

**CITY OF SANFORD PURCHASING POLICY**

**Adopted June 10, 2013**

**CITY OF SANFORD, FLORIDA – PURCHASING POLICY**

**Adopted: June 10, 2013**

Page - 1 - of 11

**TABLE 1: City of Sanford: PURCHASING APPROVAL LIMITS, APPROVAL AUTHORITY THRESHOLDS, ADVERTISING REQUIREMENT THRESHOLDS, PROTESTS AND APPEALS, NOTIFICATION REQUIREMENTS, BONDING AND INSURANCE**

<b>DOLLAR THRESHOLD</b>	<b>COMPETITION REQUIRED</b>	<b>APPROVALS REQUIRED</b>	<b>REMARKS</b>
<b>UP TO \$2,499.99</b>	P-CARD OR FIELD PURCHASE ORDER - ONE FIRM PRICE REQUIRED	DEPARTMENT DIRECTOR	ISSUING DEPARTMENT TO OBTAIN ONE FIRM PRICE. P- CARD POLICY APPLICABLE IF P-CARD IS USED FOR TRANSACTION.
(Level 1) <b>\$2,500 - \$9,999.99</b>	THREE VERBAL OR WRITTEN QUOTES – QUOTE DATA IS KEYED INTO THE HTE SYSTEM DURING REQUISITION ENTRY	DEPARTMENT DIR. , PURCHASING MANAGER/FINANCE DIRECTOR	QUOTATIONS BETWEEN \$2,500.00 AND \$9,999.99 ARE TO BE OBTAINED BY THE DEPARTMENT. PURCHASES OF \$10,000.00 TO \$24,999.99 SHALL BE SUPPORTED BY WRITTEN QUOTATIONS OBTAINED BY THE DEPARTMENT. PROCUREMENTS OF \$25,000.00 TO \$49,999.99 SHALL BE SUPPORTED BY FORMAL OR INFORMAL PROCESSING AT THE DETERMINATION AND UNDER THE COGNIZANCE OF THE PURCHASING MANAGER.
(Level 2) <b>\$10,000 - \$24,999.99</b>	THREE WRITTEN QUOTES - REPORT ATTACHED TO REQUISITION	DEPARTMENT DIR., PURCHASING MANAGER/FINANCE DIRECTOR AND CITY MANAGER	
(Level 3) <b>\$25,000 - \$49,999.99</b>	INFORMAL OR FORMAL SOLICITATION PROCEDURES, AT DISCRETION OF PURCHASING MANAGER.		
(Level 4) <b>ALL PROCUREMENTS \$50,000.00 AND OVER</b>	FORMAL SEALED, COMPETITIVE PROCEDURES	DEPARTMENT DIR. PURCHASING MANAGER/FINANCE DIRECTOR, CITY MANAGER. IF OVER \$50,000 CITY COMMISSION APPROVAL IS REQUIRED.	All PURCHASES AT THIS LEVEL SHALL BE SUPPORTED BY FORMAL PROCESSING AND CERTIFIED BY THE PURCHASING MANAGER.
<b>SOLE SOURCE</b>	WRITTEN JUSTIFICATION REQUIRED	SAME DOLLAR APPROVAL LEVEL THRESHOLDS AS INDICATED ABOVE	EMERGENCY PURCHASES MAY BE APPROVED, AFTER THE FACT, IF THE NATURE OF THE EMERGENCY REQUIRES IMMEDIATE RESPONSE. EMERGENCY– Defined by FS 255.025(5) (a)(b) and (c)
<b>EMERGENCY</b>	WRITTEN JUSTIFICATION REQUIRED		

FL Statute Section: 255.0525 (5) As used in this section, the term “**emergency**” means an unexpected turn of events that causes: (a) An immediate danger to the public health or safety; (b) An immediate danger of loss of public or private property; or (c) An interruption in the delivery of an essential governmental service.

