURCHASING DIVISION

The following duties and responsibilities shall be adhered to by all members of the Purchasing Division staff.

- A. To be governed by the highest ideals of honor and integrity in all public relationships in order that they may merit the respect and inspire the confidence of the agency and the public which they serve.
- B. To consider, first and foremost, the interest of the City in all transactions; and to carry out all established policies.
- C. To buy without prejudice, seeking to obtain the maximum value for each dollar of expenditure.
- D. To cooperate with all City departments/divisions to further the goals and policies of the City.
- E. To strive consistently for knowledge and professionalism which will benefit the Purchasing Division and the City as a whole.
- F. To maintain good relations with vendors and other governmental agencies so as to promote cooperation and consideration which will result in tangible benefits to the City.

USING DEPARTMENTS

- A. Departments must submit electronic requisitions to Purchasing and Central Stores for all purchases, except those items that are paid on Cash Payment Requisitions. These are forwarded directly to the Finance Department.
- B. Departments/divisions should anticipate their needs and requisition sufficient quantities to avoid having several requisitions in the system for the same types of supplies within a short period of time.
- C. Using departments should also try and plan their work to minimize rush orders. The electronic requisition should be forwarded to the Purchasing Division far enough in advance to allow the procurement personnel sufficient time to assemble the proper procurement solicitation package (if needed) and obtain pricing from vendors to enable Purchasing to obtain the goods/services at the right price, in the right quantity and delivered in the right time frame.
- D. The using department can assist the Purchasing Division by suggesting names of vendors that may provide the particular good(s) or services. These suggested vendors, coupled with those already in the automated bidders list may be utilized by the procurement personnel.
- E. The using department/division is responsible for the development of the required specifications for the good(s) and services requisitioned. Without adequate specifications the requirement will not be processed into a solicitation.
- F. No department has the authority to order directly from the vendor or negotiate purchases with salesmen on any item that is valued at \$5,000.00 or more. No services or materials can be ordered without a valid purchase order in place regardless of the dollar value.
- G. The using department is responsible for monitoring of vendor performance. When a vendor fails to perform a service or deliver goods in accordance with published specifications or instruction, the using department will first contact the vendor in an effort to correct the problem. If this fails, the department must then contact the Purchasing Division to solicit their assistance. All negative reports regarding vendor performance must be forwarded in writing to the Purchasing Division for inclusion in the vendor file and the respective quotation/IFB/RFP/RLI file as appropriate.
- H. The using department/division is responsible for the development of the Scope of Work/Services and the Evaluation Criteria for all Request for Proposals (RFP) and Request for Letters of Interest (RLI) that are for services other than those defined in FSS 287.055.

CHAPTER 4

ELECTRONIC PURCHASE REQUISITIONS
& ELECTRONIC PURCHASE ORDERS:
OVERVIEW

ELECTRONIC PURCHASE REQUISITIONS
& ELECTRONIC PURCHASE ORDERS:
OVERVIEW

All requests for purchases are initiated by the use of an electronic requisition. No purchase order will be issued without the prior submission of an approved electronic requisition.

Each electronic requisition may require different descriptive information, depending on the type of good(s) or service requested, but all electronic requisitions require the same type of information in certain fields when entering the requisition on-line. This information includes the reason for the requisition, the name of the requisitioner, the vendor or suggested vendor, the ship-to code and the delivery date. A valid account number must also be entered for each item requisitioned as well as a unit cost for each (whether estimated or actual).

When the requisition has been properly entered, available funds checked and the electronic approval applied by requesting department/division authorized personnel, the purchase requisition then is available for Purchasing personnel to begin the procurement process. Purchasing personnel will review each requisition as it appears on-line. In the case of error or deficiency of content, the system allows the requisition to be returned to the requestor for correction, etc. and then re-approval on the department/division level. Once the approval has been applied, Purchasing personnel again are able to start the procurement process.

All requisitions go to a central screen in Purchasing. Once identified, Purchasing personnel then are assigned specific requisitions depending on dollar value, department, etc. The Purchasing Division will also make the determination as to the method of purchase after review of the requisition. With the exception of emergency and sole source procurements, purchase orders should not be issued without sufficient competition first being solicited from vendors. Several reasons why competitive pricing should be obtained are as follows:

1. It assures the City of the best of several competitive prices and products.
2. It promotes competition for the City's business and increases the City's supplier base.
3. Competition negates criticism of preferential treatment to favored vendors.

The Purchasing Division staff is constantly aware of life in the "fishbowl" and therefore strives to avoid even the appearance of any favoritism towards a vendor or group of vendors. The best way to accomplish this is simply to actively seek competition for the City's requirements.

Electronic purchase requisitions must be submitted through the system far enough in advance to allow the Purchasing Division time to secure information and additional specifications (if required), prepare and send competitive quotations, formal bids, Request for Proposals, or Letters of Interest to the vendor community. For this purpose, the following guideline is provided as to the amount of time it should normally take to process a requisition into a purchase order:

1. \$ 4,999.99 or less -- approximately 5 working days
2. \$5,000.00 to \$14,999.99 -- approximately 25 working days; Request for Quotation is required
3. \$15,000.00 and above -- approximately 60 working days; formal Invitation to Bid or Request for Proposals or Request for Letters of Interest required

When the procurement process is completed to the point that a purchase order will be issued, the Purchasing personnel will incorporate all appropriate information into the document and issue an electronic purchase order, closing this portion of the process.

The purchase order is the vendor's authorization to ship the equipment, material, supplies or perform the service(s) specified thereon. It constitutes a contract between the City and the vendor, and as such, it is a legal document. Since the General Services Director & Purchasing Division personnel are the only City personnel authorized to issue a purchase order, these same positions are the only one's authorized to make changes to a Purchase Order. Using departments shall not enter into any contract with any vendor for the purchase of materials, supplies, equipment or services, except those requirements requested through Cash Payment Requisitions direct to the Finance Department.

A standard four (4) part purchase order form is used for all purchases. A copy of this form is included as Exhibit A at the end of this manual. After the order is prepared and signed by the appropriate Purchasing Division personnel, the copies are distributed as follows:

1. Original "Vendor's Copy" (White) -- forwarded to vendor as authorization to complete their part of the contract.
2. 1st Copy "Purchasing" (Pink) -- retained in the Purchasing Division vendor file.
3. 2nd Copy "Finance" (Green) -- retained in the Finance Department.
4. 3rd Copy "Using Dept/Div" (Goldenrod) -- retained in the requesting/using department/division files

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CHAPTER 5

PURCHASES LESS THAN \$15,000.00

PURCHASES LESS THAN \$15,000.00

The Code of Ordinances specifies the minimum purchase threshold amounts when competitive bidding is required.

A. REQUIREMENTS LESS THAN \$5,000.00

The using department/division will obtain a price quotation for purchases of \$4,999 or less. The quotation should include the cost of all materials, labor, installation, and freight. Multiple informal quotations may be obtained if practical. The pricing from the selected vendor will be entered on a purchase requisition along with a detailed description of the requirement. It is desirable to identify the source of the quotation (person's name and date of verbal quotation, catalog number, vendor's quotation number, etc.) on the requisition so that this will print on the Purchase Order. (If written quotations are obtained by the using department/division, these should be forwarded at the earliest opportunity to allow Purchasing to attach the documentation to the proper purchase order.)

The Purchasing Division has the authority to confirm pricing prior to creating a purchase order and suggest a change in vendor if more competitive pricing is known to the Purchasing Division personnel. The Purchasing Division will attempt to process the above value requisition within five working days. If applicable to the order, current insurance from the vendor must be on file before a Purchase Order will be issued.

B. REQUIREMENTS OF \$5,000.00 BUT LESS THAN \$14,999.99

As required by the City's Code of Ordinances, Section 32.39, when the anticipated cost of procurement is \$5,000.00 but less than \$15,000.00, competitive quotations shall be obtained. Singular orders of this valuation normally require the issuance of a Request for Quotation (informal bid) by the Purchasing Division. Quotations must be solicited from at least three vendors (if possible) who have indicated to the City the ability to provide the required goods and/or services. The quotation specifies a quotation deadline after which responses will not be accepted. (These requirements are not normally advertised and no formal opening is held.)

C. SPLITTING REQUIREMENTS

It must be noted that at times a using department may have several similar items that are needed at one time for their operation and these items individually are less than \$15,000.00 but in the aggregate the items are in excess of \$15,000.00. These items should not be split into several quotations but should be consolidated into a formal bid.

Also, a department may have several similar items that are needed at one time for their operation and these items individually are less than \$5,000.00 but in the aggregate the items are in excess of \$5,000.00. These items should not be split into several purchase orders but will normally be consolidated into a quotation request issued by the Purchasing Division.

D. APPROVAL REQUIRED

Normally, requirements under \$15,000.00 in value are awarded within the Purchasing Division and need no additional approval.

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CHAPTER 6

PURCHASES \$15,000.00 AND HIGHER

PURCHASES \$15,000.00 AND HIGHER

A. PURCHASING METHODS TO BE UTILIZED

As required by the City's Code of Ordinances, Section 32.39, when the anticipated cost of procurement is \$15,000.00 or more, written sealed bids shall be obtained. The Purchasing Division will use one of the following procurement methods to satisfy this requirement.

1. Invitation For Bid (Formal Sealed Bid)

This method is preferred and is best employed when the specifications are clear and definable, and competition is prevalent, substitutions or "OR EQUAL" are allowable, time is not normally a constraint, and price is the main awarding criteria. Formal bids allow a maximum degree of competition among a number of suppliers offering similar products.

Formal bids require considerable effort in the preparation of their terms, conditions and specifications. Initial specification preparation is the responsibility of the using department. As the bid package is developed, Purchasing Division personnel will work with the using department in refining the requirement so it adequately expresses the needs of the City.

2. Request for Proposals (RFP's)

Request for Proposals are used when the City is aware of the required outcome but will allow the vendor(s) to propose the method of accomplishing the desired outcome. The RFP will specify the nature of a requirement that needs to be met. The requesting department may not know the means of satisfying their requirement, and the solicitation will request that vendors submit their proposals for accomplishing a specific goal. These proposals will bring diverse approaches, means and cost to the project.

The Request for Proposals shall state Evaluation Criteria that all responses will be judged against. All factors (including cost) shall be weighted by their relative importance and all will have assigned point ranges depending on their importance to the project. Only criteria disclosed in the solicitation as issued may be used to evaluate the items or services proposed. The Evaluation Criteria must be included in the solicitation as issued to all vendors.

Proposal responses will be evaluated by an Evaluation Committee comprised of at least three full-time City employees.

3. Request for Letters of Interest (RLI's)

All requirements for Professional Services, as defined by Florida Statute 287.055, (architectural, engineering, landscape architecture or land-surveying services,) must be obtained utilizing the Request for Letters of Interest format. A formal RLI process is required for professional services when the expected project cost exceeds the thresholds established by Statute (see Chapter 11.) The RLI format includes a Scope of Work which is developed by the using department/division and details the type of information that must be contained in vendor responses. This type of solicitation also incorporates a specific set of evaluation criteria dictated by State Statute. Responses to the RLI will be reviewed by a Selection/Evaluation Committee made up of at least three (3) full time City employees. The committee's evaluation of submittals must be presented to the City Commission for approval and authorization to negotiate a contract with the recommended firm.

The Request for Letters of Interest format may also be used to request responses for "non-professional" services in place of an RFP (Request for Proposal). This method of solicitation is used when cost will not be considered during the evaluation process.

B. GENERAL REQUIREMENTS

All competitive formal (sealed) bids, Request for Proposal, and, Request for Letters of Interest solicitations must be advertised at least once prior to the solicitation opening in the newspaper of general circulation in the city as so designated by the City Commission.

Small Business Enterprise (SBE) and Local Business Program requirements must be included in all commodity/service solicitations that exceed \$75,000.00 in total contract value.

C. AWARD APPROVAL AUTHORITY

Purchases \$25,000.00 and over must be approved by the City Commission, with the exception of previously approved budgeted items as indicated below. The Purchasing Division will prepare the Agenda package on behalf of the requesting department for submission to the City Manager for the Commission agenda.

All purchases greater than \$15,000.00 but less than \$25,000.00 can be awarded by the General Services Director with the concurrence of the City Manager. These awards are reported on a quarterly basis to the City Commission in summary form.

All purchases of non-construction capital budget items that had been approved for the fiscal year and are obtained at the approved budgeted cost or less (regardless of dollar value) can be awarded by the General Services Director with the concurrence of the City Manager.

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CHAPTER 7
OPEN PURCHASE ORDERS

OPEN PURCHASE ORDERS

Open Purchase Orders are issued for a specific “not-to-exceed” dollar amount and length of time (usually through the end of the current fiscal year) and charged to a single budget account. The open purchase order is utilized to expedite multiple purchases from a single vendor over a given term especially in cases where required quantities of a variety of items cannot be determined.

Open purchase orders will only be issued upon submittal of an electronic purchase requisition. The requisition must specify a “not-to-exceed” dollar amount, term (i.e. end of fiscal year) and a general description of the item grouping to be ordered (i.e.: “Open P.O. for Office Supplies).

A Blanket Purchase Order is a specific type of Open P.O. generated by the NaviLine system to link expenditure information to the automated work order system.

Requirements for competition prior to issuance of Open P.O.’s are as follows:

Under \$5,000.00

Annual Open P.O.’s for commodities under \$5,000.00 may be established at the using department’s request by submitting an electronic purchase requisition. Competitive quotes are not required.

\$5,000.00 to \$14,999.99

Annual Open P.O.’s for commodities between \$5,000.00 and \$14,999.99 require documentation in the form of a solicitation to at least three firms willing to provide the goods/service or comparisons of published price lists (minus applicable discounts). Comparisons of quotes or price list must detail items typically purchased in the commodity grouping by the using department (i.e.: Hardware items = hammer, saw, wrench, etc).

\$15,000.00 and Over

Annual Open P.O.’s for commodities \$15,000.00 and over must be documented by results of a City sealed bid, State or other governmental entity contract, Federal GSA contract or sole source authorization. The total dollar amount for such Open P.O.’s must be included in the contract amount which must follow the approval process as indicated in Chapter 6 - Approval Authority.

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CHAPTER 8

OTHER METHODS OF PROCUREMENT
FOR COMMODITIES

OTHER METHODS OF PROCUREMENT FOR COMMODITIES

A. Procurement from Contracts of Other Governments

The City may “piggy-back” on other governmental entity contracts such as State of Florida contracts, other Florida political sub-division contracts, and from GSA or other Federal government contracts. These contracts have been issued after the competitive bidding process has been utilized; therefore there is no need for the City to require additional bidding.

1. Approval Process

- (a) Requirements under \$15,000.00 can be approved within the Purchasing Division.
- (b) Requirements of \$15,000.00 but less than \$25,000.00 can be approved by the General Services Director with the concurrence of the City Manager. For the purchase of services a standard Service Agreement must be executed by the vendor and signed by the City Manager.
- (c) Requirements of \$25,000.00 and higher must be submitted to the City Commission via Agenda report for approval. For the purchase of services a Service Agreement must be approved by the City Commission via Resolution.

B. Sole Source Procurement

A purchase order may be awarded for a commodity without competition when it is determined in writing that there is only a sole source or one reasonable source for the required commodity. A formal offer shall be required from the sole source vendor prior to the approval process. Please note that the designation of a sole source commodity may not lend itself to the most cost effective procurement for the city.

1. Approval Process

- (a) The Sole Source/Sole Brand Approval Form must be initiated by the using department. A copy of this form is included as Exhibit B at the end of this manual.
- (b) Requirements under \$15,000.00 can be approved at the General Services Director level.
- (c) Requirements of \$15,000.00 and over but less than \$25,000.00 can be approved by the City Manager.

- (d) Requirements of \$25,000.00 and higher must be submitted to the City Commission via agenda report for approval. The process requires a resolution requesting a bid-waiver on a one-time basis.

C. Sole Brand Procurement

A purchase order may be awarded for a commodity limiting competition to a sole brand if the necessity for this brand is certified in writing by the Department Head of the using department. A sole brand designation does not preclude the bidding process. Normal approval thresholds are applicable to sole brand procurements.

D. Emergency Purchases

The City Manager, or the General Services Director when designated by the City Manager, may make or authorize others to make emergency procurements of supplies, services or construction when there exists an immediate threat to public health, welfare, or safety or to prevent or minimize serious disruption of government services; provided that such emergency procurements shall be made with such competition as is practicable under the circumstances.

