General Services Procedures Manual

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INTRODUCTION

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.

ORGANIZATION
AND
TELEPHONE NUMBERS

General Services Department
Purchasing Division
1190 N.E. 3rd Avenue
Building C (front)
Pompano Beach, Florida 33060

Steve Stewart, CPCM, CPPO
General Services Director

Jill Klaskin Press, CPPO
Purchasing Supervisor

Jeffrey English
Purchasing Agent

Tammy R. Thompkins
Purchasing Agent

Judy Rodriguez
Buyer

Michael Lee
Office Assistant II

Telephone (954) 786-4098
Fax (954) 786-4168
Email purchasing@copbfl.com

Central Stores
1190 N.E. 3rd Avenue
Building C (rear)
Pompano Beach, Florida 33060

Frankie Chevere
Chief Material Handling Specialist

Boris Thompkins
Material Handling Specialist

Leo Zelaya
Material Handling Assistant

Graphics
Ron Hardge
Printing Technician

Telephone (954) 786-4110
Fax (954) 786-4019

Mailroom
Michelle Hermann
Messenger

City of Pompano Beach
Web Site
http://pompanobeachfl.gov/

Purchasing Department Link
http://pompanobeachfl.gov/pages/department_directory/general_services/purchasing_department/purchasing_department.html.php

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. Any updates or revisions to the Manual will be distributed to City staff via email.

A complete electronic copy of the Manual is posted to the S drive and on the Purchasing webpage of the City website.

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.

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SECTION 1

PURCHASING DIVISION
POSITION
RESPONSIBILITIES

PURCHASING DIVISION
POSITION
RESPONSIBILITIES

The General Services 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. 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

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 SUPERVISOR

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 $75,000.00 or more in accordance with City purchasing policy. The Purchasing Supervisor is responsible for highly technical and supervisory work involved in procurement, contracts and IFB/RFP/RFQ/RLI solicitations. Procures materials, supplies, capital equipment and contract services according to established practices of cost containment and quality. Coordinates the purchasing function with Central Stores inventories. Procures professional services (CCNA) via the RLI process.

C. 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 $75,000.00 or more in accordance with City purchasing policy. This position processes purchases in compliance with the City's purchasing polices, and is responsible for creating appropriate commission agenda reports regarding the procurement of goods and services via formal advertised solicitations. Procures professional services (CCNA) via the RLI process.

D. 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 less than $75,000.00. 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.

E. 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.

SECTION 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.: 2:00 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.

DAYS—For purposes of this Manual, the calculation of days shall exclude Saturdays, Sundays and holidays observed by the City.

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 (ITB)-- 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 registered surveying and mapping services.

PUBLIC RECORD REQUEST FORMS – To obtain Public records, access to the form is on the City's Website at **http://pompanobeachfl.gov/pages/forms/public_request**

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.

REQUEST FOR QUALIFICATIONS (RFQ) -- Solicitation method utilized to obtain the statements of qualifications of potential development teams or individuals. Price may or may not be a consideration. If price is a consideration it is generally only one of several evaluation criteria used. This type solicitation must be advertised.

RESPONSIBLE BIDDER – Bidder or Proposer 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 – Bidder or Proposer 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.

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.

VENDOR -- An individual or company that sells goods or services to someone. The term vendor is used interchangeably with the terms bidder, proposer, offeror and contractor in this manual.

SECTION 3

PURCHASING DIVISION AND USING DEPARTMENT 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 $20,001.00 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/RFQ 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), Request for Letters of Interest (RLI) and Request for Qualifications (RFQ) that are for services other than those defined in Florida State Statute 287.055.

SECTION 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. 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 and backup provided. 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. 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, Request for Letters of Interest or Request for Qualifications 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. $ 20,000.00 or less -- approximately five (5) days

2. $20,001.00 to $74,999.99 -- Approximately twenty-five (25) days; Request for Quotation is required

3. $75,000.00 and above -- approximately sixty (60) days; formal Invitation to Bid or Request for Proposals, Request for Letters of Interest or Request for Qualifications 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 as a PDF file that is emailed to the vendor and requesting department. A copy of the purchase order is also printed in the Finance Department, 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.

SECTION 5

PURCHASES LESS THAN $75,000.00

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

A. REQUIREMENTS LESS THAN $20,001.00

The using department/division will obtain a price quotation for purchases of $20,000.00 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 attached to the requisition in NaviLine using the attachments feature.)

The Using/Requesting Departments will be required to obtain one (1) quote for purchases between $0 - $20,000.00 from local vendors and contractors. The Using/Requesting Departments must ensure that the local company is qualified to perform the task, and able to deliver goods as ordered. If no qualified local companies are found, then the Using/Requesting Departments can continue their search until a qualified company has been located.

Using/Requesting Departments will be required to adhere to the "Look Local First" (LLF) initiative to obtain quotes from Pompano Beach businesses. Pompano Beach businesses can be identified by using the rePORTAL Pompano Beach Business Directory report in the City Wide reports. This report will display by business tax receipt (BTR) classification all Pompano Beach businesses that have a current City BTR for the classification.