**Change Orders:** Purchases including a change order totaling less than \$9,999.99 may be resolved by the Purchasing Manager. Purchases \$10,000.00 and over may be increased by 10%, but no more than \$25,000.00 unless the item is competitively bid. If the item is competitively bid, Commission approval is not necessary unless the change order will cause the purchase order to exceed the Level 4 threshold. New or changed purchase orders in which the new total is more than \$10,000.00 but less than \$50,000.00 and do not exceed the 10% or maximum of \$25,000 threshold or Level 4 threshold for competitively bid items, require approval by the City Manager or his designee. All purchase orders which exceed or increases which cause the procurement to exceed (1) the Level 4 threshold, (2) an increase of 10% or \$25,000 must be approved by the City Commission (exception competitively bid items that do not exceed Level 4 threshold). The change order process must include an examination of the documented quotation process, solicitation process and competition obtained to ascertain that the integrity of the competitive process is maintained or if additional competitive action is required. For additional information about change orders and splitting purchases to avoid thresholds, see Procedure Number 3-100

**CITY OF SANFORD, FLORIDA – PURCHASING POLICY**

**Adopted: June 10, 2013**

Page - 2 - of 11

<p><b>CCNA</b> – For amounts less than the thresholds indicated in this Section, the City will award projects to the best qualified firm as holding a current Master (Continuing) Contract with the City as applicable to the project. If the study activity is over \$200,000 or for construction projects over \$2,000,000 a project specific RFQ must be solicited. The Purchasing Manager will make the determination regarding separating “engineering functions” to provide appropriate organization checks and balances. Reference: Procedure 13-100</p>	
<p><b>Cone of Silence, “Blackouts”</b> – From the date a solicitation is/was posted or advertised until the opening, evaluation and award recommendation process is completed, the city will impose a blackout which requires all communications and questions by prospective bidders or proposers be addressed to the Purchasing Office. Reference: Procedure 5-100</p>	
<p><b>Public notice/advertising minimum time</b> requirements for formal, sealed solicitations (FS 255.0525)(2)</p>	
<p><b>Solicitations for procurements over \$50,000.00</b> and under \$200,000.00 Minimum of 10 days public notice- if prebid conference held, it must be a minimum of 4 days after ad and 4 days prior to bid opening.</p>	
<p><b>Solicitations for \$200,000.00</b> and under <b>\$500,000.00</b> minimum of 21 days public notice (if construction, once in a newspaper of general circulation) - if prebid conference held, it must be a minimum of 7 days after ad and 5+ days prior to bid opening.</p>	
<p><b>Solicitations for \$500,000.00</b> or more minimum of 30 days public notice (if construction, once in a newspaper of general circulation) - if prebid conference held, it must be a minimum of 7 days after ad and 5+ days prior to bid opening.</p>	
<p align="center"><b>Direct Controls by City Commission Applicable to Level Four Procurements</b></p>	
<p><b>Invitation(s) For Bid (IFB):</b> Specific action by City Commission, vote to approve or disapprove award recommendation by City Manager. Attachments to City Commission meeting consent agenda item required: Bid Invitation and bid tabulation. Award is documented and recommended by the City Manager as indicated by the motion contained in the agenda item.</p>	
<p><b>Request(s) for Proposals (RFP):</b> Specific action by City Commission, vote to approve or disapprove award recommendation by City Manager. Attachments to City Commission meeting consent agenda item required: Request announcement, tabulation of scoring based upon indicated factors with evaluation, ranking of Respondents, if applicable, and pricing information (Pricing information after negotiations, if the RFP stipulates that price will be negotiated) Award is documented and recommended by the City Manager as indicated by the motion contained in the agenda item.</p>	
<p><b>Request for Statements of Qualifications (RFQ):</b> Specific action by City Commission, vote to approve or disapprove award recommendation by City Manager. Attachments to City Commission meeting consent agenda item required: Request announcement, tabulation of scoring based upon indicated factors, ranking of Respondents and negotiated pricing resulting from the negotiations applicable to the firm being recommended for award. Award is recommended by the City Manager as documented and indicated by the motion contained in the agenda item. It is noted that the RFQ treatment outlined above applies to RFQ's subject to the Consultant's Competitive Negotiation Act (CCNA) and those which are not.</p>	
<p><b>Sole Source Procurements at level 4:</b> Specific action by City Commission, vote to approve or disapprove award recommendation by City Manager. Attachments to City Commission meeting consent agenda item required: Sole Source justification which documents why only one source is available from which to effect the procurement. Award is recommended by the City Manager as documented as indicated by the motion contained in the agenda item.</p>	
<p><b>Emergency Procurement at Level 4:</b> Specific action by City Commission, vote to approve or disapprove award recommendation by City Manager. Attachments to City Commission meeting consent agenda item required: Justification for using Emergency Procedures which documents the nature of the emergency and steps taken to secure competition. Award is recommended by the City Manager as documented as indicated by the motion contained in the agenda item. It is noted that this may occur after the fact in many instances.</p>	
<p><b>Notes:</b> (1) For submission, tabulation, evaluation, scoring and award information posted for availability to the General Public and the City Commission and/or for a more detailed treatment of the various solicitation types see Procedure Number 3-100 and Procedure Number 6-400. (2) The Purchasing Manager will coordinate all contracts and/or award vehicles for level 4 procurements with the City Attorney.</p>	
<p><b>Protests and/or appeals</b> must be filed, in writing and per City Policy, within 5 days of the time the filing party receives knowledge or would have known of the questioned occurrence if due diligence had been taken and the City had publically posted the items being questioned. See Procedure Number 15-100 and 15-200</p>	
<p><b>Bid Bond:</b> 5% of amount bid</p>	<p><b>Protest Appeal Bond:</b> smallest of 5% or \$5,000 If the issue cannot be determined as a monetary amount, the bid bond will be set by the Purchasing Manager and confirmed by the City Manager</p>