A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. Any emergency procurement in excess of \$15,000.00 for supplies and services or \$15,000.00 for construction shall be referred to the City Commission at their next regularly scheduled meeting for ratification, whenever possible, but must be ratified by the City Commission when all the necessary information and documentation has been received by the City Manager.

1. Procedures

- (a) During normal working hours the requesting department shall immediately contact the General Services Director with the details of the emergency requirement.

The department director of the requesting agency should provide, prior to the issuance of a purchase order, a written account of the emergency, detailing the complete circumstances of the emergency situation and the probable consequences if an emergency procedure is not instituted.

- (b) Emergencies that occur after normal working hours; weekends or on holidays shall be handled by the using department/agency. In the case of emergencies after hours, supporting documentation and purchase requisitions must be brought to the attention of the General Services Director by the next normal work day.

2. Approval Process

- (a) Emergency requirements under \$15,000.00 are authorized and approved at the General Services Director level without further action.
- (b) Emergency requirements of \$15,000.00 and over are awarded at the General Services Director level with the concurrence of the City Manager and then submitted via agenda report to the City Commission for after-the-fact approval.

E. Standardization

The General Services Director is responsible for the standardizing of types of equipment that are to be purchased on a sole source or sole brand basis. These standardized items are unique to the City because use of any other brand or source will put the particular City operation in jeopardy and not allow the proper city service to be completed. The sole brand or sole source designation of items less than \$25,000.00 in value may be purchased directly, without competition, from a standardized sole source or obtain as much competition as possible, in any method determined by the General Services Director to be in the best interest of the City of Pompano Beach, any standardized sole brand commodity. Sole brand/source purchases valued at \$15-24,999 will be approved by the General Services Director with the concurrence of the City Manager.

The General Services Director may recommend to the City Commission purchases equal to or over \$25,000.00 that a brand or source of supplies be standardized as the only brand or source of supplies that will be purchased for a particular agency or City-wide.

A Standardization Listing will be made-up of those items that have previously been approved as sole brand or sole source. These items will be reviewed on an annual basis to determine if the need for standardization continues to exist. If the need for continued standardization is not required, then the item(s) will be subject to the normal procurement policy for any open commodity.

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CHAPTER 9
CHANGE ORDERS

CHANGE ORDERS

GENERAL CHANGE ORDER INFORMATION

Changes to contracts (purchase orders) issued by the Purchasing Division may be made by issuance of a Change Order (and other related contractual documents, if any). Change orders are initiated by submitting the information on an electronic requisition.

Except as otherwise provided for in this manual, the Purchasing Division may issue Change Orders to correct errors, omissions, or discrepancies in contract documents; cover acceptable overruns and freight costs; incorporate requirements to expand or reduce the scope of goods or services ordered, or to direct other changes in contract execution to meet unforeseen field, regulatory, or market conditions.

Change Orders generally will not be issued to (including, but not limited to):

1. Change vendor in P.O./contract.
2. Make a change that is contrary to the terms of the original quotation, bid, etc.

A. CHANGE ORDERS (OTHER THAN CONSTRUCTION) REQUIRING CITY COMMISSION APPROVAL

Any change order meeting one or more of the following qualifications must receive Commission approval before further processing:

1. Dollar increase is \$15,000.00 or over.
2. Original purchase order under \$15,000.00 but change order increase will bring total over \$15,000.00.

NOTE: Change orders which decrease totals of orders, even though the original was approved by the City Commission, do not require City Commission approval. Approval is only required for increases, as noted above.

Change orders requiring City Commission approval must be submitted to the Purchasing Division by the using department with documentation explaining the need for the increase. The requirement will then be placed on a subsequent City Commission agenda for their approval.

Following City Commission approval, the change order will be processed and as part of the Purchasing Division internal process, all change order documentation will be associated with the original purchase order documentation.

B. PROCEDURE FOR CONSTRUCTION CHANGE ORDERS

The City Manager, by City Commission authorization (Resolution 96-96), has the authority to approve all **construction change orders** up to ten percent (10%) of the project's original total cost **or \$10,000.00, whichever is lower**, on a **cumulative basis**.

When cumulative change orders for a project exceed ten percent (10%) of the original price or \$10,000.00, the City Commission approval is required.

It is the responsibility of the requesting department to monitor construction change orders and initiate request for Commission approval when the ten percent (10%) or \$10,000.00 threshold is reached. Once the threshold is passed, **all** subsequent change orders for that project **must be approved** by the City Commission.

A change order request must be submitted through the electronic requisition process in order to modify the original Purchase Order. The approved Contract Modification (Change Order) form for construction contracts must be submitted to the Purchasing Division under separate cover. A copy of this form is included as Exhibit C at the end of this manual.

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CHAPTER 10
INVITATION FOR BIDS
AND
REQUEST FOR PROPOSALS

INVITATION FOR BIDS
AND
REQUEST FOR PROPOSALS

Invitation For Bids (IFB) and Request for Proposals (RFP) are all effective formal procedures for soliciting competition from vendors in the public procurement sector. The IFB is awarded primarily on price alone. The RFP uses multiple evaluation criteria, including price, to determine an award.

Each method has its own advantage/disadvantage, and in this Section the procedures for preparing and processing these solicitations will be outlined.

A. INVITATION FOR BIDS (IFB)

This method is used when specifications are clear cut, competition is prevalent, substitutions are allowable and normally time is not a constraint. It must be noted that “time” **can be used** as an evaluation factor to determine if a vendor is responsive to the bid. This condition must be stated in the special conditions of the bid document.

Formal bids allow a maximum degree of competition among a number of suppliers offering similar products. As a result, prices obtained are generally lower than standard “list” pricing.

Formal bids normally require less effort in the preparation of terms and conditions. Specifications must be developed by the using department to adequately describe the function required, without limiting competition.

Under this type of competitive solicitation normally the recommendation for award must go the lowest responsive, responsible bidder. There is generally no other evaluation considered in this type of solicitation.

1. Purpose of Bid

Before proceeding with any bid, the Purchasing Division must ascertain clearly the purpose that is to be served. Will the bid result in procuring goods, services or a combination of both? Is there a necessity for special protection for the City through bonds and/or insurance? Will the contract provide a one-time purchase or an annual agreement? These are just some of the questions that must be answered before preparing the bid.

2. Bid Format

The Purchasing Division has created a bid format which encompasses three sections. Section I is normally the Specifications/Special Conditions; Section II contains the General Terms and Conditions of the bid; and, Section III is the Bid Proposal section.. Normally the General Terms and Conditions are standard requirements used in every bid. All other sections vary depending on the requirement.

Appropriate protection on all formal solicitations must be afforded the City through requirements for insurance, bid bonds, and/or performance and payment bonds. Depending on the requirement of the bid, deletion of any or all of the items mentioned above may result in loss of meaningful protection for the City in the event of vendor default or non-compliance. The Risk Manager is the contact for information as to the proper insurance requirement.

3. Bid Conditions

Each bid should contain special conditions that pertain specifically to the bid in question. Special conditions differ with each requirement in that specifications may refer to unique pre-conditions that must be met by a vendor. Such an example would be a requirement that delivery must not exceed 15 days. Thus a vendor who cannot meet the delivery requirement, even though their product meets all specifications and their price is the lowest received, will not be considered for the award. It must be noted that “special conditions” must be bona fide in relationship to the needs of the City and cannot be capricious in nature as to favor one vendor over another. Special conditions can in fact supersede the general conditions contained in the bid document, or they can enhance the conditions on a one time basis to reflect the overall requirement of the solicitation.

General conditions allow the City a great degree of protection by the inclusion of various clauses that relate to renewal of the contract for an additional period, cancellation procedures, settlement of disputes, payment terms, delivery schedules, etc.

Once the bid award has been approved by referencing the bid in the description portion of the purchase order, the vendor is effectively bound by the terms, conditions and specifications of the bid document. In the event of a dispute between the City and the vendor, the written document will prevail.

4. **Bid Specifications**

Bid specification creation is the responsibility of the using department/division with the exception of city-wide requirements and Central Stores requirements.

The using department is responsible for developing specifications because:

- a. As the prime user, the department is best aware of any special characteristics or problems that must be dealt with.
- b. The using department probably utilizes the item to be bid on a daily basis and is best aware of any new developments in the field.
- c. Scientific, engineering, or other technical descriptions are best prepared by departmental staff that are qualified to do so.
- d. The Purchasing Division, other than for the exceptions noted above, must not be placed in the position of deciding upon and specifying bid items for individual using departments. The Purchasing Division can review draft specifications and make suggestions, as well as suggest alternate products, but the using department must be responsible for specification development.

There are many different types of specifications; however, all specifications regardless of the type must be clear and complete. A specification is an essential communication link between the City and the vendor. The specification must clearly and completely express the needs of the City in such a manner that the vendor will have the same understanding as that of the City in what is required.

The following are some of the more common type of specifications, briefly described and discussed:

e. **Performance Specifications**

Performance specifications describe the functions which must be performed without or with only a limited reference to materials to be used or construction details. For example, a performance specification for wire might call for a certain resistance to heat and abrasion, as well as certain conductivity; but it would not deal with the material to be used for insulation or the method of manufacture.

Performance specifications are non-restrictive and encourage vendors to be innovative and propose a variety of means to accomplish a stated purpose. A performance specification can sometimes be difficult to measure performance accurately and to determine whether or not a performance specification has been satisfied.

f. Design Specifications

A design specification is also known as a material and method-of-manufacture specification. This type of specification spells out in great detail the materials to be used and the manner in which they are to be assembled or processed. This type of specification is most commonly used by manufacturing firms and is infrequently used by local government agencies for the following reasons:

- (1) A design specification is generally not appropriate for standard commercial items, its use being reserved for made-to-order products for which local governments do not normally have a need.
- (2) When a design specification is used, responsibility for the suitability and usefulness of the product produced to the specifications rest with the drafter of the specification. An example would be designing the specifications for a boat, and after the boat is built to the exact specification, it won't float, the City has no legal recourse against the contractor who built the boat.

g. Chemical or Physical Specifications

This type of specification is in many respects similar to design specifications, but deals only with materials and not with methods of manufacture. An example of a product which might appropriately be described by this type of specification is paint. If the City uses a chemical specification to describe paint and the paint fades within a month of application, the City and not the vendor is responsible. In addition, it can be both time-consuming and expensive to test products to chemical or physical specifications.

h. Blueprints (Drawings)

Blueprints are primarily graphic rather than a verbal form of specification. Blueprints are commonly used for construction projects, and for such items as mechanical parts where dimensional tolerances are extremely close. As with design specifications, the City warrants the suitability of the product produced in accordance with the blueprints provided.

i. Sample

This is another essentially non-verbal type of specification, which can sometimes be effectively used. If the item is relatively inexpensive, so that the cost of furnishing samples is not excessive, and the characteristics of the item required are not easily described, samples may be the best type of specification.

For an example, if an exact color match is an essential requirement, samples of the material to be matched would more accurately describe the requirement than any verbal description. The use of samples has a disadvantage though; the inspection for conformance is largely subjective.

j. Commercial Standards or Industry Standards

The use of this type of specification is recommended whenever possible. Commercial standards are complete descriptions, including the method of testing for conformance to specifications, of items produced repetitively in significant quantities by many manufacturers. Commercial or industry standards have been established and agreed upon by national trade associations, engineering societies or testing societies. Nuts, bolts, pipes and electrical items are examples of products which can be appropriately described as commercial standards.

k. Market Grade

Market grades are similar to commercial standards in that they are accepted and agreed upon by all potential suppliers. Market grades, however, are used to describe natural products, as opposed to manufactured items. Such products as lumber are commonly described by reference to market grades.

l. **Brand Name or Equal**

This is the least preferred type of specification. It describes the characteristics of the item required by reference to a particular manufacturer's product, referring to that product by its brand name and model number. In theory, this reference to a brand name and model is not restrictive, but rather is intended to indicate the level of quality required and therefore the words "or equal" follow the reference to brand and model.

In practice, however, this type of specification tends to be highly restrictive. Since this type of specification does not identify which feature or characteristics of the product are essential, and since manufacturers strive for product differentiation, the determination of whether another product is or is not "equal" to the reference brand is difficult to make.

Because of this subjectivity, it is extremely difficult to rationally defend the acceptance of some products and the rejection of others. Because of these problems, this type of specification should be used only as a last resort, and only when:

- (1) The brand name referred to is readily available from a number of suppliers and/or
- (2) There is reasonable assurance that most other products which might be offered would be accepted as "equal".

m. **Combination**

Very few specifications fall entirely into a single type of specification as listed above. Most combine elements of the different types of specifications.

5. **Proposal Section**

This section of the bid provides the vendor with the documentation to record their offer (pricing) for the item(s) required and includes space for the vendor's company name, address, telephone and fax numbers, title, date, delivery data, warranty data and any other special information required by the specific bid.

Vendors are cautioned to only use the proposal section provided with the bid document. By doing this, the vendor acknowledges that they will meet all bid terms, conditions and specifications.

6. Insurance and/or Bond Requirements

Insurance and bonds are instruments that can safeguard the City from any damage or injury claims and offer tangible protection in the form of monetary assurance that the bidder will meet their obligations.

It must be noted that even though a recommendation of award has been approved, no purchase order shall be issued or a “notice to proceed” issued until all required insurance and/or bonds have been received and approved by the appropriate City office.

a. Insurance

Insurance is required to safeguard the City from any claims resulting from damage to property and/or injury to persons caused by the vendor’s actions. The vendor, at their own cost, must secure the proper insurance coverage and also name the City of Pompano Beach as an “additional insured”. Insurance coverage’s generally required for construction and installation bids should include, as a minimum, but not be limited to the following:

- (1) Workers Compensation
- (2) Liability (General and Automobile)
- (3) Builders All Risk

Coverage limits have been set at the advice of the Risk Manager and should not be changed unless the special instructions so state.

b. Bonds

Bonds offer tangible protection in the form of monetary assurances that the vendor will meet their obligations. Bonds must be secured by the vendor at their own cost, and generally are classified as follows:

- (1) Bid Bond:

This bond is usually in an amount of 5% of the total price bid and essentially guarantees that the vendor will enter into a contract with the City if they win the award. This type of bond protects the City from erroneous or deliberate low bids which the vendor has no intention of honoring. Should the vendor fail to enter into a contract, the bid bond is forfeited. Bid bonds are submitted with the bid.

(2) Performance Bond:

This bond is a surety instrument guaranteeing that the vendor will perform according to the terms of the contract and is generally in an amount of 100% of the bid price. This bond affords protection from non-performance and incompleteness of major contracts, the effects of which could result in considerable injury to the City.

Performance bonds are submitted upon award of the contract.

(3) Cash Bond:

The cash bond is posted in the amount of the bid (as in a bid bond) or contract award (as in a performance bond).

(4) Letter of Credit

This instrument is used in some construction projects or multi-year contracts.

(5) Payment Bond

This bond is the type provided to guarantee payment of subcontractors and suppliers providing goods and services to the prime contractor who is under contract to the City.

Payment bonds are submitted upon award of the contract.

Please note that the Insurance and Bond requirements/definitions contained in Paragraph 6 a and 6 b above are basically the same for all types of solicitations including construction bids, regular advertised sealed bids, request for proposals and letter of interest.

7. Bid Opening

The bid opening is a formal, official event and is open to the public as well as City staff members. The opening must take place at the announced time and date. All bid openings are held in the Purchasing Division offices.

Please note that neither the Purchasing Division, nor any other City agency, can accept a solicitation response from a vendor that is received after the time and date announced for the opening. As an example, if a bid is advertised as opening on Tuesday at 2 p.m. local time, all bids received up to and including 2 p.m. can be accepted. Any solicitation received at 2:01 pm must be handed back to the vendor unopened (if the vendor has hand-delivered the document) or mailed back unopened to the vendor in the case of late mail delivery.

All accepted bids will be publicly opened by the Purchasing Division staff, results read aloud and recorded on a bid tabulation form and any questions from vendors or city staff in attendance answered. The bids will be available for review, if requested, by city staff members immediately following conclusion of the bid opening. Bids will be available for review by the vendor community after thirty (30) working days following the bid opening, or upon notice of an intended decision (agenda item), whichever is earlier. Bid tabulations may be provided to the vendor community in a shorter period of time, and will be posted to the City's website when available.

Following the bid opening, the Purchasing Division member responsible for the particular bid will begin the evaluation process. The bid tabulation sheet and a Recommendation of Award Form, as well as a copy of the apparent low bidder are forwarded to the using department for their review.

The using department must thoroughly review the apparent low bidder for compliance with the specifications. Bid items not meeting minimum specifications should be rejected. In general, the lowest bidder meeting specifications must be awarded the contract. Should there be a reason not to do so, the decision must be fully explained in a memo from the usingdepartment/division head for formal evaluation by the Purchasing Division.