If no local companies can be identified to provide quotes then the Using/Requesting Departments must complete a Good Faith Effort form clearly showing that efforts have been made to obtain quotes from local vendors and a list of the local vendors who were contacted. Administrative Policy 905.14 Purchasing Thresholds outlining the Look Local First requirements have been attached herein as Exhibit "I" of this manual. The General Services Department will ensure that the Using/Departments are exercising competition and rotating opportunities for vendors by monitoring these procurement activities regularly. If the Using/Requesting Departments cannot identify any local businesses to provide quotes contact Purchasing for assistance to find potential vendors.

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 (5) days. If applicable to the order, current insurance from the vendor must be on file before a Purchase Order will be issued.

The General Services Department has implemented a Procurement Card (P-card) program for small dollar purchases (under $4,999.00). The program is designed to improve efficiency in processing small dollar purchases from any merchant. The General Services Department will no longer issue Purchase Orders for small dollar items under $1,000. These must be purchased using the P-Card. The Procurement Card Policies and Procedures Administrative Policy 905.08 has been attached herein as Exhibit "G" of this manual.

B. REQUIREMENTS OF $20,001.00 BUT LESS THAN $75,000.00

As required by the City's Code of Ordinances, Section 32.39, when the anticipated cost of procurement is $20,001.00 but less than $75,000.00, competitive quotations shall be obtained. Quotations must be solicited from at least three (3) 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.)

Using/Requesting Departments will obtain three (3) quotes for purchases of $20,001.00 - $74,999.99. Using/Requesting Departments will provide the scope of work, details, drawings, etc. to the vendors, if applicable.

Using/Requesting Departments will adhere to the "Look Local First" (LLF) initiative to obtain quotes from Pompano Beach businesses. Pompano Beach businesses can be identified by using the rePORTAL Pompano Beach Business Directory report in the City Wide reports. This report will display by business tax receipt (BTR) classification all Pompano Beach businesses that have a current City BTR for the classification.

If no local companies can be identified to provide quotes then the Using/Requesting Departments must complete a Good Faith Effort form (see Attachment "B") clearly showing that efforts have been made to obtain quotes from local vendors and a list of the local vendors who were contacted. The General Services Department will ensure that the Using/Departments are exercising competition and rotating opportunities for vendors by monitoring these procurement activities regularly. If the Using/Requesting Departments cannot identify any local businesses to provide quotes contact Purchasing for assistance to find potential vendors.

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 $75,000.00 but in the aggregate the items are in excess of $75,000.00. 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 $20,001.00 but in the aggregate the items are in excess of $20,000.00. 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 $50,000.00 in value are awarded within the Purchasing Division and need no additional approval.

SECTION 6

PURCHASES $75,000.00 AND HIGHER

PURCHASES $75,000.00 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 $75,000.00 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 (3) 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 Section 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.

4. ***Request for Qualifications (RFQ's)***

The Request for Qualifications solicitation method is utilized to obtain the statements of qualifications of potential development teams or individuals. Price may or may not be a consideration. If price is a consideration it is generally only one of several evaluation criteria used. The RFQ will specify the nature of a requirement that needs to be met and the qualifications sought.

The Request for Qualifications 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 (3) full-time City employees.

Requirements for Professional Services, as defined by Florida Statute 287.055, (architectural, engineering, landscape architecture or land-surveying services,) can be obtained utilizing the Request for Qualification (RFQ) format.

B. GENERAL REQUIREMENTS

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

C. AWARD APPROVAL AUTHORITY

Purchases $75,000.00 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 $50,000.00 but less than $75,000.00 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.

SECTION 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:

Up to $20,000.00

Annual Open P.O.'s for commodities up to $20,000.00 may be established at the using department's request by submitting an electronic purchase requisition. Competitive quotes are not required. A price list from the vendor must be attached to the requisition as backup. If no price list is available then catalog information, company website providing pricing or reference to the phone call to obtain pricing must be included in the requisition extended description. The "Look Local First" requirement applies to all open purchase orders that are not the result of a contract the City has with the vendor, including those for less than $20,000.00.

$20,001.00 to $74,999.99

Annual Open P.O.'s for commodities between $20,001.00 and $74,999.99 require documentation in the form of a solicitation to at least three (3) 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.).

Using Departments will obtain three (3) quotes. Using/Requesting Departments will provide the scope of work, details, drawings, etc. to the Purchasing Department or use an existing City contract with the vendor. Only one (1) open purchase order per vendor will be issued for each division within a department each year. If a department has exhausted the funds on an open purchase order a change order requisition to increase the existing purchase order must be submitted to Purchasing. Open purchase orders cannot be used to purchase capital items that are $1,000 or more in cost. Open purchase orders will be reviewed on a case by case basis. The General Services Department reserves the right to require a solicitation or contract for any open purchase order.