**CITY OF SANFORD, FLORIDA – PURCHASING POLICY**

**Adopted: June 10, 2013**

Page - 3 - of 11

**Performance and payment bonds:** Up to 110% of total contract price; Amounts set for materials bonds determined as appropriate. Performance and payment bonds for projects totaling \$100,000 are required on a case by case basis. For projects over \$100,000 but less than \$200,000 may be waived by the City Commission with specific notation in the Commission agenda item for award. Projects over \$200,000 must be supported with a performance and payment bond. See FS 255.5 See item 12 of the City’s Procurement Policy.

**DIRECT PAY:** The first consideration for any purchase is to use an appropriate vehicle, such as a purchase order, field purchase work order, etc. to document the procurement. Items such as utilities, postage, and travel expenses are designated by the Director of Finance as direct pay item(s) and are regarded as an exception rather than a routine process. See Procedure Number 18-100

**PURCHASING CARD (P-CARD) INFORMATION**

The City has delegated authority to designated employees to use a p-card issued to him/her to make direct purchases. P-Card transactions must comply with same requirements for competition, documentation and approval as any other purchase at the same threshold level.

P-cards are requested by the Department Director(s) on an individual basis. The cards normally have a \$2,500 transaction limit and require detailed documentation in their use for business of the City. See City of Sanford Procedure Number 17-100

**INSURANCE COVERAGE REQUIREMENTS**

COVERAGE REQUIRED	SMALL PROJECTS	MEDIUM PROJECTS	LARGE PROJECTS
PROJECT TIME AND COST LIMITS	LESS THAN 30 DAYS	LESS THAN 180 DAYS	EXCEEDS 180 DAYS
	LESS THAN \$25,000	LESS THAN \$500,000	EXCEEDS \$500,000
WORKERS' COMPENSTATION	<b>MINIMUM POLICY LIMITS</b>		
Employers Liability	\$500,000	\$500,000	\$1,000,000
Each Accident	\$500,000	\$500,000	\$1,000,000
Disease	\$500,000	\$500,000	\$1,000,000
GENERAL LIABILITY	<b>MINIMUM POLICY LIMITS</b>		
Per Occurrence	\$500,000	\$1,000,000	\$3,000,000
General Aggregate	\$500,000	\$1,000,000	\$3,000,000
AUTO LIABILITY	<b>MINIMUM POLICY LIMITS</b>		
Combined Single Limit	\$500,000	\$1,000,000	\$1,000,000
General Aggregate	\$500,000	\$1,000,000	\$1,000,000
PROFESSIONAL LIABILITY	\$1,000,000	\$1,000,000	\$1,000,000
BUILDERS RISK	100% of Completed Value	100% of Completed Value	100% of Completed Value