Following review, the using department must return their Recommendation of Award form to the Purchasing Division with a memo substantiating their decision to either accept or reject the apparent low bidder. If the low bidder is acceptable, the Purchasing Division then has the responsibility to create the agenda item and make it ready for the appropriate signatures. If the vendor picked is other than the low bidder, that vendor becomes the lowest responsive and responsible bidder and that vendor then becomes the subject of the agenda report.

B. REQUEST FOR PROPOSALS - (RFP)

A Request for Proposal is a formal invitation from the City to a vendor to submit an offer. The offer is to provide a solution to a problem or a need that the City has identified. An RFP is a procurement process in which the judgment of the vendor's experience, qualifications and solution is evaluated and may take precedence over price. This evaluation is completed by an "Evaluation Committee" comprised of at least three (3) voting members who are city staff and a non-voting representative from the Purchasing Division. The committee members are selected by the department/division head whose requirement was the basis for the RFP.

There are several key concepts in this definition. An RFP is a document inviting vendors to submit solutions to a stated problem. It is also a process in which the evaluators base their decision on more than price. The evaluation process is based on having several proposals from different vendors. A third concept is that the evaluation is based simply on a variety of factors as judged by the City.

In other words, an RFP is a written request to suppliers inviting them to propose solutions (and prices) that satisfy functional requirements described in the document.

1. Purpose of RFP

Before proceeding with any formal advertised solicitation, the Purchasing Division must ascertain clearly the purpose that is to be served. If the using department has a requirement that is primarily technical that cannot be fully described in a technical specification and/or for which there are competing functional solutions in the marketplace, the use of a Request for Proposal is appropriate.

The RFP is used to allow vendors the opportunity to propose solutions to a set of functional requirements and/or technical specifications. The RFP process gives the City the opportunity to select the proposal which best meets the needs of the City over the expected life of the resource.

2. RFP Format

The RFP format differs from an Invitation to Bid in that it contains as a minimum, the following:

- a. Submittal Information
- b. Special Terms and Conditions
- c. Scope of Work
- d. Evaluation Criteria
- e. Proposal Signature Page

The Submittal Information tells the proposers where to send their responses and how many copies must be submitted. Generally, it is requested that the proposer furnish one (1) original document and five (5) copies. The reason for this number of copies is that the original is retained in the Purchasing Division files. The copies are used by members of the evaluation committee in their deliberations. This section also instructs the proposers as to how to assemble their response. It is the wish of the City that all responses will be submitted in generally the same format. This allows for easier comparison between the various responses.

The Special Terms and Conditions includes such topics as Insurance, Public Entity Crimes, Drug Free Workplace conditions, Selection Steps, Staff Assignment, Contract Terms, Waiver, Severability, Termination Clause, Manner of Performance, Public Records Act and Awards Process.

The Scope of Work/Services section will tell the vendor what is needed to take the City to the required outcome of the stated project. Due to the general nature of the RFP, the scope is broad in nature, allowing the vendors a wide range of options from which to arrive at their proposal response which accomplishes the goals of the City. The scope of work is actually a guideline to allow the vendor's own expertise to design a proposal response that will fulfill the City's ultimate specified result.

The Evaluation Criteria is that list of conditions that will be evaluated from each response and ranked accordingly. All evaluation criteria are assigned a point range allowing Evaluation Committee members to make subjective rankings based on interpretation of vendor responses. Evaluation criteria will include many aspects of vendor's credentials and will include price. The evaluation criteria and point assignments must be developed prior to issuing the RFP and must be included in the document as issued to the vendor community. In this manner, all proposers will have a clear picture of how and on what aspects of their response will judgments be made by the Evaluation Committee.

In the case of the RFP, the Proposal Signature Page, is simply the page required to be completed with all particular information regarding the firm name, address, etc., and must be signed by an authorized member of the firm. Without this page or without the signature, a proposal response cannot be evaluated.

It is important to note at this point that the using department/division is responsible for the development of both the Scope of Work/Services and the Evaluation Criteria. As with the development of specifications for Invitations for Bid, the Purchasing Division is able to offer assistance in providing samples of previous RFP's that may help the department/division in the formulation of their unique requirements.

3. Insurance, Bonds and Letter of Credit

As in the case of the formal Invitation to Bid, the City may require insurance and/or bonds or a letter of credit to protect its interest. The one difference between the two types of solicitations is that whereas the Invitation to Bid may require a Bid Bond, the Request for Proposal generally does not require a bid bond.

A listing of the various insurance types as well as bonds can be found in Chapter 10, Section I of this manual.

4. RFP Opening

The Request for Proposal opening is a formal, official event and is open to the public as well as city staff members. The opening must take place at the announced time and date. All RFP openings are held in the Purchasing Division offices.

Please note that neither the Purchasing Division, nor any other city department, can not accept an RFP response from a vendor that is received later than the time and date announced for the opening. As an example, an RFP is advertised as opening on Tuesday at 2 p.m. local time, all responses received up to and including 2 p.m. can be accepted. Any response received at 2:01 p.m. must be date and time stamped and handed back to the vendor unopened (if the vendor has hand-delivered the document) or mailed back unopened to the vendor in the case of late mail delivery.

All accepted responses will be opened and the responding vendor name and address will be noted on a "Vendor Response" form. No pricing is announced at the RFP opening since price is generally only one of the evaluation criteria contained in the document. Each document will be examined to make sure the Proposal Signature page is completed and signed. Failure to include this page in the response package will cause the vendor to be termed non-responsive and not considered for further evaluation.

As with the bid opening, the RFP responses will be available for review, if requested, by city staff members immediately following conclusion of the RFP opening. The original copies of the RFP responses will be available for review by the vendor community after thirty (30) working days following the RFP opening, or upon notice of an intended decision (agenda item), whichever is earlier. RFP response tabulation sheets, citing only those vendors who responded and no other information, may be provided to the vendor community in a shorter period of time, and will be posted to the City's website when available.

Following the RFP opening, the Purchasing Division will keep the original response document from each vendor and distribute the copies of each response to the person in charge of the particular Evaluation Committee. At this point there is no further evaluation of the RFP responses by the Purchasing Division. All deliberation is now in the hands of the Evaluation Committee.

5. Evaluation Committee and Committee Proceedings

The Evaluation Committee is comprised of at least three (3) city staff members (designated as voting members) as selected by the department/division head whose requirement was the basis for the RFP. A Purchasing Division staff member is generally also a member of the committee, but is considered a non-voting member. A non-city staff member, such as a member of an interested advisory board, can also be a voting member of the committee, but only if there are three (3) city staff members already on the committee. A majority of the committee members should have a working interest in the subject of the RFP in order to present a fair evaluation of the responses.

Purchasing will distribute copies of each response to each committee member for review. A copy of the RFP evaluation criteria as well as the scope of work/services should also be given to the committee members. The committee members should review each response prior to the initial committee meeting as scheduled by the Purchasing Division. All evaluation committee meetings are public meetings, open to the public for observation.

At the first meeting, one of the prime considerations should be to ascertain if committee members feel it is necessary or not to have vendor presentations to clarify what was included in the written responses. If so, then the committee will have to decide on the number of vendors asked to make these presentations.

NOTE: *Regarding presentations, if there are 3 or less responses, and the committee desires to hear presentations, then all responding vendors must be given the opportunity. If there are more than three responses, then the committee can take a preliminary vote, based on the evaluation Criteria, and decide on the number of vendors asked to make a presentation (the short list).*

If the committee desires to hear presentations, the Purchasing Division must contact each vendor to arrange for a time to appear before the committee and must be told the time allotted for presentation and for questioning from the committee. Following presentations, committee members then rank each response based on the evaluation criteria. Vendors are not compared against each other for the ratings, but are rated on how the individual response addressed the requirement of the City and the contents of the evaluation criteria.

If the committee does not want presentations, the Evaluation Committee head will then open the meeting for discussion of the responses by the committee members. Following this discussion, each voting committee member will then rank each response in accordance with the established Evaluation Criteria. As before, vendors are not compared against each other for the ratings, but are rated on how the individual response addressed the requirement of the City and the contents of the evaluation criteria.

Following the final vote of the committee it must be determined who the top ranked responses are. In the case of less than three responses, the ranking must include all responses. In the case of three or more, it must be determined who are the top three responses.

All voting sheets of each committee member shall become public record at the conclusion of the voting and the original copies are placed in the original RFP file in the Purchasing Division.

6. Presenting the Recommended Proposer to the City Commission

Following the Evaluation Committee meetings and ranking of the top firms as outlined in Paragraph 5 above, the Purchasing Division will prepare an agenda item on behalf of the requesting department/division for the City Commission. The agenda item will request the City Commission approve the ranking as presented and allow the City to negotiate a contract with the top ranked firm.

It must be pointed out that the City Commission has several options at this point. The Commission can: (a) accept the ranking as presented to them; or (b) indicate that the ranking is not in the best interest of the City and instruct staff to re-issue the RFP; or (c) review the responses themselves and/or request oral presentations and determine a ranking order that may be the same or different from what was originally presented to the City Commission.

7. Negotiation, Contract Preparation and City Commission Approval

Following the initial City Commission approval of the rankings, the using department/division will negotiate a contract based on the terms, conditions and scope of service contained in the Request for Proposal. The using department/division will work with the City Attorney to prepare the formal contract and then finally present the document to the City Commission in the proper form, i.e.: resolution, ordinance, etc. for their final approval. Following this approval, a purchase order then can be issued by the Purchasing Division.

C. EVALUATION OF VENDORS

As indicated throughout this manual, vendors can be judged responsive or non-responsive to the solicitation. Vendors are basically responsive to the solicitation if they have provided all the information required as mandatory and have signed the solicitation making the response a bona fide offer. Vendors are basically non-responsive if they have not provided all the required information and have not signed the solicitation.

Depending on the specifications, vendors who meet or exceed the minimum specifications are also considered responsive, while those that do not meet the required minimum specification are considered non-responsive.

A vendor can also be evaluated to determine if they are “responsible” or “not responsible”. A vendor shall be found to be “not responsible” for reasons including, but not limited to, the following:

1. The vendor has failed to perform in a satisfactory manner under a prior contract(s) with the City of Pompano Beach.
2. The vendor has shown poor performance based upon comments from previous and current clients, especially those in the governmental sector. The City of Pompano Beach reserves the right in all solicitations issued to contact previous vendor clients to determine the satisfaction or dissatisfaction with the work performed.
3. A vendor shows a lack of financial resources to assure contract completion on a timely basis.
4. A vendor lacks the necessary training and/or experience to fulfill the contract requirements with the proper skill level.
5. The vendor has inadequate equipment and/or personnel to properly complete all contract requirements on a timely basis.
6. The vendor is unable to secure insurance and necessary bonding (if required by the City).
7. The vendor fails to comply with any other factor relating to completion of the contract on a timely basis and in a proper manner as determined by the City of Pompano Beach.

In all cases the using department should investigate, prior to the recommendation of the award of a contract, any and all possible inconsistencies surrounding a vendor performance. It is desirable to eliminate a poor vendor in the evaluation stage rather than award a contract and then find that vendor performance (past and present) will have a negative impact on the using agency requirement. The above factors are all bona fide reasons to deny a contract to a vendor. It must be noted that all details discovered connecting to the various reasons above must be also be bona fide, as personal “likes or dislikes” are not bona fide reasons for denial of a contract.

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CHAPTER 11
CONTRACTING
FOR
PROFESSIONAL SERVICES

CONTRACTING FOR
PROFESSIONAL SERVICES

Professional services are defined in the Florida State Statute 287.055 (also known as the “Consultants Competitive Negotiation Act”) as those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping.

To obtain these “professional services” as indicated above, the City utilizes a Request for Letters of Interest (RLI) solicitation. This solicitation must be advertised at least once prior to the opening date in a newspaper of general circulation in the county as designated by the City Commission.

The Request for Letters of Interest identifies the work required and directs respondents to provide a response indicating the firms’ interest in working with the City on the particular project(s) involved, information regarding the experience and qualifications of the firm, as well as resumes of personnel designated to work on the specific project. The major difference between the Request for Letters of Interest and other formal solicitations (Invitation for Bid and Request for Proposal) is that it is forbidden by state statute to ask for pricing or monetary fees of any kind in the responses. Fees are part of the formal negotiation process following approval by the City Commission of the ranking of respondents. Insurance requirements are referenced in the document as an item that must be furnished prior to issuing a purchase order to the selected vendor. Generally bonds are not required with this type solicitation.

The RLI format must be used to secure professional services when either:

1. the fee for a planning or study activity is estimated to **exceed \$35,000;**
-- or --
2. the basic construction cost of a project is estimated to **exceed \$325,000.**

The approval authority for professional services with a value of \$25,000.00 or greater is the City Commission.

The RLI responses are reviewed and evaluated by a Selection/Evaluation Committee comprised of at least three (3) voting members who are city staff members and a non-voting representative from the Purchasing Division. All Selection/Evaluation Committee meetings are posted as “Public Meetings” and are open to the public.

As with the RFP solicitation discussed previously in Chapter 10, the using department/division is responsible for the development of the statement of work included in the RLI and the point distribution assigned to the evaluation criteria. The evaluation criteria used is substantially similar to that which is listed in Florida State Statute 287.055 as it presently exists.

A. RLI Opening

The Request for Letters of Interest opening is a formal, official event and is open to the public as well as city staff members. The opening must take place at the announced time and date. All RLI openings are held in the Purchasing Division office.

Neither Purchasing Division, nor any other City department, can accept an RLI response from a vendor that is received later than the time and date announced for the opening.

All accepted responses will be opened at the designated time and place and the responding vendor name and address will be noted on a “Vendor Response” form.

As with the bid and RFP opening, all RLI responses will be available for review, if requested by city staff members immediately following conclusion of the RLI opening. The original copies of RLI responses will be available for review by the vendor community after thirty (30) working days following the RLI opening, or upon notice of an intended decision (agenda item), whichever is earlier. The vendor response tabulation sheets may be provided to the vendor community in a shorter period of time, and will be posted to the City’s website when available.

Following the RLI opening, the Purchasing Division will keep the original document from each vendor and distribute the remaining copies of each response to members of the Selection/Evaluation Committee.

B. Selection/Evaluation Committee and Committee Proceedings

The Purchasing Division will distribute copies of each response to each committee member for review prior to the first scheduled meeting. A copy of the Evaluation Criteria and a copy of the RLI solicitation will also be given to each committee member at this time.

All evaluation committee meetings are public meetings, open to the public for observation. At the first scheduled meeting, all committee members must complete a “Conflict of Interest Form” which then becomes part of the RLI solicitation file.

At all meetings, minutes will be taken of the proceedings and these as well as the signed Conflict of Interest forms and all scoring sheets become part of the RLI file and become public information.

At the first meeting, one of the prime considerations should be if the committee members feel it is necessary or not to have vendor oral presentations to clarify what was included in the written responses. If so, then the committee will have to decide on the number of vendors asked to make these presentations, based on the initial evaluation of responses using the criteria published in the RLI. As with the Request For Proposal evaluations, there is a guideline as to how many vendors can be requested to make presentations.

If there are three or less responses, and the committee desires to hear oral presentations, then all responding vendors must be given the opportunity to make a presentation. If there are more than three responses, then the committee can take a preliminary vote, based on the evaluation criteria (create a short list), and decide on the number of vendors asked to make a presentation.

If the committee desires to hear presentations, the Purchasing Division must contact each vendor to arrange for a time to appear before the committee and must be told the time allotted for their presentation and then questioning from the committee. Following all presentations, committee members then rank each response based on the evaluation criteria. It should be pointed out at this time that vendors are not compared against each other for the ratings, but are rated on how the individual responses addressed the requirement of the City and the contents of the evaluation criteria.

If the Selection/Evaluation Committee does not want to hear oral presentations, the committee head will then open the meeting for discussion of the responses by the committee members. Following this discussion, each voting member will then rank each response in accordance with the established Evaluation Criteria. As before, vendors are not compared against each other but are rated on how the individual response addressed the requirement of the City and the contents of the evaluation criteria.

Following the voting, the committee must then determine the order of ranking. As in the case of three or less responses the ranking must include all responses. In the case of more than three responses, a ranking order will be completed including all responses with the top three ranked firms being presented to the City Commission for ranking approval.

C. Presenting the Ranking to the City Commission

Following the Selection/Evaluation Committee meetings and ranking of responses, the Purchasing Division will prepare an agenda item on behalf of the requesting department/division. The agenda item will request the City Commission to approve the ranking as presented and authorize staff to begin contract negotiations.