$75,000.00 and Over

Annual Open P.O.'s for commodities $75,000.00 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 Section 6 - Approval Authority.

SECTION 8

OTHER METHODS OF PROCUREMENT

OTHER METHODS OF PROCUREMENT

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 $50,000.00 can be approved within the Purchasing Division.

   (b) Requirements of $50,000.00 but less than $75,000.00 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 $75,000.00 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. Procurement as Participating Agency of the Southeast Florida Governmental Purchasing Cooperative Group

The City is a member of the Southeast Florida Governmental Purchasing Cooperative Group (Co-op). The Southeast Florida Governmental Purchasing Co-operative Group is comprised of government entities from throughout the region to provide cost savings and cost avoidances to member entities by utilizing the buying power of combined requirements for common basic items. The Co-op will issue solicitations with a member agency as the lead agency for the solicitation and other members participating in the solicitation. 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 $50,000.00 can be approved within the Purchasing Division.

   (b) Requirements of $50,000.00 but less than $75,000.00 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 $75,000.00 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.

C. 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 attached herein as Exhibit "B" of this manual.

(b) Requirements under $50,000.00 can be approved at the General Services Director level.

(c) Requirements of $50,000.00 and over but less than $75,000.00 can be approved by the City Manager.

(d) Requirements of $75,000.00 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.

D. 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.

E. 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 of $75,000.00 or more for supplies and services or $75,000.00 or more 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 $50,000.00 are authorized and approved at the General Services Director level without further action.

(b) Requirements of $50,000.00 and over but less than $75,000.00 are authorized and approved by the General Services Director with the concurrence of the City Manager, with no further action.

(c) Emergency requirements of $75,000.00 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.

F. <u>Standardization</u>

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 $75,000.00 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 $50,000.00 - $74,999.00 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 $75,000.00 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.

G. Purchase of Trees, Shrubs and Other Plants

Trees, shrubs and other plants with a cost of $20,000 or more may be purchased without the issuance of an informal request for quotation or sealed bid due to the need to purchase the specific trees, shrubs or plants that have been inspected by City staff and deemed to meet the City's requirements.

1. Procedure and Approval Process

   a) The using department must obtain three (3) quotes for the item(s) to be purchased and provide those quotes to the Purchasing Division as an attachment to the requisition. If three (3) quotes cannot be obtained documentation must be provided to the Purchasing Division stating the reason less than three (3) quotes were obtained. The using department must apply the same scope, details, and specifications when requesting quotes from vendors.

   b) City staff will then inspect the materials to be purchased from the vendor providing the lowest quote. If the item(s) to be purchased meet the City's requirements the using department will enter a requisition with the three (3) quotes attached and contact Purchasing to expedite the purchase order.

   c) If the materials of the vendor with the lowest quote do not meet the City's requirements staff will inspect the materials to be purchased from the vendor providing the second lowest quote. If the item(s) to be purchased meet the City's requirements the using department will enter a requisition with the three (3) quotes attached and contact Purchasing to expedite the purchase order. Documentation as to why the lowest quote materials will not meet the City's requirements must also be attached to the requisition.

   d) If the materials of the vendors with the two (2) lowest quotes do not meet the City's requirements staff will inspect the materials to be purchased from the vendor providing the third lowest quote. If the item(s) to be purchased meet the City's requirements the using department will enter a requisition with the three (3) quotes attached and contact Purchasing to expedite the purchase order. Documentation as to why the two (2) lower quotes materials will not meet the City's requirements must also be attached to the requisition.

   e) Requirements of any amount can be approved at the General Services Director level or their designee.

SECTION 9

CHANGE ORDERS

CHANGE ORDERS

GENERAL CHANGE ORDER INFORMATION

While the City does not encourage changes to City contracts with vendors, there may be certain situations where unforeseen circumstances result in the requirement for a formal written change order. A written change order must be prepared in any circumstance where there is a material change in the scope of work, specifications, price, or terms and conditions of a contract. Change orders; however, normally occur with construction projects, when it is necessary to make changes due to conditions that were unforeseen at the time of contract award.

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 $75,000.00 or over.
2. Original purchase order under $75,000.00 but change order increase will bring total over $75,000.00.

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**

I. The City Manager or designee, by City Commission authorization (Resolution 2016-60), is authorized to approve all change orders determined to be in the best interest of the City. The City Manager has the sole authority to approve any and all change orders meeting the following requirements:

a) The City Manager shall approve any change order increasing the cost of the contract to the City by an amount up to **ten percent (10%)** of the project's original total cost or **$75,000.00**, whichever is lower, on a cumulative basis or aggregate.

b) The City Manager shall approve any change order for specific contracts when such authority is delegated to the City Manager for a specific agreement by a formal City Commission action. This delegation occurs in situations where it is in the best interest of the City to streamline the change order approval process in order to accommodate operational needs, including, but not limited to approval of changes using funding from a City Commission approved project contingency.

c) 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 $75,000.00 threshold is reached. Once the threshold is reached, **all** subsequent change orders for that project **must be approved** by the City Commission **prior** to any work being performed. Approval of change orders under this policy must be for the purposes of expediting the work in progress and must be confirmed by City Commission action at the next regular meeting of the City Commission.

d) 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 attached herein as Exhibit "C" of this manual. A copy of the Contract Modification (Change Order) form must be attached to the Original Purchase Order for documentation purposes.