The City Manager may authorize, on a case by case basis, an exception to the above required Policy Limits. Reference: Procedure Number 3-100

**CITY OF SANFORD, FLORIDA – PURCHASING POLICY**

**Adopted: June 10, 2013**

Page 4 of 11

This Policy is not intended to provide detailed descriptions of each subject or to contain specific procedures utilized by the Purchasing Office. Supplemental detail is set forth in written internal directives approved by the City Manager and operating procedures established by the Purchasing Manager on an as-required basis. Legislation shall prevail in the event there is any contradiction between this policy and local, State or Federal legislation.

The basic procurement policies of the City of Sanford are summarized as follows:

- i. The City procurement process shall provide for equal access and opportunity to all vendors without regard to factors unrelated to quality, cost, and availability of goods and services, or previous vendor performance.
- ii. That procurement actions are conducted on the basis of full and open competition to the greatest degree possible, with award being made to:
  - a. the low responsive and responsible bidder under Invitations to Bid.
  - b. the best value proposer under Requests for Proposals that involve pricing as a competitive selection factor.
  - c. the highest ranked technical proposer(s) with which a fair and reasonable price was subsequently negotiated under solicitations that do not involve pricing as an initial competitive selection factor.
- iii. That all specifications or statements of work included in City procurement actions accurately describe the essential needs of the City, and contain no artificial or arbitrary requirements that limit competition or increase cost.
- iv. That each procurement action is conducted in accordance with the best interests of the City, and with the highest level of integrity and fairness to all involved parties throughout the acquisition cycle.
- v. That all City procurement operations are conducted in full compliance with all established and applicable federal, state and local statutes and regulations including ethical standards to be maintained within the purchasing function.

1. To the end that the City, including its various departments and organizational units, obtains high quality goods and services at reasonable cost, that all procurement procedures be conducted in a fair and impartial manner with avoidance of any impropriety or appearance of impropriety, that all qualified vendors have access to public business, and that no offeror be arbitrarily or capriciously excluded. It is the intent of the City Commission that competition be sought to the maximum feasible degree, that the individual public officers and employees of the City enjoy broad flexibility in fashioning details of such competition, that the rules governing contract awards are clear and made in advance of the competition and that specifications reflect the procurement needs of the City rather than being drawn to favor a particular vendor/contractor.

If there is to be a contract between the City and a nongovernmental vendor, this Policy shall apply regardless of the source of funds by which the contract is to be paid or whether the consideration is monetary or nonmonetary and regardless of whether the public body, the contractor, or some third party is providing the consideration.

2. All procurement authority for The City of Sanford government operations derives from the City Commission.

**CITY OF SANFORD, FLORIDA – PURCHASING POLICY**

**Adopted: June 10, 2013**

Page 5 of 11

- **Responsibility and Delegations:** The City Manager has the ultimate responsibility to ensure that the procurement, contracting and control functions associated with the acquisition of goods, services and construction serve the best interests of the City. Further, that all actions directed to that end are in compliance with all statutes, codes, regulations, appropriations, and authority, having jurisdiction, including the provisions of this Policy as adopted and revised by the City Commission.
  
- The City Commission has delegated the administration, management, oversight, conduct of the functions and maintaining compliance requirements indicated above as related to the acquisition of goods, services and construction to a Purchasing Manager who is responsible to administer, manage and maintain the Purchasing and Contracting function through a centralized Purchasing Division of the City.
  
- The mission of the centralized Purchasing and Contracting Division is to provide both internal and external representation of the City as related to procurement and contracting functions and to provide overall, centralized management, direction and operations of the procurement and contracting function to support the needs, goals and mission of the City and its citizens in a transparent, timely, cost effective manner in accordance with applicable laws regulations, approved budgetary funds, established policy, procedures and ethical standards which govern the purchasing profession and the procurement process of the City.
  
- The Purchasing Division is responsible to develop, implement and administer procedures which maximize the benefits of competition to enable the obtaining of commodities, services and construction in an efficient, effective and economical manner. Applicability of this policy: All purchases made by any employee or officer of the City shall be made in accordance with the Policy contained herein.