It must be pointed out that the City Commission has several options at this point. The Commission can: (a) accept the ranking as presented to them; or, (b) indicate the ranking is not in the best interest of the City and instruct staff to re-issue the RLI; or (c) review the responses themselves and/or request oral presentations and determine a ranking order that may be the same or different from what was originally presented to the City Commission.

D. Negotiation, Contract Preparation and City Commission Approval

After the finalist ranking is approved by the City Commission, the department/division head or designee, shall negotiate a contract for professional services with the top ranked firm at compensation within a range which has been determined to be fair, competitive, reasonable and within the allotted budget.

Should there be an impasse in the negotiations with the top-ranked firm, the negotiations will be terminated. Negotiations shall then begin with the second highest ranked firm. If an impasse occurs with this firm negotiations will be terminated.

The negotiation process will continue in the above stated manner until a contract is successfully negotiated with one of the respondents to the original Request for Letters of Interest.

Unless otherwise required, a lump sum contract shall be designated as the preferred form of contract for professional services contracts.

Each professional services contract shall contain the prohibition against contingent fees required by and set forth in Section 287.055, Florida State Statutes. This contract (agreement) shall be formally drafted by the City Attorney and presented to the City Commission for their approval.

E. Requirement for Requisition and Purchase Order

The formal agreement (contract) approval and signing process by the City Commission is the signal to start the requisition/purchase order process. Although the City Commission has completed the agreement, the using department must submit a purchase requisition with proper funding to the Purchasing Division. At that time, a Purchase Order will be issued. It is only at the time of issuance of a Purchase Order the vendor can begin the services agreed upon.

F. Professional Services Less than Thresholds

When a request for professional services is estimated to be \$35,000.00 or less for a planning or study activity, or when the construction cost of the project is estimated to be less than \$325,000.00, a public solicitation is not required.

When the less than threshold project occurs, the procedure shall be as follows:

1. The Purchasing Division, in consultation with the department/division head responsible for the project, can elect on a case-by-case basis to issue a public RLI solicitation, or proceed as outlined below.
2. If the RLI process is not required for a particular project under the threshold amount, the department/division head responsible for the project, shall select a known responsible firm and request the firm to submit a proposal. The proposal shall outline the Scope of Work required, and appropriate company information. The vendor shall be directed to indicate a lump sum fee in their proposal.
3. If the proposal is acceptable, the approval authority for the project under \$15,000.00 is the General Services Director.

4. If the proposal is acceptable, the approval authority for the project between \$15,000.00 and \$24,999.99 is the General Services Director with the concurrence of the City Manager.
5. If the proposal is acceptable, the approval authority for the project valued at \$25,000.00 or higher is the City Commission.

An agreement must be drafted by the City Attorney and presented to the City Commission for their approval and signatures. Once this agreement has been signed, a purchase requisition must be submitted to the Purchasing Division. At that time a Purchase Order will be issued and only then can the vendor begin the services as outlined in the aforementioned agreement.

G. Emergency Conditions

In the event of a bona fide public emergency declared by the City Commission, compliance with some or all of the provisions of this procedure or Section 287.055, Florida State Statutes, may be waived.

H. Standardized RLI for Professional Services

The Purchasing Division has prepared a standardized Request for Letters of Interest format and evaluation criteria to be used by all departments for soliciting and evaluating professional services as defined in Florida State Statute 287.055.

A copy of this standardized format may be obtained by contacting the Purchasing Division.

I. Work Authorizations

Work authorizations from a continuing professional service contract **under \$25,000.00** can be approved by the General Services Director. Work Authorizations **\$25,000.00 and higher must** be presented to the City Commission for approval.

J. Crime Prevention Through Environmental Design (CPTED)

Pompano Beach Ordinance 97-82 provides that “CPTED” trained personnel will be required of professional architects and engineers when selected as consultants to design a building or structure to be used by the general public and constructed by or on behalf of the City.

Ordinance 97-82 amends Section 32-44 “Procurement of Professional Services” of the City of Pompano Beach Code of Ordinances. This Ordinance is included as Exhibit D at the end of this manual.

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CHAPTER 12
CONSTRUCTION CONTRACTS

CONSTRUCTION CONTRACTS

In general, contracts for construction of major City projects are obtained thru the Invitation for Bid (IFB) process. All procedures as previously noted in Chapter 10 “Invitation for Bids/Request for Proposals/Request for Letters of Interest” should be followed.

Construction projects with a value greater than \$5,000.00 or less than \$15,000.00 may be processed via formal written quotations. Advertised bids are required for all construction projects \$15,000.00 or higher in valuation.

A. Bid Preparation

1. General

The entire bid package (with the exception of the standard bid format “front end documents”) is assembled and provided to the Purchasing Division by the Engineering Department or other using agency. It is the responsibility of that agency to insure that all terms, conditions, plans (blueprints) and specifications, and bid pricing form, are complete and accurate. It is also the responsibility of the using agency to submit plans and specifications to the Fire and Building Departments for approval prior to forwarding the documents to the Purchasing Division for further processing.

After receiving the applicable approvals, the using agency must forward one copy of the bid package to the Purchasing Division for review. The appropriate Purchasing staff member will review the package. Any discrepancy will be brought to the attention of the using agency that shall be responsible for the resolution of these discrepancies.

All construction bids shall require a Bid Bond. Construction projects estimated at \$200,000.00 or higher shall also require Performance and Payment Bonds. If the requesting department (Engineering, etc.) determines it is warranted, Performance and Payment bonds can be required for bids under \$200,000.00.

2. Small Business Enterprise Program

In 1998 the City Commission approved a Resolutin establishing a Small Business Enterprise Program. This program was developed to encourage and enhance the competitive opportunities for small businesses. All bids for projects of an estimated value of \$150,000 or more will include a voluntary Small Business Enterprise participation goal. SBE Forms will be included in bids with a participation goal, and all bidders must return the SBE forms in order to be considered for bid evaluation purposes.

During each pre-bid conference the Purchasing Division representative will review the Small Business Enterprise Program, highlight known sources of information about certified small businesses, and encourage prime contractors to seek out small businesses as partners, subcontractors, or suppliers. Small Business Enterprise participation for the project will be reported on the bid tabulation form.

3. Local Business Program

In 2010 the City Commission approved a Resolution establishing a Local Business Program. This program was developed to encourage and enhance the competitive opportunities for businesses located in Pompano Beach; Local Businesses are defined as a business that is physically located within the city limits of the City of Pompano Beach, and that has a current City of Pompano Beach Business Tax Receipt. All bids for projects of an estimated value of \$150,000 or more will include a voluntary Local Business participation goal. Local Business forms will be included in bids with a participation goal, and all bidders must return the Local Business forms in order to be considered for bid evaluation purposes.

During each pre-bid conference the Purchasing Division representative will review the Local Business Program, and explain the Local Business information available through the City of Pompano Beach website (Business Tax Receipt information by business category). All prime contractors will be encouraged to seek out Pompano Beach businesses as partners, subcontractors, or suppliers. Local Business participation for the project will be reported on the bid tabulation form.

When the bid package is correct, the Purchasing Division will prepare the applicable bid format and attach the bid format to the bid package as prepared by the using department. All bid solicitation documents are posted to the City's website, including plans (blueprints.)

B. Announcement of Bids

Due to ever increasing interest in major City projects by the vendor community, solicitation notices for these projects should receive the widest dissemination as possible through legal ads, plan room announcements and various small/disadvantaged business organizations.

1. Legal Advertisement

Legal advertisements are placed in the newspaper of general circulation in Broward County as determined by the City Commission.

The ad will briefly state the project name and location, nature of work required in the project, mandatory pre-bid conference date and time, and identify the City's website as the location to obtain the bid documents.

Projects of an estimated value of \$500,000 or more shall be advertised at least 30 days prior to the established bid opening and at least 5 days prior to any scheduled prebid conference. Projects of an estimated value of \$15,000-\$499,999 shall be advertised at least 21 days prior to the established bid opening and at least 5 days prior to any scheduled prebid conference.

2. Primary Vendors

The primary contacts for construction bids are those firms that are currently listed in the appropriate commodity code grouping, as well as those vendors who have previously completed work for the City. The using department should also provide the Purchasing Division with a list of vendors, if any, that they may be aware of having interest in the particular project.

Additionally, the Purchasing Division may include firms that are listed in various reference sources including, but not limited to: Thomas Register, Municipal Index, Yellow Pages, Contractor's Blue Book, MBE Directories, etc.

3. Plan Rooms

Many firms which may not be reached by mailings or legal ads do make use of various "plan room" locations in the area, such as Dodge Report. Purchasing will send "plan rooms" a bid notice so as to maximize the number of potential contractors the City can reach.

C. Sale of Bid Package

The Purchasing office discontinued the distribution of paper copies of bidding documents; a paper file copy is available for review at Purchasing. All bidding documents (including plans/blueprints, addenda, etc.) are posted to the City's website for download as desired.

D. Pre-Bid Conference

The using agency will advise Purchasing if a pre-bid conference is required for each project. The using agency will also determine if attendance at the pre-bid conference will be mandatory or merely recommended. Vendor attendance at a mandatory pre-bid conference is required if the vendor desires to submit a bid. Those vendors not attending the mandatory pre-bid conference are not eligible to submit a bid on the particular project.

E. Bid Opening

The bid opening for construction projects is conducted in the same manner as other formal sealed bids as outlined in Chapter 10 of this section. At the public bid opening Purchasing will read aloud the bidder name and bid totals as written by the bidder.

In addition to not accepting late submittals (those that are hand delivered or received later than the stated time and date), bids from firms that were not represented at the mandatory pre-bid conferences can not be accepted. These are to be returned in the same manner as indicated in the above mentioned process contained in Chapter 10 of this section.

F. Evaluation Process

To allow for a thorough bid review by the using department once the bid opening is completed, the Purchasing Division should make copies of all pertinent pages from each bid response.

The Purchasing Division will retain the original bid documents in the bid file. The bid copies as indicated above are then forwarded to the using department to allow the review process to begin. In addition, bid bonds will be submitted to the Treasury Division to be routed for review by the Risk Manager and City Attorney.

The contract award should be made to the lowest bidder meeting specifications. If it is the using department's recommendation to award to a bidder other than the lowest meeting specification, a thorough explanation must accompany the using agency's memorandum to the Purchasing Division for formal evaluation.

After review of the using department's evaluation and recommendation, and after the Purchasing Division has agreed with a recommendation, the Purchasing Division will prepare an agenda item on behalf of the requesting department/division for the City Commission, requesting City Commission approval of the award recommendation.

G. Design Build Procurement Procedures

The City Commission authorized the current Design Build Procurement Procedures April 23, 2013 via Resolution No. 2013-207.

A copy of this Resolution is included in as Exhibit E at the end of this manual.

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CHAPTER 13
PROTEST PROCEDURE

PROTEST PROCEDURE

The procedure which must be followed for all protests of Invitation for Bids, Request for Proposals and Request for Letters of Interest is basically the same in all cases, with few exceptions.

A. WHERE TO FILE PROTEST

In order to be considered, protests concerning the proposed solicitation award must be filed in writing with the General Services Director and may only be filed by bidders or proposers who may be aggrieved by the solicitation or award. The initial protest must be addressed to the following:

General Services Director, City of Pompano Beach
1190 N.E. 3rd Avenue, Building C, Pompano Beach, Florida 33060
(if to be hand delivered)

-- or --

P.O. Box 1300, Pompano Beach, Florida 33061-1300
(if to be mailed)

B. TIME LIMIT

The time limit for filing a protest is as follows:

1. Invitation for Bids (IFB)

Five (5) calendar days from the bid opening date.
2. Request for Proposals (RFP)
 - a. Five (5) calendar days from the date a short-list is created by the Selection/Evaluation Committee.
 - b. Five (5) calendar days from the date the final ranking of proposers is created by the Selection/Evaluation Committee.
3. Request for Letters of Interest (RLI)
 - a. Five (5) calendar days from the date a short-list is created by the Selection/Evaluation Committee.
 - b. Five (5) calendar days from the date the final ranking of proposers is created by the Selection/Evaluation Committee.

C. PROTEST EVALUATION

No further action to award an IFB/RFP/RLI under protest will be taken until either the aggrieved vendor withdraws the protest or it is determined that the protest is without merit.

Upon receipt of a timely protest, the General Services Director will review the protest, consult with appropriate City staff, and issue a written finding within ten (10) working days of receipt of the protest. A protest will be considered to have merit only if it can be proven that an action, or lack of action, by the City gave a vendor an unfair competitive advantage. If the protest is found to have merit, appropriate action to correct the situation will be taken. Such action could include, but is not limited to, canceling the original solicitation and reissuing the requirement with the corrective action included in the documentation.

The written finding of the General Services Director shall be sent by certified mail, return receipt requested, to the address of the protesting vendor as set forth in their solicitation response. Receipt of this notice shall be deemed to occur within five (5) calendar days from the mailing of the notice or the receipt of the “certified return receipt card”, whichever is shorter.

D. APPEAL PROCESS

If the General Services Director finds that the protest is without merit, these findings may be appealed, by the vendor lodging the protest, to the City Manager. This appeal must be filed within five (5) calendar days after the protesting vendor receives the initial finding. The appeal must be addressed to:

City Manager, City of Pompano Beach
100 West Atlantic Boulevard, Pompano Beach, Florida 33060
(if to be hand delivered)
-- or --
P.O. Box 1300, Pompano Beach, Florida 33061-1300
(if to be mailed)

Upon receipt of a timely appeal, the City Manager will review the appeal, consult with appropriate City staff and issue a written finding within ten (10) working days of receipt of the appeal.

The City Manager shall consider the protest to have merit if it can be proven that an action, or lack of action, by the City has given a vendor an unfair competitive advantage. If the protest is found to have merit, the City Manager will direct the appropriate City staff to take the corrective action as outlined above.

E. PROCESS FOLLOWING DENIAL OF APPEAL

If the City Manager finds no merit in the protest and does not direct alternative action by City staff, the award process will then continue. The recommendation of staff in the written findings of both the General Services Director and the City Manager will be included as follows:

1. If the award valuation is less than \$25,000.00, the findings will be included in the City Manager concurrence to the General Services Director award package.
2. If the award valuation is \$25,000.00 or higher, the findings will be included in the agenda item presented to the City Commission.

Once the award is made, or the time has expired for timely appeal process, the protest procedure is no longer valid.

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CHAPTER 14
SMALL BUSINESS ENTERPRISE
PROGRAM

SMALL BUSINESS ENTERPRISE PROGRAM

The Program

In 1998 the Pompano Beach City Commission established a voluntary Small Business Enterprise (SBE) Program to encourage and foster the participation of Small Business Enterprises in the central procurement activities of the City. The City of Pompano Beach is strongly committed to ensuring the participation of Small Business Enterprises (SBE's) as contractors and subcontractors for the procurement of goods and services. The Resolution establishing this program is included is Exhibit F at the end of this manual.

Purchasing is responsible for conducting this program and reporting to the City Commission.

Definition of Small Business Enterprise

The definition of a SBE, for the purpose of the City's voluntary program, is taken from the State of Florida Statute 288.703(1). Currently, a small business is defined as an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in Florida that has a Small Business Administration 8(a) certification. As applicable to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments.

Participation Goals

Purchasing will include Small Business Enterprise participation goals in bids for commodities with an estimated contract value of \$75,000 or greater, and in bids for construction with an estimated contract value of \$150,000 or greater.

Bidders are to indicate in their bid response if their firm is a certified Small Business Enterprise, and include the completed "Good Faith Effort Report" form with their bid proposal. Contract modifications (change orders) in excess of \$50,000 are also analyzed by the contract administrator to include or increase participation of small businesses, and the contractor is to demonstrate to the City that good faith efforts were made to contact small businesses for quotes.

Identifying Small Business Vendors

The City encourages all firms submitting bids to the City to undertake good faith efforts to identify appropriate Small Business Enterprise partners. Sources of information on certified Small Business Enterprises include the State of Florida Office of Supplier Diversity, and various cities, counties, school boards and special districts throughout the state. The City includes links to these organizations from the City's website.

Purchasing Division Activities

Purchasing researches the appropriate databases to ensure SBE's are included on mailing lists for formal and informal bids. Vendors registered in NaviLine have an "S" on their vendor record if they have submitted documentation that they are a certified small business. All bidders are asked to indicate in their bid proposal to Purchasing if they meet the above definition of a small business. Purchasing will encourage all small businesses to contact the State of Florida, or a similar entity, to become certified as a Small Business Enterprise.