Note: The Purchasing Division will not process any change orders that do not have proper authorization and signatures.

II. City Commission approval: The City Commission **must** formally approve all other change orders in excess of the City Manager's authority as follows:

a) The City Commission **must** approve any change order that exceeds the ten (10%) threshold.

b) The City Commission must approve any change order which results in the cumulative or aggregate cost of a change order to exceed $75,000.00 regardless of the value of the change order. As an example, if a project was awarded at a cost of $1,000,000.00 a change order processed in the amount of $75,001 would result in a new aggregate cost of $1,075,001.00. Since the revised value now exceeds the City Manager's approval authority, the City Commission must now approve the change order **prior** to any work being performed.

III. All change orders, regardless of value, must be routed through the Purchasing Department for review, processing and distribution to the vendor. Change Orders which require the approval of the City Manager or the City Commission must also include a Memorandum of explanation and justification for the change order. Change orders that are received without the Memorandum and Contract Modification (Change Order) form will be returned to the department.

IV. Until approval of the change order, **no** work under the requirements of such change will be authorized to begin, and **no** claim against the City of extra work in furtherance of such change order will be allowed unless prior approval has been obtained, notwithstanding any other provisions, contractual or otherwise.

V. Change orders will not artificially be distributed or divided to bring the amount within the approval level of the City Manager. Such proposed change orders must include all logically connected work required to be done at the time of proposal, and must be accompanied by appropriate signatures and written documentation.

VI. A formal change order is required for any situation involving a material change in the scope of work, specifications, price, or terms and conditions of a contract. Change orders, which are normally used for construction projects, should be executed as a result of unforeseen conditions or owners requested additions not originally anticipated at the time of contract award.

VII. Change orders, by their nature, should normally account for no more than approximately 50% of the contract value. Change order requests for amounts in excess of 50% of the contract value, or which include a scope or application somewhat different from the original intent of the agreement should normally be accommodated through a new procurement process.

C. **CONTINGENCY**

1. On many occasions, City staff will include a project contingency within the total Contract award amount, generally in the range of 15% – 20% of the anticipated project costs. If City Commission approves this contingency allowance, then only City staff has the discretion and authorization to utilize it for the sole purpose of unforeseen conditions or Owner requested additions not originally anticipated at the time of contract award. However, this language must be clearly defined within the Contract and Bid documents, and the purchase order must include this contingency amount. Staff is responsible for tracking these expenditures on the "Contingency Usage" form is attached herein as Exhibit "D" of this manual. A copy of the Contingency Usage form must be attached to the Original Purchase Order for documentation purposes. **Note: the change order procedure comes into effect once the contingencies have been exhausted.**

D. **TIME EXTENSIONS**

1. The City Engineer, CIP Manager and Project Manager have the discretion to review and approve non-compensatory time-extensions as and when needed up to ninety (90) days or twenty-five percent (25%) of the Contract time, whichever is lower, and this must be documented on the Contract Modification (Change Order Form), Exhibit "C." The City Manager must approve time extensions once the project is delayed by more than ninety (90) days, or twenty-five (25%) of the Contract time, whichever is lower, and this must be documented on the Contract Modification (Change Order Form), Exhibit "C".

SECTION 10

INVITATION FOR BIDS
REQUEST FOR PROPOSALS
REQUEST FOR QUALIFICATIONS

INVITATION FOR BIDS, REQUEST FOR PROPOSALS AND REQUESTS FOR QUALIFICATIONS

Invitation for Bids (IFB), Request for Proposals (RFP) and Requests for Qualifications (RFQ) 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. The RFQ uses multiple qualification based evaluation criteria to determine qualifications of potential proposers and to gauge potential competition in the marketplace.

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 (3) 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 fifteen (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 (1) 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 states what the bidder proposes and agrees to and provide any requested qualifications. Line item or lump sum pricing is entered into the eBid System and is not viewable by anyone other than the vendor until the bid opening/electronic unsealing.

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 (for construction projects)
(4) Cyber

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 incompletion 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 sub-contractors 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 requests for letters of interest and request for qualifications.

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. All submittals must be done electronically through the electronic bidding system (eBid System). The eBid system will not allow bids to be submitted electronically after the due date and time specified in the solicitation.

All accepted bids will be publicly opened (electronically unsealed) by the Purchasing Division staff and a list of the proposers will be read aloud. 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) 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 shall be awarded the contract. Should there be a reason not to do so, the decision must be fully explained in a memo from the using department/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 proposer 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. The selection of voting members must be approved by the City Manager.