A. Severability: If any section, paragraph, sentence, clause, phrase, or word of this Policy is for any reason held by the Court to be unenforceable, illegal, inoperative or void, such holding shall not affect the validity of the remainder of this Policy.

3. The attached, Table 1, defines threshold dollar limits as related to approval authority, competition (solicitation) requirements, approvals required, time frame for filing of protest(s), insurance requirements, public notice and advertising requirements, bonding categories, thresholds and change order thresholds.

A. The purchase threshold levels are:

(1) Restricted or Field Purchase Order. One firm price; approved by the Department Director having authority over account code from which payment is indicated.

(2) Level 1 – Three verbal quotations. Quotation information is entered into the electronic requisition system by the requesting Department.

(3) Level 2 – Three written quotations. Report attached to requisition and quote information keyed into the electronic requisition by the Department. Purchase Order approval: Signatures of Purchasing Manager and City Manager required

(4) Level 3 – At the discretion of the Purchasing Manager, three written quotes or formal sealed bids. Signatures of Purchasing Manager and City Manager required for Purchase Order approval.

**CITY OF SANFORD, FLORIDA – PURCHASING POLICY**

**Adopted: June 10, 2013**

Page 6 of 11

(5) Level 4 - Formal, sealed competitive procedures are required. In the case of Sole Source or Emergency Procurements, a formal justification shall be submitted for approval as indicated for level 4 purchases. Reports and justifications related to emergencies may, of necessity, be submitted after the fact. See Procedure Number: 3-100.

(a) Executing the Purchase: Purchase Order approval: Signatures of the Purchasing Manager and City Manager required. Also, City Commission approval must be documented by an agenda item and vote. The Purchasing Manager shall manage the contracting process including negotiations, document control and coordination of review(s) by the City Attorney. Contracts at this level must be signed (approved) by the Mayor unless otherwise delegated by the City Commission.

(b) Splitting purchases to avoid the requirements of a higher threshold is a violation of this Policy and will result in disciplinary action to be taken against the offender. Also, a requested increase or change order which moves the procurement into a higher threshold level must comply with the approval and competition requirements applicable to the higher level.

4. City Commission approval is required for: Level 4 purchases, contracts which contain clauses obligating the City to pay an amount either specifically stated or undetermined which will exceed or could exceed the dollar amount applicable to Level 4, and any contract which contains an indemnification clause in which the City indemnifies another party of the contract.

5. Public notice of Solicitations shall be given as provided in the Table 1: Procurement actions such as solicitation notices, prebid conferences, RFI's, solicitation addenda, response tabulation sheets, awards shall be accomplished by posting on a designated internet site, display on a bulletin board designated and regularly used for that purpose and/or legal ad(s) in a newspaper of local distribution. Except for procurements for construction in which newspaper advertising is mandated by law, any of the public notification techniques indicated above complies with the minimum requirements for informing the public. The City is not responsible to provide individual notice or notification to any prospective bidder, bidder, proposer or offeror.

6. Award or Source Selection is predicated upon responsibility and responsiveness of the bidder/offeror. These are the two basic elements affecting the determination of the source from which to obtain a specific procurement.

A. Responsibility of a vendor or contractor is determined by objective review by the City of the background, experience, references, resources, performance history, credit history (when applicable) including the tenacity, perseverance, experience, etc. of each proposed vendor or contractor to assure a good faith performance.

B. Responsiveness of a submission is, without exception, a response which is, in all material aspects, in compliance with all of the requirements of the solicitation including the specifications. Matters which are non-substantive in nature in the judgment of the Purchasing Manager may be considered a technicality, irregularity or informality and waived by the City

7. Primary consideration for all procurements is competition. All specifications shall be drafted to promote overall economy for the purposes intended and encourage maximum free and open competition in satisfying the City's minimum needs.