City-Wide Activities

All departments are encouraged to request price quotes from small businesses. Purchasing is available to assist departments with vendor research, including identifying relevant small businesses to contact for pricing.

Forms

Forms are included in purchasing solicitations for bidders/proposers to document Small Business participation.

The SBE Goal Announcement is used to inform bidders of the Small Business Enterprise participation goal for the solicitation.

The Small Business Enterprise Participation Form is to be completed by the bidder and returned with their bid, listing information about the SBE's that they intend to use as partners/subcontractors.

The Letter of Intent to Perform as a Subcontractor is to be completed by each company that is listed on the Participation Form, and each of these forms is to be included in the bidder's submission to the City.

The Small Business Unavailability Form is to be completed by the bidder and returned with their bid, listing information about the SBE's that they contacted but did not select as a partner/subcontractor.

The Good Faith Effort Report is to be completed by the bidder and returned with their bid, listing information as to the efforts the bidder made to identify opportunities for Small Businesses, and the methods used to solicit quotes from Small Businesses.

CHAPTER 15
SERVICE AGREEMENTS

SERVICE AGREEMENTS

Although the Code of Ordinances does not require bids for service agreements, Department Directors should confer with Purchasing to determine the most appropriate method to establish an agreement for a non-professional service.

Professional services as defined by Florida Statute 287.055 must be obtained through the qualifications-based process (RLI) described in Chapter 11. Audit services must be obtained via an RFP per Florida Statute 218.391.

For services to be rendered to the City via instructions transmitted by a Purchase Order with a value of less than \$15,000.00, the City does not require a signed two-party agreement.

For orders of \$15,000.00 but less than \$25,000.00 approval must be obtained from the City Manager before a Purchase Order can be issued. The standard service agreement form should be prepared using the document promulgated by the City Attorney per Resolution 2012-142.

Any order of \$25,000.00 or more must be presented to the City Commission, and must be on an agreement form approved by the City Attorney's office.

CHAPTER 16
LOCAL BUSINESS PROGRAM

LOCAL BUSINESS PROGRAM

The Program

In 2010 the Pompano Beach City Commission has established a voluntary Local Business Program to encourage and enhance the competitive opportunities for businesses located in Pompano Beach in the central procurement activities of the City. The City of Pompano Beach is strongly committed to ensuring the participation of local businesses as contractors and subcontractors for the procurement of goods and services. The Resolution establishing this program is included is Exhibit G at the end of this manual.

Purchasing is responsible for conducting this program and reporting to the City Commission.

Definition of Small Business Enterprise

Local Businesses are defined as a business that is physically located within the city limits of the City of Pompano Beach, and that has a current City of Pompano Beach Business Tax Receipt.

Participation Goals

Purchasing will include Local Business participation goals in bids for commodities with an estimated contract value of \$75,000 or greater, and in bids for construction with an estimated contract value of \$150,000 or greater.

Bidders are to indicate in their bid response if their firm is a Pompano Beach business, and include the completed “Good Faith Effort Report” form with their bid proposal. Contract modifications (change orders) in excess of \$50,000 are also analyzed by the contract administrator to include or increase participation of local businesses, and the contractor is to demonstrate to the City that good faith efforts were made to contact local businesses for quotes.

Identifying Local Businesses

The City encourages all firms submitting bids to the City to undertake good faith efforts to identify appropriate Local Business partners. Local Business information is available through the City of Pompano Beach website (Business Tax Receipt information by business category).

Purchasing Division Activities

Purchasing researches the appropriate databases to ensure Pompano Beach businesses are included on mailing lists for formal and informal bids.

City-Wide Activities

All departments are encouraged to request price quotes from local businesses. Purchasing is available to assist departments with vendor research, including identifying relevant local businesses to contact for pricing.

Forms

Forms are included in purchasing solicitations for bidders/proposers to document Local Business participation.

The Local Business Goal Announcement is used to inform bidders of the Local Business participation goal for the solicitation.

The Local Business Participation Form is to be completed by the bidder and returned with their bid, listing information about the Pompano Beach businesses that they intend to use as partners/subcontractors.

The Letter of Intent to Perform as a Subcontractor is to be completed by each company that is listed on the Participation Form, and each of these forms is to be included in the bidder's submission to the City.

The Local Business Unavailability Form is to be completed by the bidder and returned with their bid, listing information about the Pompano Beach businesses that they contacted but did not select as a partner/subcontractor.

The Good Faith Effort Report is to be completed by the bidder and returned with their bid, listing information as to the efforts the bidder made to identify opportunities for Local Businesses, and the methods used to solicit quotes from Local Businesses.

SECTION II
CENTRAL STORES

CENTRAL STORES OPERATION

The Central Stores Division is responsible for providing City departments/divisions with a wide variety of commonly used items. The operation of a central stores unit allows the City to save money by means of quantity buying discounts, standardized procurement and reduced administrative costs. **The Chief Material Handling Specialist is responsible for the daily operation of this facility and reports directly to the General Services Director.**

A. HOURS OF OPERATION

The Central Stores warehouse is located at 1190 NE 3rd Ave, Building "C" (east side), Pompano Beach, Florida, 33060, and is open Monday through Friday, with the exception of city holidays, from 7:30 a.m. to 4:30 p.m. The only time the Central Stores area is closed during normal city working hours/days is at time of preparation for and then the actual taking of the annual physical inventory. This occurs approximately one week before the beginning of the new fiscal year on October 1.

B. SAMPLE INVENTORY CATEGORIES

Central Stores inventoried items include the following categories, but not limited to:

1. Copy paper
2. Sanitary paper products (t.p., towels)
3. Office supplies to include pens, pencils, post-it notes, paper clips, pads & tablets, file folders, file boxes, etc.
4. Janitorial supplies to include soap, chemicals, sponges, etc.
5. Paint
6. Small tools
7. Pipe (both PVC and metal)
8. Pipe fittings
9. Water meters
10. EMS supplies
11. Horticultural chemicals
12. First Aid supplies
13. Gloves
14. Rainwear
15. Rubber boots
16. Lamps (light bulbs) for interior and exterior use
17. Fire hydrants

Due to monetary restrictions placed on inventory quantity, Central Stores does not carry an excessive amount of stock of any one item. The use of historical issuing data dictates the amount quantity stocked at any one time.

C. NEW ITEMS/OBSOLETE ITEMS

Throughout the year departments/divisions request new items be added to the inventory and at times notify Central Stores of their intention to discontinue use of a specific item.

The request for new items to be stocked must be submitted in writing to the Chief Material Handling Specialist, Central Stores. Various factors will be considered in determining if the requested item will be placed into the active inventory stock. These factors include, but are not limited to: the quantity required to be stocked; will multiple departments/divisions use the item; and, is there a shelf life of the product. The last factor, shelf life, is very important as the Central Stores warehouse is not a climate controlled facility. Any item with a tendency to deteriorate in stock is not a good candidate for stocking in this facility.

Departments/divisions must also be aware that if stock on an item is at a certain level and the department/division desires to cease using the item (and no other departments/divisions use the item), then the original department/division must charge out the remaining stock to their appropriate expense account.

Because of this condition, department/divisions should be extremely careful in what is requested as an inventoried item in Central Stores.

D. STOCK REQUISITIONS/ISSUE TICKETS

Inventoried items can be obtained from the Central Stores warehouse in two methods. These are as follows:

1. Utilizing the automated Purchasing/Inventory system, the using department/division will enter a stock requisition into the system. The requisition, following approval, is electronically transmitted to Central Stores. Once the requisitioned items are assembled, the order is either ready for pick-up or delivery by the Central Stores van.
2. The other method for obtaining inventoried stock from the Central Stores warehouse is the “walk-up” method. The automated system has the capability to allow Central Stores personnel to enter an “issue ticket” into the system, providing the individual appearing at Central Stores has a valid expense account which can be utilized in charging the issued item(s) against. Central Stores personnel will enter the account information, the name of the requester and the item numbers. As with the Stores Requisition, the system will check the expense account for available funding, but does not require a departmental approval.

To avoid loss of inventory control and proper billing, no supplies will be issued without a stores requisition or issue ticket. It is the responsibility of the using department/division to provide and use valid account numbers when requesting supplies. The proper item description and numbers can be located in various inquiry screens available to the system user and Central Stores maintains several copies of the hard copy inventory catalog at the issuing desk for the use of walk-up customers who may not be sure of the item number.

E. RETURN ITEMS

Returned items are handled through the automated system. The automated Purchasing/Inventory system allows Central Stores personnel to input department/division account numbers, item description and return quantity, which produces a reversing entry in the accounting process. Once the information is entered into the system the proper account is credited with the value of the returned merchandise and the in-stock quantity level of the item is increased.

F. HURRICANE SUPPLIES

In the event of a hurricane or other declared emergency/disaster, Central Stores personnel may be authorized by the Finance Department to charge a special expenditure code for supplies issued to departments for preparation and/or recovery. All supplies so issued must be accounted for by the using departments/divisions so that the expenditures can qualify for reimbursement from FEMA. If supplies are issued and the hurricane or other emergency does not impact the City, Central Stores will accept only those items for return that have not been used or taken out of their original packages. The remaining items will be charged to the using department/division's normal supply accounts. It is the responsibility of each department to inform their personnel of this policy regarding the return of special emergency supplies.

G. RECEIVING & STORAGE CAPABILITIES FOR NON-INVENTORIED ITEMS

The Central Stores warehouse, although having several pieces of material handling equipment, **IS NOT** designated as the central receiving area for the City. There is the ability by warehouse personnel, on a pre-arranged case by case basis, to accept certain types of shipments that may require special off-loading equipment. This can be discussed and/or arranged through the Chief Material Handling Specialist. It must be noted that there is a limitation to the size of equipment or merchandise that can be off-loaded due to limitations on Central Stores fork-lift capabilities. Because of this limitation, it may be necessary to contact the Public Works Department to arrange for boom equipment to off load large items.

Temporary (i.e.: over night) storage may be available in the Central Stores warehouse for non-inventoried items with the advance permission of the Chief Material Handling Specialist. Long term storage of non-inventoried items is not available.

H. AFTER-HOURS CALL OUT

Central Stores personnel are available for after-hours call out response to issue inventoried items needed for emergency use. The after-hours call out list is maintained by the Utilities Department, and updated contact information for Central Stores is provided to Utilities as changes occur.

SECTION III

GRAPHICS

PRINT SHOP/COPY CENTER

The City operates a graphics facility that includes a full service print shop as well as a high-speed duplicator copy machine. This facility is located at 1190 N.E. 3rd Avenue, Building C, Pompano Beach, Florida 33060. **The Printing Technician has responsibility for the daily operations of the Print Shop/Copy Center and reports directly to the General Services Director.**

A. PRINTING/COPYING CAPABILITIES

The Graphics Division is able to produce a wide range of printed materials to include business cards, one and two colors, envelope printing, carbonless paper, padding, folding, form numbering, spiral binding, stapling and booklet making.

The print shop has a high-speed black and white copier, and production quality color copier. Copied work can be produced by print shop staff. The City Commission and CRA Board agendas are produced by the print shop, and these jobs take priority over all other pending projects. Please contact the print shop to determine their current schedule.

B. HOW TO REQUEST PRINT SHOP SERVICES

The Print Shop services are available to departments/divisions requesting printing jobs on the standard "Printing Request Form". This form is included as Exhibit H at the end of this document. The form must contain the following information:

1. Form Number (if applicable)
2. Title of form
3. Date needed by
4. Delivery information
5. Contact person's name and telephone number
6. Department/division location
7. Sample of work requested
8. Description of work and changes, if any
9. Authorized signature

Costs associated with each job, including the cost of the paper used, plate material associated with preparing plates for the printing presses, and any typesetting charges, will be reimbursed to the Central Services budget through Internal Service charges. The typesetting charges are normally incurred because this type of service is completed by an outside printing firm, although the actual print job is completed in-house.

C. ORDERING PRINTED ENVELOPES

To obtain printed envelopes, in addition to submitting the Printing Request Form, the using department/division must also enter a Stock Requisition in the automated system, requesting a specific quantity of unprinted envelopes. The stock requisition comments should indicate the envelopes be delivered to the Print Shop. The quantity on the Printing Request Form and the Stock Requisition must match.

To achieve cost effective printing, the user should request a yearly quantity if storage space is available. It is more cost effective to print once a year rather than every other month. The cost of the plate and/or typesetting is incurred each time a request for overprinting envelopes is received.

The Printing Technician has usage records on file to guide the using agency in determining the quantity to be printed.

D. SERVICES PROVIDED BY THE PRINT SHOP

The print shop can produce the following product:

1. Printing on various colors and styles of paper from 3" to 5" to 11" x 17" maximum.
2. Printing in one and two colors of ink
NOTE: Color ink requires metal plates produced by an outside printing firm at an additional cost.
3. Envelope printing, plain or window (#10) and assorted odd sizes.
4. Carbonless paper 8-1/2" x 11" and 8-1/2" x 14" (up to 6 parts)
5. Hole punching (3 ring standard or assorted odd sizes)
6. Collating of documents
7. Padding (in 50's or 100's)
8. Paper cutting to size, from maximum sheet size of 30-1/2" wide and 48" in length to a minimum sheet size of 2" x 2".
9. Paper folding, from 5" x 8" to 11" x 17".
10. Crash numbering forms in black or red ink (up to 6 digits)
11. Perforating
12. Binding paper utilizing three methods:
 - a. Plastic spiral binders of assorted colors and sizes (with a maximum of 11 inches in length.)
 - b. Glue tape
 - c. Booklet saddle stitch 5-1/2" x 8-1/2" to 8-1/2" x 11" finished.
13. Cellophane wrapping (minimum 200 sheet packages)
14. Stapling 1/16" to 1/8" thick documents, with single staples or saddle stitching.
15. Business cards.
16. Door hangers.

E. PAPER CHOICES: COLORS & WEIGHTS

The following printing stock can be accommodated by the print shop equipment and there is generally a modest stock on hand at all times:

1. White, xerography 20 lb (8.5" x 11" to 8.5" x 14")
2. Bond, Color 20 lb (8.5" x 11" to 8.5" x 14")
3. Offset, white 70 lb (8.5" x 11" to 11" x 17")
4. Bristol, colored 67 lb (8.5" x 11" only)
5. Bristol, white 67 lb (8.5" x 11" only)
6. Index, white & colored 110 lb (8.5" x 11" only)
7. Letterhead (from Central Stores)
8. Envelopes, #10 (from Central Stores)
9. Pressure sensitive stock.

F. SPECIAL PAPER AND INK

Samples of various printing stocks and ink colors can be viewed at the Print Shop. Special orders of paper and ink colors can be made, with the using department/division being charged the actual cost. For all these special jobs, up to two weeks delivery time must be added to allow for receipt of the special stock and/or ink.

G. COPY CENTER

The Copy Center contains a hi-speed duplicator that produces black and white copies.

Although this unit has the ability to produce copies of large quantities, please check with the Printing Technician to determine if it is more cost effective to run a large job on the duplicator or make a paper plate and complete the job on the press.

An updated color copier is also available that includes a multitude of features.

H. ARTWORK STORAGE

Paper originals of most City numbered forms are kept on file in the print shop for future reprints. **It is the using department/divisions responsibility to notify the Printing Technician of any changes to the form, so that outdated originals can be destroyed.**

Along with the actual artwork, a printing history is kept with each form for the information of the using department.

SECTION IV
MAIL OPERATIONS

CENTRALIZED MAIL SERVICE

The City operates a centralized mail center from its location on the first floor of City Hall, 100 W. Atlantic Boulevard. **The Messenger has the daily responsibility for this facility and reports directly to the General Services Director.**

This centralized operation provides many benefits to the using departments/divisions. These benefits lie primarily in the area of centralized control and responsibility and administrative cost savings through one unit completing an essential job for many and dealing with private postal carriers to obtain postage reductions for first class mail.

The mail operation offers pickup and delivery from agencies outside of City Hall as well as mail sorting of both postal and interoffice for all City departments. With the exception of the water bills which are opened and delivered immediately to the Treasury Office, it is the responsibility of all departments/divisions within City Hall to pick up their mail from the mail room, as well as deliver any outgoing postal or inter-office correspondence to the mail room.

The mail room is open on a daily basis until 4 p.m. each working day, Monday thru Friday.

A. **MAIL DUTIES AND SCHEDULES**

1. **Postal Mail Collection**

The incoming postal mail is collected once daily at approximately 8 a.m. from the Pompano Beach Post Office on N.E. 6th Street.