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

The Submittal Information tells the proposers how to submit their responses and using the City's electronic bidding system. 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 proposer 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 proposers 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 proposer's own expertise to design a proposal response that will fulfill the City's ultimate specified result.

The Evaluation Criteria is the 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 the responses. Evaluation criteria will include many aspects of proposer's credentials and will normally 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. 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.

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. 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 (2) 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 Section 10, I, 6 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 office.

Please note that neither the Purchasing Division, nor any other City agency, can accept an RFP response from a vendor. All submittals must be done electronically through the electronic bidding system (eBid System). The eBid system will not allow bids to be submitted electronically after the due date and time specified in the solicitation.

All accepted responses will be opened/electronically unsealed 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.

The original copies of the RFP responses will be available for review by the vendor community after thirty (30) days following the RFP opening, or upon notice of an intended decision (agenda item), whichever is earlier. RFP response sheets, citing only those vendors who responded and no other information, may be provided to the vendor community in a shorter period of time.

Following the RFP opening, the Purchasing Division will distribute the copies of each response to the Evaluation Committee members. 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.

In the event only one (1) response is received the City may proceed with negotiating a contract with the sole proposer and forgo the Evaluation Committee proceedings.

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. The committee members must be approved by the City Manager before being appointed to a committee. 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, unless a proposer who will be making a presentation requests an exemption as provided for in Florida Statute 286.0113.

Note: The City is a public agency subject to Chapter 119, Florida's Public Records Law and is required to provide the public with access to public records, however, financial statements that are required as submittals to prequalify for a solicitation will be exempt from public disclosure. If financial information is discussed during a committee meeting, members of the public will be asked to leave the room and that portion of the meeting will be recorded, after which, the public may return to the room.

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 RFP file and become public information.

Note: Committee members must maintain strict confidentiality and may not discuss solicitation material outside of the formal committee meetings.

The Purchasing representative will act as the facilitator and will ask the committee to select a committee member to lead the technical discussion of the proposals (usually the member most familiar with the project). Evaluation Committee lead will give an overview of the solicitation and then turn the meeting back over to the facilitator who will 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, proposers 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 (3) responses, the ranking must include all responses. In the case of three (3) or more, it must be determined who are the top three (3) responses.

If the committee desires to hear presentations, then the committee will have to decide on the number of vendors asked to make these 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. Proposers 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.

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 (3) 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).*

All voting sheets of each committee member shall become public record at the conclusion of the voting and the original copies are uploaded to the RFP in the City's electronic bidding system.

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.

The Committee can also request to approve additional authorization to negotiate and enter into a contract with succeeding vendors if there is an impasse with the highest ranked firm(s).

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. REQUEST FOR QUALIFICATIONS - (RFQ)

A Request for Qualifications identifies the work required and directs respondents to provide a response that includes information regarding the experience and qualifications of the firm, as well as resumes of personnel designated to work on the project. The Request for Qualifications solicitation method is utilized to obtain the statements of qualifications of potential development teams or individuals. Price may or may not be a consideration. If price is a consideration it is generally only one of several evaluation criteria used. The RFQ will specify the nature of a requirement that needs to be met and the qualifications sought. RFQ's are typically used for construction related projects, but are not limited to this use. Requirements for Professional Services, as defined by Florida Statute 287.055, (architectural, engineering, landscape architecture or land-surveying services,) can be obtained utilizing the Request for Qualification (RFQ) format.

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 RFQ.

There are several key concepts in this definition. An RFQ is a document inviting vendors to submit information regarding the experience and qualifications of the firm, as well as resumes of personnel designated to work on the project. It is also a process in which the evaluators base their decision on more than price, if price is included as a criteria. 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 RFQ is a written request to suppliers inviting them to provide their experience and qualifications (and prices, if included as an evaluation criteria) that satisfy requirements described in the document.

1. Purpose of RFQ

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 qualified firms in the marketplace, the use of a Request for Qualifications is appropriate.

The RFQ is used to allow proposers the opportunity to submit qualifications to meet a set of functional requirements and/or technical specifications. The

RFQ 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. RFQ Format

The RFQ 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

The Submittal Information tells the proposers how to submit their responses and using the City's electronic bidding system. 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 proposer what qualifications are being sought to take the City to the required outcome of the stated project. Due to the nature of the RFQ, the scope is specific to the project(s) and the qualifications sought, allowing the proposers a wide range of options from which to arrive at their proposal response which accomplishes the goals of the City.

The Request for Qualifications shall state Evaluation Criteria that all responses will be judged against. All factors (including cost, if included in the criteria) 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 document. In this manner, all proposers will have a clear picture of how and on what aspects of their response judgments will be made by the Evaluation Committee.

<u>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.</u> As with the development of specifications for Invitations for Bid, the Purchasing Division is able to offer assistance in providing samples of previous RFQ'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 (2) types of solicitations is that whereas the Invitation to Bid may require a Bid Bond, the Request for Qualifications generally does not require a bid bond.