8. Awards shall be in the Best Interest of the City of Sanford. The City reserves the right to accept or reject any and all bids and/or to make award to the lowest responsive and responsible bidder whose bid is in the best interest of the City. The City may award to a sole bidder if it is reasonable and in the best interests of the City or the City may request new bids. In the event all bids exceed budgeted funds, the

**CITY OF SANFORD, FLORIDA – PURCHASING POLICY**

**Adopted: June 10, 2013**

Page 7 of 11

Purchasing Manager, with concurrence of the City Manager in cooperation with affected Department Director, may negotiate with the lowest responsive and responsible bidder in order to bring the bid within the amount of budgeted funds.

A. Sales Tax Recovery: When a construction project is proposed, it will be specified during the bid or proposal process if Sales Tax Recovery efforts will be employed. The City shall reserve the right to delete items within the Solicitation and to purchase said items directly from a supplier, without further bidding in an effort to benefit from the City's tax exempt status. See Procedure Number: 8-100.

9. Unauthorized purchase is any purchase or contract made in the absence of approved documentation or otherwise contrary to the provisions herein and shall not be binding upon the City. Any individual making an unauthorized purchase assumes all responsibility and liability for the unauthorized purchase even though said goods and/or services are used or consumed in support of the effort of the City.

10. Reserved

11. Exemptions from competition, the categories as well as specific goods and services indicated below have either been subjected to acceptable competition or it is not beneficial to the City to seek additional competition and are, therefore, exempt from additional competitive requirements:

A. Only one source is available: A good faith review is required with a written determination of single source.

B. Emergency requirements: In the context of an emergency as defined by FL Statute Section: 255.0525 (5). A written justification describing the emergency and the consequences of not taking timely action clearly supports an immediate response must be submitted with the transaction documentation, even if after the fact. If securing informal competition does not obstruct a proper response to the situation it should be obtained as reasonably practical.

C. Contracted Items such as Pride of Florida, Respect, and contracts based on competition which are in compliance with City of Sanford competitive requirements such as State Contracts, Public Agencies Cooperative Contracts, Joint Utilization (piggybacking) Contracts from within and outside the State of Florida, Federal GSA Contracts and other programs such as US Communities, IPA, etc. when the terms, conditions and pricing meet the City's competitive requirements, are not altered and are made available for the City's participation.

D. Bids by the City as reserved by that bid (in the absence of such reservation, written bids may be used within one year of the opening date of the bid upon agreement of the vendor to honor all of the terms, conditions and pricing of the original bid).

E. Included in a program of standardization that has been recognized, documented and approved by the Purchasing Manager this includes repairs of specialized equipment in which special knowledge, manufacturer's support or other unique capability is required.

F. Books, pre-printed, pre-recorded materials, reprints and subscriptions (print or electronic), pre-recorded audio and video cassettes, compact discs, slide presentations, computer software previously adopted or deployed, etc. when only available from one source.

G. Honoraria, entertainment (speakers, lecturers, musicians, performing artists).

H. Training that is specialized, proprietary for which competition is unavailable.



**CITY OF SANFORD, FLORIDA – PURCHASING POLICY**

**Adopted: June 10, 2013**

Page 8 of 11

I. Professional Organizational Membership dues and advertisements such as in newspapers, magazines, journals, radio, television, etc.

J. Utilities, telephone service, television cable service, licensing/permit fees as applicable

K. Royalties and film rentals when only available from the producer or protected distributors.

L. Agreements between the City Commission and non-profit organizations, the Federal Government, or other State or Local Governments, including the transfer, sale or exchange of goods and/or services.

M.. Payroll and payroll related deductions.

O. Postage

12. Bonds and Bid Security are required by law for construction contracts which are \$100,000 or more. Bonds shall be provided by a surety company authorized to do business in the State of Florida.

When surety bonds are required, they shall be provided to the City in compliance with the designated form and within the specified time frame before a contract, purchase order or notice to proceed is issued applicable to the project in which the bond(s) are required. The bond original(s) shall be appropriately filed with the City Clerk who will have the bond(s) filed with the Clerk of the Court, Seminole County. Also, copies of the bond(s) shall be provided to the Project Manager and the Purchasing Manager.