The Messenger brings this mail to City Hall. Water bills from P.O. Box 908 are opened immediately and delivered to the Treasury Office.

The Messenger then completes sorting of the postal mail into the appropriate department/division mail slots.

During this period, any inter-office mail that has been delivered to the Mail Room is also sorted into the appropriate department/division mail slots.

2. Mail Delivery

The current mail delivery schedule includes morning delivery and pickup.

a. Starting at approximately 9:30 a.m., the mail stops (in approximate order) for the delivery/pickup schedule are as follows:

1. Fire Administration
2. BSO District XI
3. Herb Skolnick Center
4. City Pension Office
5. E. Pat Larkins Center
6. Police & Fire Pension Office
7. Preschool
8. Water Distribution
9. Purchasing
10. Building A
11. Building B
12. Building Maintenance
13. Water Treatment Plant
14. Public Works Administration/Engineering
15. Air Park
16. Golf Course
17. Highlands Park
18. Emma Lou Olsen Center
19. Credit Union
20. Aquatic Center
21. Tennis Center
22. Mitchell/Moore Center
23. Houston Sworn Pool
24. McNair Center

3. Postal Mailing Process

In the afternoon, the processing of the outgoing mail begins.

All postal mail picked up by the Messenger throughout the day and those items delivered to the City Hall Mail Room by department/division personnel are picked up by the contract mail carrier at approximately 4 p.m. each day.

All outgoing postal mail must be identified as to the department/division of origin by use of envelopes overprinted with the department/division name. The proper department/division identification is needed to allow the proper account being charged with postage used each day, and to allow for proper identification of any mail returned as undeliverable by the Post Office.

The outgoing postal mail is affixed with a postal impression or tape (depending on the size of the individual mailing). The postage is automatically assigned to the appropriate department/division code through the automated mailing machine. The postage tally sheet is then transmitted to the Finance Department on a monthly basis for charging to the appropriate account.

The Mail Room deals with a private mail contractor as well as the U.S. Postal Service, as follows:

- a. All first class mail available for a pre-sort discount is assigned a discounted rate. An example of the discount the City currently receives through this service is as follows: (1) the stated postage rate for a piece of mail weighing one ounce or less is \$0.46. (2) The City is charged \$0.36 for the same mailing.

This discount is achieved for the City because the private contractor picks up mail from other governmental entities and private firms daily. This mail is then combined by zip code and delivered to the U. S. Post Office for processing. The processing cost to the U.S. Post Office for this mail is diminished due to the previous sorting that has been accomplished by the private contractor.

4. Express Mail Service

The Mail Room is responsible for the outgoing postal mail only. The Mail Room does not have the responsibility of directing mail or parcels to such services as Federal Express, UPS, etc. All incoming packages from these firms are to be delivered by the vendor to the proper office in City Hall or one of the city offices located outside of City Hall; the Messenger does not accept delivery of these packages.

Each department/division desiring to utilize the services of Federal Express, UPS, etc. must make their own arrangements for pick-up at their individual office.

5. Personal Mail

The City Mail Room is not responsible for personal mail received or outgoing.

Postage is the property of the City and must be used only for mailing City related correspondence. Use of City postage for private purposes is subject to disciplinary action.

The Mail Clerk will accept outgoing, pre-stamped personal mail and place it in the Postal Mail collection box outside of City Hall for pickup. The Mail Clerk will also place in the proper department/division mail slot any incoming mail of a personal nature delivered to the City post office boxes. The responsibility for personal mail will end at this point.

6. Postal Rates/Regulations

The Mail Room is the repository for information concerning current postal rates and regulations. Due to the ever changing requirements this manual will not attempt to cover these in written form. From time to time, when regulations change that affect the manner in which mail is addressed, etc., the General Services Department will issue informational memorandum to all departments/divisions.

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SECTION V

DISPOSAL OF
SURPLUS/SCRAP PROPERTY

DISPOSAL OF SURPLUS/SCRAP PROPERTY

A. Definitions:

1. Surplus Property - City-owned property which has reached the end of its useful life or has become obsolete in the City service.
2. Scrap - Damaged, spent, or otherwise unusable equipment, parts, or materials whose only value lies in recycling of its component parts or materials.

B. Procedure for Surplusing Property

1. When a department/division wishes to surplus any City-owned property, the appropriate documentation must be completed, as follows:
 - a. Vehicles and Equipment: “Property Control Memo” (Form PBFM118). This form is included as Exhibit I at the end of this manual.
 - b. All Other Property: “Custody Control Form” (Form PB 1403). This form is included as Exhibit J at the end of this manual.
2. Completed forms for non-vehicle surplus items must be forwarded to the Purchasing Division. Completed forms for vehicles must be submitted to the Fleet Manager.
3. Upon receipt of forms in the Purchasing Division, the listed property will be assessed to determine what disposal action should take place.

Vehicles will be turned in to the City Garage. All other surplus property will be stored by the department/division that owns the item(s) until transfer or sale is approved.

4. The Purchasing Division will, on a regular basis, circulate a listing of surplus items to all City departments/divisions via email. Departments/divisions may review the surplused items and request a transfer of the property to their custody. In this case, the requesting department/division must submit a memo or email to the Purchasing Division indicating the item that will be transferred to their control. The Purchasing Division will then annotate the Custody Control Form with the new information and forward copies to the appropriate departments.

The department/division that owns the item(s) may also distribute information by email to all other departments, offering the surplus for transfer. Custody control paperwork submitted to Purchasing for such items will identify the transfer information.

5. Should surplused items remain unclaimed by other departments/divisions, these items will be included in the property offered to the public via auction and will be sold to the highest bidder.

C. Methods of Sale

1. Public Auction

This is the most common method of disposing of all surplus, confiscated and “lost and found” property.

The General Services Director is responsible for the public auction.

The City will contract with a professional auctioneer, who will conduct the auction, collect all proceeds and then provide a final accounting of the auction results. The Buyer in the Purchasing Division has the responsibility of coordinating all these facets of the auction with the auctioneering firm. Currently, the City uses an auctioneer that conducts auctions via the Internet.

Auction information is posted to the Purchasing page of the City’s website.

Unless requested by City authorities, items will be sold “as-is” to the highest bidder (Absolute Auction). On occasion, due to their market value, certain items, will be sold only if a minimum bid price is offered at the public auction (“sold with reserve”).

2. Sealed Bid or Formal Quotation

If the item(s) to be sold are technical in nature or require solicitation in a specialized market, the sealed bid or formal quotation methods may be utilized in lieu of an auction.

For equipment and scrap material whose expected sales value will equal or exceed \$15,000.00 in total, sealed bids should be utilized. The bid must be advertised in a newspaper of general circulation in the Pompano Beach area and may also be advertised in trade journals or other specialized publications which can target specific markets. All requirements noted in Section I, Purchasing Division, Chapter 6, shall apply. The only exception is that the sale will be awarded to the highest bidder, unless the bid fails to meet a specified minimum amount contained in the solicitation.

For equipment and scrap material whose expected value will not reach the \$15,000.00 threshold, formal quotations should be utilized. With this type of solicitation advertising is not required. However, the Purchasing Division must attempt to solicit at least three vendors (if possible) to obtain competitive offers. All requirements noted in Section I, Purchasing Division, Chapter 5, shall apply. The only exception is that the sale will be awarded to the highest bidder, unless the bid fails to meet a specified minimum amount contained in the solicitation.

D. Discarding or Scrapping of Un-Saleable Items

Should attempts to sell surplus or scrap property fail, the General Services Director has the discretion to declare the items as worthless and authorize their discard in a suitable manner. If an item is to be scrapped, this status must be noted on the appropriate Custody Control Form.

E. Contribution of Property to other Governmental Agencies and Non-Profit Organizations

The General Services Director may contribute City-owned property to other governmental agencies or bona-fide non-profit organizations.

Depending on unique circumstances the General Services Director may seek concurrence of the decision to contribute the property from the City Manager or the City Commission.

Documentation denoting an organization as “non-profit” should be obtained from the organization and reviewed by the City Attorney prior to taking any contribution action.

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SECTION VI

EXHIBITS

INDEX OF EXHIBITS

EXHIBIT “A” Purchase Order Form

EXHIBIT “B” Sole Source/Sole Brand Form

EXHIBIT “C” Contract Modification (Change Order) Form (for construction)

EXHIBIT “D” Crime Prevention Through Environmental Design (CPTED) Resolution

EXHIBIT “E” Design Build Procurement Procedures Resolution

EXHIBIT “F” Small Business Enterprise Program Resolution

EXHIBIT “G” Local Business Program Resolution

EXHIBIT “H” Printing Request Form

EXHIBIT “I” Vehicle/Equipment Property Control Memo

EXHIBIT “J” Custody Control Form



**CITY OF POMPANO BEACH
PURCHASE ORDER**

P.O. DRAWER 1300
POMPANO BEACH, FLORIDA 33061-1300
AN EQUAL OPPORTUNITY EMPLOYER

PAGE:
PURCHASE ORDER NO.
DATE:

Exhibit "A"

TO _____ SHIP TO _____

PLEASE SEE TERMS AND CONDITIONS PRINTED ON THE REVERSE.

DELIVER BY		VENDOR TELEPHONE NUMBER		F.O.B.		TERMS	
CONFIRM BY		PURCHASING AGENT		REQUISITIONED BY			
VENDOR NUMBER		CONTRACT NO.	ACCOUNT NO.		PROJECT	REQ. NO.	REQ. DATE
LINE NO.	QUANTITY	UOM	ITEM NO. AND DESCRIPTION	UNIT COST	EXTENDED COST		

CITY OF POMPANO BEACH, FLORIDA

AUTHORIZED BY _____
PURCHASING AGENT

VENDOR COPY

F.O.B. POMPANO BEACH, FL F.E.I. 59-600411 U.S. Treasury Department I.R.S. Registration No. 59-74-0083K State Sales Tax Exemption Certificate No. 85-8012621672C-6
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IMPORTANT INFORMATION FOR VENDORS

1. PURCHASE ORDER # MUST APPEAR ON ALL INVOICES, SHIPPING NOTICES & PACKAGES.
2. INCLUDE PACKING LIST WITH EACH SHIPMENT.
3. IMMEDIATELY UPON SHIPMENT SEND INVOICE, IN DUPLICATE TO: ACCOUNTS PAYABLE / P.O. DRAWER 1300 / POMPAÑO BEACH, FL 33061
4. NO C.O.D. SHIPMENTS ACCEPTED.
5. "IF ITEM(S) PURCHASED ARE CLASSIFIED AS TOXIC OR HAZARDOUS SUBSTANCES UNDER CHAPTER 442 FLORIDA STATUTES, VENDOR MUST SUBMIT COPIES OF MATERIAL SAFETY DATA SHEET (MSDS) FOR EACH SUBSTANCE TO DELIVERY LOCATION AT THE TIME OF SHIPMENT. PRODUCTS MUST BE IDENTIFIED AND LABELED IN ACCORDANCE WITH OSHA STANDARDS. FAILURE TO COMPLY WITH THESE REQUIREMENTS WILL RESULT IN DELAY OF PAYMENT UNTIL COMPLIANCE IS EFFECTED."

Exhibit "A"

PAYMENT TERMS

PAYMENT OF THIS PURCHASE ORDER WILL BE MADE WITHIN 45 DAYS AFTER RECEIPT OF MERCHANDISE, UNLESS PAYMENT DISCOUNT IS OFFERED. WHERE SUCH TERM DISCOUNT IS ALLOWED, THE CITY RESERVES THE RIGHT TO DEDUCT THE DISCOUNT WITHIN THE STATED TIME LIMIT BEGINNING AFTER RECEIPT OF MERCHANDISE. DISCOUNT TERMS, IF ANY, ARE TO BE STATED ON VENDOR INVOICE.

TERMS AND CONDITIONS

1. **Quality:** The quality of the item(s) delivered shall be equal to or better than the item(s) listed herein as approved by the City. Substitutes of lesser quality must be approved in writing, in advance by the Purchasing Agent, City of Pompano Beach, prior to shipment.
2. If prices are higher than specified, do not ship without Purchasing Agent's prior approval in writing.
3. Send separate invoice for each shipment.
4. Delivery will be accepted at Vendor's risk. Goods are subject to inspection and return to vendor at vendor's expense if found unsatisfactory.
5. All credit adjustments must be made by check or credit memo directly to the Finance Department
6. The City is exempt from the payment of all Federal excise taxes and sales taxes of the State of Florida, and generally all other State Governments. Seller shall furnish proper exemption certificate.
7. Correspondence in reference to this order must be addressed to the Purchasing Agent, City of Pompano Beach, Florida.
8. Vendor, by accepting this order, assumes complete responsibility for any alleged patent infringements, and will hold the City harmless from all suits and payments.
9. The City assumes no responsibility for purchases exceeding \$ 25.00 which are not covered by a purchase order number or approved by the Purchasing Agent or Buyer, in writing.
10. The nondiscrimination clause contained in Section 202, Executive Order 11246, as amended by Executive Order 11375, relative to Equal Opportunity for all persons without regard to race, color, religion, sex or national origin, and the implementing rules and regulations prescribed by the Secretary of Labor, are incorporated herein.
11. **RETENTION OF RECORDS & RIGHT TO ACCESS CLAUSE:**
The vendor shall preserve and make available all financial records, supporting documents, statistical records, and any other documents pertinent to this contract for a period of (3) years, the records shall be retained until resolution of the audit finding.
12. **If the above conditions are not acceptable, please advise the City on receipt of the order and prior to making delivery.**

Exhibit "B"

SOLE SOURCE/SOLE BRAND APPROVAL FORM

ITEM: _____

REASON FOR
SOLE BRAND/
SOLE SOURCE: _____

(Attach additional memorandum for justification)

VENDOR NAME (IF SOLE SOURCE): _____

ESTIMATED COST: \$ _____

USING DEPT./DIV.: _____

BLANKET ORDER: ___ Yes ___ No FIXED COMMODITY: ___ Yes ___ No

APPROVAL:

DEPARTMENT HEAD: _____ DATE: _____
(Name & Title)

GENERAL SERVICES DIRECTOR: _____ DATE: _____

CITY MANAGER: _____ DATE: _____

Exhibit "C"



CONTRACT MODIFICATION (CHANGE ORDER)
 CITY OF POMPANO BEACH
 P.O. Drawer 1300
 Pompano Beach, FL 33061

Project Name: Project Number: Owner: City of Pompano Beach Contractor:	Contract #: Date: Change Order #:
All items terms and conditions of the original contract No _____ dated _____ remain unchanged and in full force and effect.	

The following modifications to the CONTRACT are hereby ordered:

	CONTRACT AMOUNT		CONTRACT TIME (Calendar Days)
Original	\$ _____	Original Contract Time	_____ Days
Previous Changes (+/-)	\$ _____	Previous Changes (+/-)	_____ Days
This Change Order (+/-)	\$ _____	This Change Order (+/-)	_____ Days
Revised Contract Amount	\$ _____	Revised Contract Time	_____ Days
% change from Original (this CO)	_____	Cumulative COs	_____ %
Revised Contract Completion Date Is	_____		

OWNER	CONSULTANT	CONTRACTOR
City of Pompano Beach		
P.O. Box 1300		
Pompano Beach, FL 33061		

By: _____ By: _____ By: _____

 City Manager
 Date: _____ Date: _____ Date: _____

CIVIL ENGINEER	PUBLIC WORKS ADMINISTRATOR	
City of Pompano Beach	City of Pompano Beach	
1201 NE 5 th Avenue	1201 NE 5 th Avenue	
Pompano Beach, FL 33060	Pompano Beach, FL 33060	

By: _____ By: _____ By: _____

 Civil Engineer Public Works Administrator
 Date: _____ Date: _____ Date: _____

Exhibit "D"

ORDINANCE NO. 97- 82

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE AMENDING CHAPTER 32, "DEPARTMENTS", OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 32.44, "PROCUREMENT OF PROFESSIONAL SERVICES", TO PROVIDE FOR CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN ("CPTED"); PROVIDING FOR DEFINITIONS; PROVIDING CPTED TRAINING BE A FACTOR IN SELECTION OF PROFESSIONAL AND ARCHITECTURAL ENGINEERING SERVICES FOR CITY FACILITIES; PROVIDING THAT CPTED APPLICATION SHALL BE CONSIDERED IN APPROVING THE FINAL DESIGN FOR CITY FACILITIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Crime Prevention through Environmental Design ("CPTED") was first introduced in 1971 and has over the years been adopted by various communities; and

WHEREAS, the proper design and effective use of the constructed environment can lead to a reduction in the incidence of fear of crime and an increase in the quality of life; and

WHEREAS, the City of Pompano Beach believes that CPTED application should be considered in the final design of City facilities; and

WHEREAS, the City of Pompano Beach believes that CPTED trained personnel are an important factor when selecting professional architects and engineers; and

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

Exhibit "D"

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1: That Section 32.44, "Procurement of Professional Services", of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

(A) Any committee established by the City Manager or designee for the purpose of evaluating proposals for professional services, as defined in F.S. §287.055, shall determine qualifications, interest, and availability by reviewing all written responses received that express an interest in performing the services, and when deemed necessary, by conducting formal interviews of selected respondents that are determined to be the best qualified based upon the evaluation of written responses. The evaluation shall be determined by the evaluation criteria listed in F.S. §287.055, as it presently exists or may hereafter be amended.