A listing of the various insurance types as well as bonds can be found in Section 10, I, 6 of this manual.

4. RFQ Opening

The Request for Qualifications 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 RFQ openings are held in the Purchasing Division offices.

Please note that neither the Purchasing Division, nor any other City agency, can accept an RFQ response from a vendor. All submittals must be done electronically through the electronic bidding system (eBid System). The eBid system will not allow bids to be submitted electronically after the due date and time specified in the solicitation.

All accepted responses will be opened/electronically unsealed and the responding vendor name and address will be noted on a "Vendor Response" form. No pricing is announced at the RFQ opening since price, if included as an evaluation criteria, is generally only one of the evaluation criteria contained in the document.

The original copies of the RFQ responses will be available for review by the vendor community after thirty (30) days following the RFQ opening, or upon notice of an intended decision (agenda item), whichever is earlier. RFQ response sheets, citing only those vendors who responded and no other information, may be provided to the vendor community in a shorter period of time.

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

In the event only one (1) response is received the City may proceed with negotiating a contract with the sole proposer and forgo the Evaluation Committee proceedings, unless the solicitation is subject to the requirements of

Florida State Statute 287.055.

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. The committee members must be approved by the City Manager before being appointed to a committee. 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, unless a proposer who will be making a presentation requests an exemption as provided for in Florida Statute 286.0113.

Note: The City is a public agency subject to Chapter 119, Florida's Public Records Law and is required to provide the public with access to public records, however, financial statements that are required as submittals to prequalify for a solicitation will be exempt from public disclosure. If financial information is discussed during a committee meeting, members of the public will be asked to leave the room and that portion of the meeting will be recorded, after which, the public may return to the room.

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 RFP file and become public information.

Note: Committee members must maintain strict confidentiality and may not discuss solicitation material outside of the formal committee meetings.

The Purchasing representative will act as the facilitator and will ask the committee to select a committee member to lead the technical discussion of the proposals (usually the member most familiar with the project). Evaluation Committee lead will give an overview of the solicitation and then turn the meeting back over to the facilitator who will 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, proposers 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 (3) responses, the ranking must include all responses. In the case of three (3) or more, it must be determined who are the top three (3) responses.

If committee members feel it is necessary or not to have proposer 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.

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. Proposers 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.

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 (3) 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).*

All voting sheets of each committee member shall become public record at the conclusion of the voting and the original copies are uploaded to the RFP in the City's electronic bidding system.

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(s).

The Committee can also request to approve additional authorization to negotiate and enter into a contract with succeeding vendors if there is an impasse with the highest ranked firm(s).

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 RFQ; 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. <u>Negotiation, Contract Preparation and City Commission Approval</u>

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 work contained in the Request for Qualifications. 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.

D. 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 electronically signed the solicitation response making the response a bona fide offer. Vendors are basically non-responsive if they have not provided all the required information.

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 also be bona fide, as personal "likes or dislikes" are not bona fide reasons for denial of a contract.

SECTION 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, posted on the City website, at City Hall and in the Purchasing Office, 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 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 response. 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 $75,000.00 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 evaluation committee meetings are public meetings, open to the public for observation, unless a proposer who will be making a presentation requests an exemption as provided for in Florida Statute 286.0113.

As with the RFP solicitation discussed previously in Section 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.

Please note that neither the Purchasing Division, nor any other City agency, can accept an RLI response from a vendor. All submittals must be done electronically through the electronic bidding system (eBid System). The eBid system will not allow bids to be submitted electronically after the due date and time specified in the solicitation.

All accepted responses will be opened/electronically unsealed at the designated time and place and the responding vendor name and address will be noted on a "Vendor Response" form.

The original copies of RLI responses will be available for review by the vendor community after thirty (30) days following the RLI opening, or upon notice of an intended decision (agenda item), whichever is earlier. RLI response sheets, citing only those vendors who responded and no other information, may be provided to the vendor community in a shorter period of time

Following the RLI opening, the Purchasing Division will distribute the copies of each response received to members of the Selection/Evaluation Committee.

B. Selection/Evaluation Committee and Committee Proceedings

1. 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 RLI. The committee members must be approved by the City Manager before being appointed to a committee. 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 RLI 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, unless a proposer who will be making a presentation requests an exemption as provided for in Florida Statute 286.0113.

Note: The City is a public agency subject to Chapter 119, Florida's Public Records Law and is required to provide the public with access to public records, however, financial statements that are required as submittals to prequalify for a solicitation will be exempt from public disclosure. If financial information is discussed during a committee meeting, members of the public will be asked to leave the room and that portion of the meeting will be recorded, after which, the public may return to the room.

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 RFP file and become public information.

Note: Committee members must maintain strict confidentiality and may not discuss solicitation material outside of the formal committee meetings.