13. Contract Management: The Purchasing Manager is responsible to oversee and manage, on behalf of the City, the entire contracting process when applicable to procurement activity, from the development of the initial planning process, timeline development, specifications, terms and conditions associated with the solicitation, overseeing the vendor/contractor selection process, including negotiations if conducted and related activity. Also, included in this process is coordination of award(s) in compliance with Table 1. Also, the Purchasing Manager develops purchase order(s) and other written documents, providing for proper approval and execution of contracts and encumbrance of funds. The Purchasing Manager, in concert with the City Attorney, manages the preparation of formal contracts including distribution and filing of same and determines that all required documentation is in place before the contract is executed. Further, the Purchasing Manager provides for implementation, and monitoring of contracts with project managers to ensure adherence with City Purchasing Policies, resolves vendor issues on behalf of the City and provides general support, direction and advice regarding contract compliance and completion.

A. All contracts related to procurement activity shall be prepared and/or endorsed by the City Attorney and forwarded to the Purchasing Manager who will administer and manage execution of the document(s).

(1) The City Commission must approve all contracts which contain deviations listed below:

- (a) Laws other than the State of Florida Laws governing the contract.
- (b) Venue being other than Seminole County for any possible court actions
- (c) Other than the City's standard indemnification clause.
- (d) Item(s) which would affect the City's Sovereign immunity.

(2) The City Commission generally requires the use of City adopted standard contracts, however, the City Manager is delegated the authority to deviate when necessary. Such contracts must be reviewed by the City Attorney who will make recommendations as necessary to protect the best interests of the

**CITY OF SANFORD, FLORIDA – PURCHASING POLICY**

**Adopted: June 10, 2013**

Page 9 of 11

City.

(3) The City Commission hereby delegates to the City Manager, the authority to renew all City contracts for procurement of both goods and services in the context of the provisions for renewal established by the original contract approved by the City Commission.

B. Contract Claims by a contractor of the City shall be submitted to the Purchasing Manager for resolution prior to mediation or commencement of an action in court concerning the claim within five (5) business days of the situation or event giving rise to the claim. The claim must be submitted to the Purchasing Manager and shall include: (1) Identification of the project, contractor (2) basis of the claim including detailed description of the claim and relevant time-lines and why the City is responsible for the issue (3) the relief sought. See item 16. for information regarding resolution and appeals.

14. Authority to Debar or Suspend: The Purchasing Manager, with concurrence by the City Manager, may suspend or debar for cause the right of a contractor or vendor to be included on a vendor or bid list and any bid or response from that vendor may be rejected. The City Commission will be promptly notified if/and when such actions are necessary.

A. Items Which Can Result in Suspension or debarment: A contractor or vendor may be suspended for a period not to exceed three (3) years based upon Contractor or Vendor defaults or failure to fully comply with the conditions, specifications, time limits, or terms of a bid, quotation, proposal or contract with the City. Offenses by the vendor or contractor such as fraud, misrepresentation, conviction by a court of competent jurisdiction of a criminal offense incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract and other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a City contractor. Also, any other cause which the Purchasing Manager determines to be sufficiently serious and compelling as to materially and adversely affect responsibility of a business as a City Contractor, including, but not limited, to suspension or debarment by another governmental entity for cause.

B. Effect of Conviction of Public Entity Crime: Any vendor who has been convicted of a public entity crime as defined by Florida Statute Section 287.133, shall not be able to transact business with the City to the extent as specified in Florida Statute 287.133 (2) (a).

C. Concurrence of City Attorney: After the Purchasing Manager has determined that there is cause to suspend or debar a vendor/contractor and upon concurrence by the City Attorney, the Purchasing Manager shall notify the vendor/contractor of the debarment, or the period of suspension and the reasons for the action taken. This action is considered final unless the vendor/contractor within five (5) business days from the date of receipt of the decision, delivers to the Purchasing Office a written appeal along with an appeal bond which documents and which clearly explains the suspended or debarred contractor's or vendor's position and reasons why the action should be rescinded by the City. The steps which shall be followed in the appeal process are outlined in item 15. of this policy.

15. Protests: Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or proposed award may protest to the Purchasing Manager. Suppliers, contractors, etc. that are not bidding on the project may not have the same rights as defined herein.