(B) Purpose. The purpose of this policy is to promote Crime Prevention through Environmental Design ("CPTED") for newly constructed City facilities.

(C) Definitions.

"CITY FACILITY." For purposes of this code, shall mean a building or structure to be used by the general public and constructed by or on behalf of the City of Pompano Beach.

"CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)." A proactive approach using the following principles in the design and care of the built environment to reduce the incidence and fear of crime:

(1) Natural surveillance:

a. The placement and design of physical features to maximize visibility. This includes buildings orientation, windows, entrances and exits, parking lots, walkways, guard gates, landscape trees and shrubs, fences or walls signage and other physical obstructions.

Exhibit "D"

b. The placement of persons and/or activities to maximize surveillance possibilities.

c. Lighting that provides for nighttime illumination of parking lots, walkways, entrances and exits.

(2) Natural access control:

a. The use of sidewalks, pavement, lighting and landscaping to clearly guide the public to and from entrances and exits.

b. The use of fences or landscaping to prevent and/or discourage public access to or from dark and/or unmonitored areas.

(3) Territorial reinforcement: The use of physical attributes that express ownership of property, such as pavement treatments, landscaping, art signage, screening and fences.

(4) Maintenance: The use of low maintenance landscaping and lighting treatment to facilitate the CPTED principles of natural surveillance, natural access control and territorial reinforcement.

"CPTED Training." A basic training course by an instructor as approved by the Office of the Attorney General for the State of Florida or the National Crime Prevention Institute, or a course of study offered by an accredited college or university.

(D) Application of policy. When acquiring professional architectural and/or engineering services for the construction of a City facility, the City shall consider whether the firm or individual seeking to provide such professional services has a staff person or persons who are CPTED trained as a factor in the competitive selection process.

When approving the final design for the construction of a City facility, CPTED application shall be taken into consideration.

SECTION 2: If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of

Exhibit "D"

this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 3: This Ordinance shall become effective upon passage.

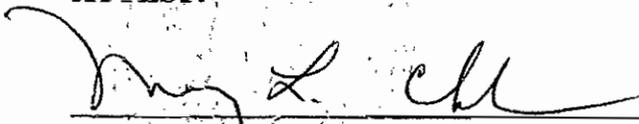
PASSED FIRST READING this 9th day of September, 1997.

PASSED SECOND READING this 23rd day of September, 1997.



WILLIAM F. GRIFFIN, MAYOR

ATTEST:



MARY L. CHAMBERS, CITY CLERK

GBL:amd
6/10/97
L:ORD\CH32\97-315a

EXHIBIT "E"

RESOLUTION NO. 2013- 207

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RESCINDING RESOLUTION NO. 2003-117 AND AUTHORIZING THE PROPER CITY OFFICIALS TO APPROVE DESIGN BUILD PROCUREMENT PROCEDURES; PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Resolution No. 2003-117 is hereby rescinded in its entirety.

SECTION 2. That Design Build Procurement Procedures for the City of Pompano Beach, a copy of which is attached hereto and incorporated by reference as if set forth in full.

SECTION 3. That the proper City officials are hereby authorized to approve said procedures.

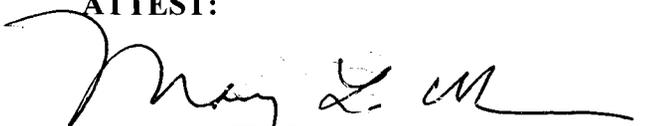
SECTION 4. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this 23rd day of April, 2013.



LAMAR FISHER, MAYOR

ATTEST:



MARY L. CHAMBERS, CITY CLERK

GBL/jrm
4/4/13
l:reso/2013-233

EXHIBIT "E"

DESIGN BUILD PROCUREMENT PROCEDURES

ACQUISITION OF DESIGN BUILD SERVICES

Design-build contracts.

1. *Definitions.* The following words, terms and phrases, when used in this subsection, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- a. *Design-build firm* means a partnership, corporation, or other legal entity which:
 - i. Is certified under Section 489.119, Florida Statutes, to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; and
 - ii. Is certified under Section 471.023, Florida Statutes, to practice or to offer to practice engineering; certified under Section 481.219, Florida Statutes, to practice or offer to practice architecture; or certified under Section 481.319 to practice or to offer to practice landscape architecture.
- b. *Design-build project* means a public construction project to be designed and constructed using any of the design-build procurement methods outlined in this Order.
- c. *Design criteria package* means concise, performance-oriented drawings or specifications of the public construction project. The purpose of the design criteria package is to furnish sufficient information so as to permit design-build firms to prepare a bid or a response to the CITY's request for proposal, or to permit the CITY to enter into a negotiated design-build contract. The design criteria package shall specify such performance-based criteria for the public construction project, including, but not limited to, the legal description of the site, survey information concerning the site, interior space requirements, material quality standards, schematic layouts and conceptual design criteria of the project, cost or budget estimates, design and construction schedules, site development requirements, provisions for utilities, stormwater retention and disposal, and parking requirements, as may be applicable to the design-build project.
- d. *Design criteria professional* means a firm who holds a current certificate of registration under Chapter 481, Florida Statutes, to practice architecture or landscape architecture or a firm who holds a current certificate as a registered engineer under Chapter 471, Florida Statutes, to practice engineering and who is

EXHIBIT "E"

employed by or under contract to the CITY for the providing of professional architect services, landscape architect services, or engineering services in connection with the preparation of the design criteria package.

2. *Process.* All design-build contracts shall be awarded by either a competitive proposal process as outlined in Section 3. of this Order or a qualification based selection process as outlined in Section 4. of this Order. The CITY shall determine which method is used.

3. *The competitive proposal process for award of a design-build contract.*

a. *Employment or Retention of a Design Criteria Professional.* If the CITY does not have a Design Criteria Professional qualified to assist in the evaluation of the design-build project that is the subject of the design-build contract to be awarded, the CITY shall procure the services of such Design Criteria Professional in accordance with the following procedures:

i. *Public announcement.*

The City Manager or his or her designee shall publicly announce, when required by Chapter 287.055, Florida Statutes, as amended, each occasion such professional services are required. Such announcement shall be made by publishing the same in a newspaper of general circulation setting forth a description of the type of services required, and the procedure to be followed by any firm wishing to be employed to perform such services. Such procedure may include a Request for Statement of Qualifications, Request for Letter of Interest, or any other form of solicitation deemed appropriate by the City Commission.

ii. *Qualification and Selection.*

(1) For each project professional to be publicly announced, the City Manager or his designee shall appoint a Selection/Evaluation Committee of not less than three (3) members, one of whom shall be a professional in the field of the endeavor or practice involved.

(2) The Selection/Evaluation Committee shall evaluate the responses to the CITY's solicitation submitted by each firm and shall meet to select, based on the firms' qualifications, approach to the project, and ability to furnish the required services, no less than three (3) firms, in order of preference, found to be the most highly qualified to perform the required services. Any meetings of the qualification and selection committee shall be held pursuant to Chapter 286 of the Florida Statutes. When making its determinations, the qualification and selection committee may consider factors including: the firm's certification as required by law or the governing body of the profession involved; proper registration with the Secretary of State if the firm is a corporation or partnership; capabilities and experience of the firm; the ability and adequacy of

EXHIBIT "E"

professional personnel; past performance; willingness to meet time and budget requirements; locations of the firm; the recent, current, and projected workloads of the firm; the affirmative action plans and minority business certification of the firm; and the volume of work previously awarded to each firm by the CITY with the object of effecting an equitable distribution of contracts among qualified firms. If less than three (3) firms are found to be most highly qualified, then each firm, in order of preference, shall be identified and evaluated pursuant to the process described herein. Oral presentations or oral interviews to either or both the qualification and selection committee and the City Commission may be required from the firms.

- (3) The Selection/Evaluation Committee shall report its findings, together with supporting data, to the City Manager and shall file a copy of its findings with the Clerk of the CITY .
- (4) The City Commission shall review the rankings submitted by the Selection/Evaluation Committee. Upon its approval of the three highest ranked firms, the City Commission shall forward the selections and rankings to the City Manager or his or her designee, who shall commence negotiating a contract in accordance with the procedures set forth hereafter.

iii. *Competitive Negotiations.*

- (1) The City Manager or his or her designee shall attempt to negotiate a professional services contract for each project required to be publicly announced under the subsection above with the firm which has been ranked first. In arriving at a compensation figure the City Manager or his or her designee shall conduct a detailed analysis of the cost of the professional services required, and shall give full consideration to the extent and complexity of the services required. For all lump sum or cost-plus-a-fixed-fee contracts in which the fee will exceed one hundred fifty thousand dollars (\$150,000.00), the City Manager or his or her designee will require the firm receiving the award to execute a Truth-in-Negotiation certificate as required by Chapter 287, Florida Statutes.
- (2) Should the City Manager or his or her designee be unable to negotiate a satisfactory contract with the firm that has been ranked first at a price which the City Manager or his or her designee believes to be fair, competitive and reasonable, negotiations with that firm shall be formally terminated. The City Manager or his or her designee shall then undertake negotiations with the firm which the Board ranked second. Failing to reach agreement with this

EXHIBIT "E"

firm, such negotiations shall terminate, and the City Manager or his or her designee shall then undertake negotiations with the firm ranked third by the Board.

- (3) Should the City Manager or his or her designee be unable to negotiate a satisfactory contract with any of the selected firms, additional firms shall be selected in accordance with the procedure set forth herein. Negotiations shall continue in accordance with this Order until an agreement is reached. The negotiated agreement shall be presented to the City Commission for approval.

The CITY's engineering staff shall consult with the design criteria professional concerning its duties which include, but are not limited to, evaluation of the responses or bids submitted by the design-build firms; supervision or approval by the CITY of the detailed working drawings of the project; and evaluation of whether the design-build project construction complies with the design criteria package. A design criteria professional who has been selected to prepare the design criteria package shall not be eligible to render services under a design-build contract executed pursuant to the design criteria package.

- b. *Preparation of the Design Criteria Package.*
 - i. All such design-build projects require a design criteria package to define the project parameters which are to be used to evaluate and govern the proposal. This design criteria package consists of concise performance oriented drawings or specifications, or both, of the design-build project. The criteria shall include the requirements set forth in Section 287.055 (2)(j), Florida Statutes.
 - ii. The design criteria package shall be prepared and sealed by a design criteria professional employed by or retained by the CITY.
- c. *Request for proposals.* The CITY shall develop a request for proposals (RFP) to solicit proposals from design-build firms. The RFP shall contain as a minimum the following:
 - i. The design criteria package.
 - ii. Basis and method for selection.
 - iii. Requirements for determining qualifications of firms submitting proposals.
 - iv. Terms and conditions of the proposed agreement.
 - v. Other items as required by procedure, laws, or prevailing circumstances.

EXHIBIT "E"

- d. *Public Notice.* A notice of an RFP will be prepared and advertised by the CITY in a newspaper of general circulation setting forth a general description of the design-build project and indicating where to acquire the RFP, and the deadline and location for submission of the RFP.
- e. *Evaluation of proposals and selection of most qualified firms.*
 - i. *Selection/Evaluation Committee.* A Selection/Evaluation Committee (SEC) shall be appointed by the City Manager or his designee to select design-build firms for recommendation to the City Commission. One of the members of the SEC shall be the employed or retained design criteria professional.
 - ii. *Legal qualifications.* Any firm or individual desiring to provide such design-build services to the CITY must first be determined legally qualified. Such legal qualifications include the certifications set forth in Section 1.(a)(i) of this Order as well as any other applicable law.
 - iii. *Evaluation and Recommendation of Selection/Evaluation Committee.* The SEC shall evaluate the proposals submitted, considering such factors as the ability of professional personnel; past performance; ability to meet time and budget requirements; location of firm office(s); financial stability of the firm; recent, current and projected work loads of the firm; price, technical and design aspects of the design-build project, and other factors relevant to the project as may be set forth in the request for proposal, weighted for the design-build project. Upon the receipt of three (3) or more bids, the SEC shall select no less than three (3) design-build firms in order of preference, deemed to be the most qualified to perform the required services for the design-build project, for recommendation to the CITY Commission. The SEC shall forward its recommendations to the CITY Manager and the CITY Commission and shall file a copy of its findings with the Clerk of the CITY. Upon the City Commission's approval of the SEC's recommendations, the City Manager or his/her designee will proceed to negotiate a contract. Oral interviews and/or oral presentations to either or both the SEC and the City Commission may be required from the firms.
 - iv. *Competitive Negotiations.* The City Manager shall attempt to negotiate a contract for design-build services for the design-build project with the firm ranked highest as a result of the competitive or qualifications-based selection process, as applicable. Should the City Manager be unable to negotiate a satisfactory design-build contract with the highest ranked design-build firm, negotiations with that design-build firm shall be formally terminated. The City Manager shall then undertake negotiations with the second highest ranked firm. Failing accord with the second highest ranked firm, the City Manager shall then undertake negotiations with the third highest ranked firm. Should the City Manager be unable to

EXHIBIT "E"

negotiate a satisfactory contract with any of the selected firms, additional firms shall be selected in accordance with the foregoing rules. Negotiations shall continue in accordance herewith until an agreement is reached.

4. *The qualifications-based selection process for award of design-build project contracts:*
 - a. *Employment or Retention of a Licensed Design Professional.* If the CITY does not have a Licensed Design Professional, as defined by Section 725.08(4), Florida Statutes, qualified to assist in the evaluation of the design-build project that is the subject of the design-build contract to be awarded, the CITY shall procure the services of such Licensed Design Professional in accordance with the procedures set forth in Sections 3. of this Order. The Licensed Design Professional shall serve as the CITY's representative with regard to the design-build project.
 - b. *Request for qualifications.* The CITY shall develop, with the assistance of the Licensed Design Professional, a request for qualifications (RFQ) or similar solicitation to solicit interested, qualified design-build firms pursuant to the requirements set forth in the solicitation and this Order.
 - c. *Public announcement, qualification, and selection process.* The CITY shall publicly announce an RFQ or similar solicitation and select the most qualified firms in accordance with the procedures set forth in Sections 3.a.(i) and (ii) above.
 - d. *Competitive negotiations.* Upon the City Commission's selection of the most qualified firms, the City Manager shall commence negotiations in accordance with the procedures set forth in Section 3.a. of this Order.
 - e. *Guaranteed Maximum Price and Guaranteed Completion Date.* The firm awarded the design-build contract shall subsequently establish a guaranteed maximum price and guaranteed completion date for the design-build project.
5. *Emergency measures.* In the event of a public emergency, the City Manager may declare an emergency and authorize negotiations with the best design-build firm available at that time.

GBL/jrm

4/5/13

l:agr/adm-order design build 2013

Exhibit "F"

RESOLUTION NO. 98- 18

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ESTABLISHING A SMALL BUSINESS ENTERPRISE PROGRAM, A POLICY TO INCREASE THE PARTICIPATION OF SMALL BUSINESSES IN THE CITY'S PROCUREMENT PROCESS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Pompano Beach, through its contracting function, has a significant impact on local economic activity and business development; and

WHEREAS, the City of Pompano Beach will continue to use its purchasing functions to encourage and enhance the competitive opportunities for small businesses; and

WHEREAS, the City of Pompano Beach shall diligently encourage any contractor or subcontractor to undertake good faith efforts to include small businesses in the equitable sharing of its contracts; and

WHEREAS, the Small Business Enterprise (SBE) Program must create the least burden possible on the rights of others; now, therefore,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1: That the City Commission of the City of Pompano Beach hereby adopts a Small Business Enterprise Program as set forth as follows:

GENERAL SMALL BUSINESS ENTERPRISE PROGRAM AND POLICIES:

The City Manager shall charge at least one (1) employee with the responsibility of monitoring applicable City contracts for compliance with the provisions of this

Exhibit "F"

Resolution and for review of the City's procurement activities to insure reasonable efforts are being made to encourage and foster the participation of certified Small Business Enterprises (SBEs) in the central procurement activities. One such remedial measure shall be the implementation of contract goals for SBEs.