The Purchasing representative will act as the facilitator and will ask the committee to select a committee member to lead the technical discussion of the proposals (usually the member most familiar with the project). Evaluation Committee lead will give an overview of the solicitation and then turn the meeting back over to the facilitator who will 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, proposers 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 (3) responses, the ranking must include all responses. In the case of three (3) or more, it must be determined who are the top three (3) responses.

One of the prime considerations should be to ascertain if committee members feel it is necessary or not to have proposer 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.

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. Proposers 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.

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 (3) 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).*

All voting sheets of each committee member shall become public record at the conclusion of the voting and the original copies are uploaded to the RFP in the City's electronic bidding system.

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.

The Committee can also request to approve additional authorization to negotiate and enter into a contract with succeeding vendors if there is an impasse with the highest ranked firm(s).

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 (1) 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 as defined in the Florida State Statute 287.055 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 $50,000.00 is the General Services Director.

4. If the proposal is acceptable, the approval authority for the project between $50,000.00 and $74,999.99 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 $75,000.00 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 (RLI) format and evaluation criteria to be used by all departments for soliciting and evaluating professional services as defined in Florida State Statute 287.055. Request for Qualifications (RFQ) can also be utilized for soliciting and evaluating professional services.

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 $75,000.00** can be approved by the General Services Director. Work Authorizations **$75,000.00 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.

SECTION 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 Section 10 "Invitation for Bids/Request for Proposals/Request for Letters of Interest" should be followed.

Construction projects with a value greater than $20,000.00 or less than $75,000.00 may be processed via formal Request for Quotations. Advertised bids are required for all construction projects $75,000.00 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 (1) 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. Local Business Program

On March 13, 2018, the City Commission approved Ordinance 2018-46, establishing a Local Business Program, a policy to increase the participation of City of Pompano Beach businesses in the City's procurement process.

"Local Business" will be defined as follows:

1. **TIER 1 LOCAL VENDOR.** POMPANO BEACH BUSINESS EMPLOYING POMPANO BEACH RESIDENTS. A business entity which has maintained a permanent place of business

within the city limits and maintains a staffing level, within this local office, of at least ten percent who are residents of the City of Pompano Beach or includes subcontracting commitments to Local Vendors Subcontractors for at least ten percent of the contract value. The permanent place of business may not be a post office box. The business must be located in a non-residential zone, and must actually distribute goods or services from that location. The business must be staffed with full-time employees within the limits of the city. In addition, the business must have a current business tax receipt from the City of Pompano Beach for a minimum of one year prior to the date of issuance of a bid or proposal solicitation.

2. **TIER 2 LOCAL VENDOR.** BROWARD COUNTY BUSINESS EMPLOYING POMPANO BEACH RESIDENTS OR UTILIZING LOCAL VENDOR SUBCONTRACTORS. A business entity which has maintained a permanent place of business within Broward County and maintains a staffing level, within this local office, of at least 15% who are residents of the City of Pompano Beach or includes subcontracting commitments to Local Vendors Subcontractors for at least 20% of the contract value. The permanent place of business may not be a post office box. The business must be located in a non- residential zone, and must actually distribute goods or services from that location. The business must be staffed with full-time employees within the limits of the city. In addition, the business must have a current business tax receipt from the respective Broward County municipality for a minimum of one year prior to the date of issuance of a bid or proposal solicitation.
3. **LOCAL VENDOR SUBCONTRACTOR.** POMPANO BEACH BUSINESS. A business entity which has maintained a permanent place of business within the city limits of the City of Pompano Beach. The permanent place of business may not be a post office box. The business must be located in a non-residential zone, and must actually distribute goods or services from that location. The business must be staffed with full-time employees within the limits of the city. In addition, the business must have a current business tax receipt from the City of Pompano Beach for a minimum of one year prior to the date of issuance of a bid or proposal solicitation.

You can view the list of City businesses that have a current Business Tax Receipt on the City's website, and locate local firms that are available to perform the work required by the bid specifications. The business information, sorted by business use classification, is posted on the webpage for the Business Tax Receipt Division: www.pompanobeachfl.gov by selecting the Pompano Beach Business Directory in the Shop Pompano section.

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, including labor, materials and equipment. Proposers are required to participate in the City of Pompano Beach's Local Business Program by including, as part of their package, the Local Business Participation Form A, listing the local businesses that will be used on the contract, and the Letter of Intent Form from each local business that will participate in the contract. Form B must be signed by a representative of the firm who will participate.

B. <u>Announcement of Bids</u>

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, posted on the City Website, in City Hall and in the Purchasing Office, as determined by the City Commission.