A. The protest: Shall be in writing, appropriately signed and delivered to the Purchasing Manager no later than 5:00 p.m., local time, within five (5) business days after the event, notification of determination, posting date of the award recommendation or the award itself if no recommendation is posted, unless the aggrieved person did not know or could not, with the exercise of diligence, have known of the facts giving rise to the protest prior to any of the aforementioned events (verbal or informal

**CITY OF SANFORD, FLORIDA – PURCHASING POLICY**

**Adopted: June 10, 2013**

Page 10 of 11

protests are not considered and will not be a factor in determination of timeliness of the filing of a protest). The aggrieved person has the burden to show he or she did not know and could not, with the exercise of diligence, have known of the facts giving rise to the protest. The bidder, offeror or contractor has the responsibility to contact the City and request the award recommendation results.

(1) The protest shall:

- (a) Identify the protesting party and the solicitation or issue involved, including time lines.
- (b) Explain why the decision and/or action of the City was improper or incorrect.
- (c) Explain how and the extent to which the protesting party has been damaged.
- (d) The protest must include a clear statement and complete description of the grounds upon which the protest is based and specifically request the relief to which the protesting party deems itself entitled.
- (e) The protest cannot be supplemented at a later time, but, must stand as filed.

(Reference Procedure 15-100 Protest Procedures)(Reference Procedure 15-200 Appeal Procedures)

B. Stay of Award during Protests: In the event of a timely protest under this Section, the Purchasing Manager shall not proceed further with the solicitation or award of the contract until he or she makes a written determination that immediate execution of the award is critical to protect the interests of the City.

C. The Purchasing Manager shall attempt to resolve a Contract Claim(s), Claim(s) regarding suspension or debarment or a protest in a fair and equitable manner by rendering a written decision to the protesting or claiming party within thirty (30) days from the date of receipt of the protest.

(1) The decision by the Purchasing Manager involving Debarment, Suspension or a Protest situation shall be final and conclusive unless within five (5) business days of receipt of the written decision, the party affected by the decision delivers a written notice of appeal along with an appeal bond to the Purchasing Manager, as provided in Table 1.

(2) Appeal Bond: A formal written appeal a bond payable to the City in an amount equal to five percent (5%) of the City's estimate of the total volume of the contract/claim or protest or *FIVE THOUSAND AND NO/100 DOLLARS* (\$5,000.00), whichever is less. The bond shall be conditioned upon the payment of all costs which may be adjudged against the appellant in the administrative hearing in which the action is brought and in any subsequent appellate court or court proceeding. In lieu of a bond, the City may accept a cashier's or certified check, or money order in the above referenced amount.

E. An appeal committee appointed by the City Manager shall review the decision and conduct a hearing at which the aggrieved person shall be given the opportunity to show why the decision rendered by the review should be modified.

(1) The formal rules of civil procedure and evidence will not be applied. The appeal committee shall render a written decision within thirty (30) days from the date of the written notice of appeal.

- (a) This decision shall be final and conclusive and shall be submitted to the City Commission for sanction.

**CITY OF SANFORD, FLORIDA – PURCHASING POLICY**

**Adopted: June 10, 2013**

Page 11 of 11

F. If the person who submitted the appeal prevails, the appeal bond shall be returned and the City will take corrective action relevant to the item appealed as may be negotiated by the City and the Claimant with appropriate adjustments being made. If the protest or claim is denied by the appeal committee and is upheld by the City Commission, the action giving rise to the protest or claim will remain unchanged and the City will retain the appeal bond.

(1) Completion of the above steps upon brings to an end the administrative hearing process of the City of Sanford.

16. Purchasing Card Program: The Purchasing Manager is designated as the Purchasing Card Administrator and in concert with the Finance Director is responsible to establish and maintain a purchasing card (p-card) program which will enable the flexibility for the departments of the City to make routine, small purchases for goods and/or services.

A. The Purchasing Card Administrator shall provide and administer controls, procedures, documentation requirements and training for p-card users of the City to ensure that p-cards are used only for authorized purposes and in accordance with procurement policy, directives and procedures of the City. (Reference Procedure 16-100 Purchasing Card Program)