1. Definitions.

- a. Construction Contract - A contract for the erection, improvement or construction of bridges, roadways, sidewalks or other structures (or infrastructure) or any site work, grading or planting.
- b. Contract - Any contract, construction contract, purchase order, agreement, or professional service agreement (other than a lease, purchase or sale of real property or collective bargaining agreement) awarded by an officer or agency of the City and whose cost is to be paid from funds belonging to or administered by the City of Pompano Beach City Commissioners.
- c. Contractor - Any person or business entity that enters into a contract with the City of Pompano Beach and includes all partners and all joint ventures of such person. (General contractor shall mean the same as a general or prime consultant.)
- d. Goal - The percentage of SBE participation aspired to by the City of Pompano Beach.
- e. Owned - Having all the customary incidents of ownership, including the right of disposition and the right or obligation to share in all risks and profits commensurate with the degree of ownership interest.
- f. Professional Services - Infrequent, technical and or unique functions performed by independent contractors whose occupation is in the rendering of such services while not limited to licentiates the services are considered "professional", and the contract may run to partnerships, firms or corporation as well as individuals. Examples of professional services include professional architectural, engineering, landscaping architectural or land surveying services.

Exhibit "F"

- g. Small Business Enterprise (SBE) - An independently owned and operated business concern that employs 100 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$3 million and an average net income after federal income taxes, excluding any carryover losses, for the preceding two years of not more than \$2 million. Florida Statute 288.703(1).
- h. SBE Certification/Registration - The process and necessary documentation required to determine that a bidder or subcontractor is an officially recognized Small Business Enterprise as defined above. For the purposes of eligibility, the City of Pompano Beach will accept those SBEs currently certified/registered by the State of Florida, Broward County Government and/or others with similar certification criteria.

2. Goals.

- a. Goals for participation of Small Business Enterprises (SBEs) in City contracts shall be benchmarks for achievement, not mandates for complete attainment. These goals should be established in order to increase the percentage of participation of small businesses to a level that is reasonably proportionate to their availability and capability in the Broward County and City of Pompano Beach marketplace. The SBE goals for direct awards and subcontract awards shall be based against the aggregate dollar value of all contracts awarded over the previous fiscal year. These goals shall be established by Resolution and be effective from October 1 through September 30 of each year.

Attainment Goals.

The attainment goal of the SBE Program is to increase the annual level of small business participation in the City of Pompano Beach contracting to the average level of **five (5%) percent** of the total annual expenditures for goods and services.

- b. Prospective contractors on individual construction contracts equal to or above \$150,000 in total contract value; equal to

Exhibit "F"

or above \$75,000 in total contract value for other goods and services contracts will be "encouraged" to provide SBE goal attainment information to facilitate the collection of information to assist in monitoring the City's goal attainment efforts.

- c. Attainment goal percentages shall be based on the availability of SBE contractors on a contract-by-contract basis and shall be included in bid specifications and bid advertisements for all City construction and other goods and services contracts meeting the above-mentioned dollar thresholds (\$150,000/\$75,000). All contractors bidding on a construction, professional services or goods and services contracts will be encouraged to subcontract the designated percentage of work, including the cost of materials, goods, and supplies to SBE subcontractors; or demonstrate and document good faith efforts to meet the goals. Upon award of a contract, the prime contractor shall be responsible for achieving and maintaining their goals of attainment for the duration of an awarded contract. If the contractor is not able to achieve the level of goal attainment, the contractor will be requested to demonstrate and document that good faith efforts were made to achieve the goal.
- d. When utilized, goals equal to or in excess of the annual goals established by Resolution by the City Commission shall be based on estimates made prior to bid advertisement of the quantity and type of subcontracting opportunities provided by the project to be constructed, and on the availability and capability of SBE contractors and subcontractors to do such work. However, if after consideration of all relevant factors such goals are not practical or reasonably attainable, lesser goals may be established on a contract-by-contract basis.
- e. Prospective contractors on individual contracts with goals shall be encouraged, as a part of the bid or proposal submissions process, to provide the City in writing their programmed "goal attainment efforts" or documents that indicate that all reasonable efforts have been made to that end.

Exhibit "F"

3. Contractual Provisions.

- a. The following language must appear in all City contracts, sealed bids, quotations and requests for proposals:

During the performance of this contract, the contractor agrees not to discriminate on the basis of race, color, religion, gender, national origin or ancestry in the solicitation for or purchase of goods or services, or the subcontracting of work in performance of this contract.

- b. The following language must be included in all eligible bid or proposal notices as it pertains to the contract/project "attainment goals":

The City of Pompano Beach is strongly committed to insuring the participation of Small Business Enterprises (SBEs) as contractors and subcontractors for the procurement of goods and services. Bidders are encouraged to participate in the City of Pompano Beach's voluntary SBE Program by including, as part of their bid package, the SBE Participation Form (Exhibit "A") and the Letter of Intent Form (Exhibit "B"). Bidders should utilize SBEs certified by the State of Florida, Broward County Government and/or other local government jurisdictions with similar certification criteria. Bidders who are unable to meet the recommended voluntary goals should also provide the SBE Unavailability Form and Good Faith Effort Report (Exhibits "C" and "D").

The recommended voluntary goal for this bid is _____% for Small Business Enterprises.

Exhibit "F"

4. Regulations.

- a. The City shall review each proposed contract modification request that, by itself or aggregated with previous modification requests, increases the contract value by more than Fifty Thousand (\$50,000) Dollars of the initial contract value for opportunities to include or increase participation of SBEs already involved in the contract. The contractor shall demonstrate that it makes good faith efforts to include SBE participation in change order work.
- b. The City shall include SBEs on solicitation mailing lists and encourage that they be solicited for suitable contracts.
- c. The City shall make available to bidders upon request a list of certified SBEs that are available to perform the work required by the bid specifications.
- d. The City shall publicize the program through appropriate means in order to attract and maintain a pool of certified SBEs.
- e. The City shall develop and issue regulations and prepare appropriate bid documents relating to the program. The General Services Director shall be responsible specifically for ensuring that the Procurement Code and bid documents are consistent with this Resolution.
- f. The City shall promulgate administrative rules and procedures implementing this Resolution.

5. Certification.

The City is committed to insure the maximum opportunity for bona fide SBEs to participate in the award and performance of contracts. The success of the program will be determined by its ability to insure that its SBE Program benefits those business entities for which the SBE program is intended. For the purposes of being recognizing as certified SBEs, the City will consider valid those entities whose certification has been validated by the State of Florida, Broward County Government and/or others with similar certification criteria.

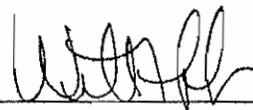
Exhibit "F"

6. Monitoring and Reporting.

- a. A status report will be developed annually and should indicate the number of SBEs used, the total dollar amount spent with SBEs, as well as comparative percentages with overall City expenses in order to determine the efficacy of this Resolution and to assist in the establishment of annual goals for the next fiscal year.
- b. The goals and operations of the program set forth in this Resolution and the need for their continuance shall be reviewed by the City Commissioners every two (2) years.

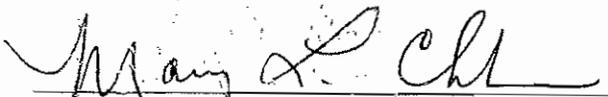
SECTION 2: This Resolution shall become effective upon passage.

PASSED AND ADOPTED this 14th day of October, 1997.



WILLIAM F. GRIFFIN, MAYOR

ATTEST:



MARY L. CHAMBERS, CITY CLERK

GBL:ajnd
10/7/97
I:reso\98-006a

Exhibit "G"

26

RESOLUTION NO. 2010 - 135

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ESTABLISHING A LOCAL BUSINESS PROGRAM, A POLICY TO INCREASE THE PARTICIPATION OF CITY OF POMPANO BEACH BUSINESSES IN THE CITY'S PROCUREMENT PROCESS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Pompano Beach, through its contracting function, has a significant impact on local economic activity and business development; and

WHEREAS, the City of Pompano Beach will continue to use its purchasing functions to encourage and enhance the competitive opportunities for local businesses; and

WHEREAS, the City of Pompano Beach shall diligently encourage any contractor or subcontractor to undertake good faith efforts to include local businesses in the equitable sharing of its contracts; and

WHEREAS, the Local Business Program must create the least burden possible on the rights of others; now, therefore,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1: That the City Commission of the City of Pompano Beach hereby adopts a Local Business Program as set forth as follows:

GENERAL LOCAL BUSINESS PROGRAM AND POLICIES:

The City Manager shall charge at least one (1) employee with the responsibility of monitoring applicable City contracts for compliance with the provisions of this

Exhibit "G"

Resolution and for review of the City's procurement activities to insure reasonable efforts are being made to encourage and foster the participation of City of Pompano Beach businesses in the central procurement activities. One such remedial measure shall be the implementation of contract goals for local businesses.

1. Definitions.

- a. Local Business – A business that is physically located within the City limits of the City of Pompano Beach, and that has a current City of Pompano Beach Business Tax Receipt.

2. Goals.

- a. Goals for participation of Local Businesses in City contracts shall be benchmarks for achievement, not mandates for complete attainment. These goals should be established in order to increase the percentage of participation of local businesses to a level that is reasonably proportionate to their availability and capability in the City of Pompano Beach marketplace.
- b. Prospective contractors on individual construction contracts equal to or above \$150,000 in total contract value; equal to or above \$75,000 in total contract value for other goods and services contracts will be "encouraged" to provide Local Business goal attainment information to facilitate the collection of information to assist in monitoring the City's goal attainment efforts.
- c. Attainment goal percentages shall be based on the availability of Local Business contractors on a contract-by-contract basis and shall be included in bid specifications and bid advertisements for all City construction and other goods and services contracts meeting the above-mentioned dollar thresholds (\$150,000/\$75,000). All contractors bidding on a construction, professional services or goods and services contracts will be encouraged to subcontract the designated percentage of work, including the cost of materials, goods, and supplies to Local Business subcontractors; or demonstrate and document good faith efforts to meet the goals. Upon award of a contract, the prime contractor shall

Exhibit "G"

be responsible for achieving and maintaining their goals of attainment for the duration of an awarded contract. If the contractor is not able to achieve the level of goal attainment, the contractor will be requested to demonstrate and document that good faith efforts were made to achieve the goal.

- d. If, after consideration of the quantity and type of subcontracting opportunities provided by the project to be constructed, and on the availability and capability of Local Business contractors and subcontractors to do such work such goals are not practical or reasonably attainable, lesser goals may be established on a contract-by-contract basis. Local Business participation goals shall not be included in "cooperative" solicitations issued by the City on behalf of a cooperative purchasing group. Local Business participation goals shall not be included in a solicitation if the source of funding prohibits such voluntary participation goals.
- e. Prospective contractors on individual contracts with goals shall be encouraged, as a part of the bid or proposal submissions process, to provide the City in writing their programmed "goal attainment efforts" or documents that indicate that all reasonable efforts have been made to that end.

3. Contractual Provisions.

- a. The following language must be included in all eligible bids or proposals as it pertains to Local Business participation:

The City of Pompano Beach is strongly committed to insuring the participation of City of Pompano Beach Businesses as contractors and subcontractors for the procurement of goods and services. Bidders are encouraged to participate in the City of Pompano Beach's voluntary Local Business Program by including, as part of their bid package, the Local Business Participation Form (Exhibit "A") and the Letter of Intent Form (Exhibit "B"). Bidders should utilize businesses that are physically located in the

Exhibit "G"

City of Pompano Beach with a current Business Tax Receipt. Bidders who are unable to meet the recommended voluntary goals should also provide the Local Business Unavailability Form and Good Faith Effort Report (Exhibits "C" and "D").

The recommended voluntary goal for this bid is ___% for Local Businesses.

4. Regulations.
 - a. The City shall review each proposed contract modification request that, by itself or aggregated with previous modification requests, increases the contract value by more than Fifty Thousand (\$50,000) Dollars of the initial contract value for opportunities to include or increase participation of Local Businesses already involved in the contract. The contractor shall demonstrate that it makes good faith efforts to include Local Business participation in change order work.
 - b. All bidders will be instructed to review the list of City businesses who have a current Business Tax Receipt on the City's website to locate local firms that are available to perform the work required by the bid specifications.
 - c. The City shall publicize the program through appropriate means to inform Local Businesses of contracting opportunities.
 - d. The City shall develop and issue regulations and prepare appropriate solicitation documents relating to the program. The General Services Director shall be responsible specifically for ensuring that the Procedure Manual and solicitation documents are consistent with this Resolution.
5. Monitoring and Reporting.
 - a. A status report will be developed annually and should indicate the number of Local Businesses used, the total dollar amount spent with Local Businesses, as well as comparative percentages with overall City expenses in order to determine the efficacy of this Resolution.

Exhibit "G"

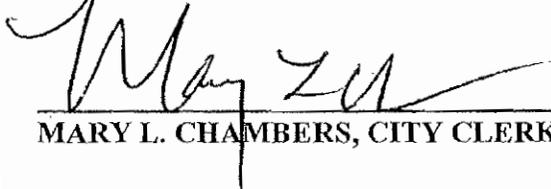
SECTION 2: This Resolution shall become effective upon passage.

PASSED AND ADOPTED this 23rd day of March, 2010.



LAMAR FISHER, MAYOR

ATTEST:



MARY L. CHAMBERS, CITY CLERK



PRINTING REQUEST FORM

Exhibit "H"

Printing Request Form will NOT be accepted without a sample, paper clipped to this form. Samples stapled to this form will be sent back to the requestor. Allow a lead time of two to four weeks for delivery.

(A. S. A. P.'s are not accepted)

IMPORTANT → Do Not Omit Any Information
maximum 4 jobs per form

Date: _____ Date Needed by: _____
Requested by: _____ Date received by graphics: _____
Approved by: _____ Phone number/Ext: _____

DEPT. / DIVISION Name & Number _____

PRINTING INSTRUCTIONS

(Check One) (Complete Sections A to J)

- A. Distribution Instructions: Call _____ at _____ for pick-up when ready.
 Send thru messenger mail service if possible. Note:(only small items and packages can be delivered)
 Send thru general service delivery whenever possible.

B. Form description: (CHECK ONE) Please add form # _____

1. The attached form is a new form, revision of an existing form, a temporary form, or a Reprint _____
 Note: (New form number to be assigned by Graphics)

New # _____ Revision # _____ Temporary form

2. Issue title to form: 1 _____ 2 _____
 3 _____ 4 _____

C. Size of Form: _____ (Please put exact finished size.)

D. Color of paper: _____

- E. Type of paper:
 20# bond Card stock
 NCR (carbonless) # of parts _____ Other (please specify) _____

F. Printing: Print front and back Print front only

G. Color of ink: _____ If work load and schedule permits, other colors may be substituted other than black.

H. Total number of forms to be printed: Quantity each form 1 _____ 2 _____ 3 _____ 4 _____

BINDERY INSTRUCTIONS

- I. Special bindery instructions:
 Collated Folded
 Stapled Numbered (beginning # _____ to _____)
 Padded: (100 per pad) Other _____

J. Packaging:
 100 per package 500 per package Other _____

Printers log:

Date printed _____ Printed by _____

Total # of impressions _____ # out _____

Total number of cut/finished forms _____ # pkgs.

Exhibit "I"

Title: PROPERTY CONTROL NUMBERING OF
VEHICLES AND EQUIPMENT

Number: AP-118

Page 2

PROPERTY CONTROL MEMO

Date: _____ PC Memo: _____

Purchase: _____ Confiscation: _____ Status Change: _____ Disposal: _____ Revision: _____

Department: _____ Code Center: _____

Description: _____ Year: _____

Vendor: _____ Address: _____

Sales Person: _____ Phone: (____) _____

PO Number: _____ Cost: _____ Mileage: _____

Vehicle Number: _____ Property Control Number: _____

V.I.N.: _____ Tag: _____

Replacing Vehicle #: _____ Replacing PC #: _____

Replacing V.I.N.: _____

Fuel Tank Capacity (Gal.): _____ Fuel Type: _____

Issue Gas Key: _____ Vehicle: _____ Equipment: _____

METHOD OF DISPOSAL

Trade In: _____ Junked: _____ Auction: _____ Amount Received: _____

Other: _____ Explain: _____

cc: FINANCE
GARAGE FOREMAN
VEHICLE FILE
GENERAL SERVICES (Disposal)