The ad will briefly state the project name and location, nature of work required in the project, 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 $500,000.00 or more shall be advertised at least thirty (30) days prior to the established bid opening and at least five (5) days prior to any scheduled pre-bid conference. Projects of an estimated value of $75,000.00 - $499,999.00 shall be advertised at least twenty-one (21) days prior to the established bid opening and at least five (5) days prior to any scheduled pre-bid 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 emailed notices 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. Pre-Bid Conference – Via Teleconference

The using agency will advise Purchasing if a pre-bid conference is required for each project. Vendors will be notified in the following manner:

There will be an **optional** pre-proposal meeting to review the City's expectations for

the Project, the project background, and overview of scope. The event will be accessible as a **"Go To Meeting" teleconference**, on _____, beginning at _____. (local) **Attendance at the Pre-Proposal Meeting is not mandatory**. Access to the Go-To-Meeting will be as follows:

Join the meeting from your computer, tablet or smartphone.
https://global.gotomeeting.com/join/967226725

You can also dial in using your phone.
(For supported devices, tap a one-touch number below to join instantly.)

United States (Toll Free): 1 866 899 4679
- One-touch: tel:+18668994679,,967226725#

United States: +1 (571) 317-3117
- One-touch: tel:+15713173117,,967226725#

Access Code: 967-226-725

First GoToMeeting? Let's do a quick system check: https://link.gotomeeting.com/system-check

In-person access to the optional pre-proposal meeting will be at the purchasing office. Note: the meeting is for background, and scope overview; all questions must be in writing, using the questions feature of the City's eBid system.

D. Bid Opening

The bid opening for construction projects is conducted in the same manner as other formal sealed bids. At the public bid opening/ electronic unsealing Purchasing will read a list of the proposers aloud.

E. Evaluation Process

To allow for a thorough bid review by the using department once the bid opening is completed, the Purchasing Division will make each bid response available to the using department.

The Purchasing Division will retain the original bid documents in the electronic bid file. The bids 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.

F. Design/Build Procurement Procedures

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

Job Order Contracting (JOC)

Job Order Contracting (JOC) is based on a competitively bid Indefinite-Delivery-Indefinite-Quantity (IDIQ) contract between an entity and a construction contractor. The contract sets parameters such as the type of work that can be done, location of work, design criteria, and maximum amount of work to be awarded. The job order contract may be used for smaller construction projects, such as remodeling, renovations, and repairs, and is a form of requirements contract with price based on a comprehensive price list of common tasks. The Public entity orders the construction services from the contract on an "as needed" basis. The contract has a unit-price book (UPB) that establishes a unit price to be paid for a multitude of construction line items. The contract price is established in terms of a coefficient, which is a multiplier that covers the contractor's overhead and profit as well as any adjustments between the UPB and the actual local prices. The contract term is typically a base year with two (2) to four (4) option renewals.

Indefinite-Delivery-Indefinite-Quantity (IDIQ) =Participating members are identified and requirements are estimated in the solicitation with no specific purchase commitment.

The use of Job Order Contracts must be approved by the General Services Director. Job Order Contracts are to be used for remodeling, renovations, repairs/rehabs, replacements and projects that may not require engineering/architectural design plans that fit the project criteria. Job Order Contracts are not to be used to build new structures. The Job Order Contracting (JOC) Procedure Administrative Policy 905.13 is attached herein as Exhibit "H" of this manual.

SECTION 13

PROTEST PROCEDURE

PROTEST PROCEDURE

The procedure which must be followed for all protests of Invitation for Bids, Request for Proposals, Request for Qualifications, 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 calculation of days shall exclude Saturdays, Sundays, and holidays observed by the City. The time limit for filing a protest is as follows:

1. Invitation for Bids (IFB)

   a. Five (5) days from the bid opening date or five (5) days from posting of the bid tabulation, whichever is greater.

2. Request for Proposals (RFP)

   a. Five (5) days from the date a short-list is created by the Selection/Evaluation Committee.

   b. Five (5) 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) days from the date a short-list is created by the Selection/Evaluation Committee.

   b. Five (5) days from the date the final ranking of proposers is created by the Selection/Evaluation Committee.

4. Request for Qualifications (RFQ)

a. Five (5) days from the date a short-list is created by the Selection/Evaluation Committee.

b. Five (5) 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/RFQ 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) 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) 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) 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) 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 $75,000.00, the findings will be included in the City Manager concurrence to the General Services Director award package.

2. If the award valuation is $75,000.00 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.

SECTION 14

LOOK LOCAL FIRST (L L F) PROGRAM

"LOOK LOCAL FIRST" (LLF) PROGRAM

Using/Requesting Departments will be required to adhere to the "Look Local First" (LLF) initiative to obtain quotes from a Pompano Beach firm/businesses. Pompano Beach firms/ businesses can be identified by using the rePORTAL Pompano Beach Business Directory Report in the City Wide Report. This report will display by Business Tax Receipt (BTR) classifications of all Pompano Beach businesses that have a current City BTR for the classification.

To identify Pompano Beach businesses
http://chambermaster.pompanobeachchamber.com/list
http://pompanobeachfl.gov/index.php/pages/dev_scv_btr/btr

If no local companies can be identified to provide quotes then the Using/Requesting Departments must complete a Good Faith Effort form (see Attachment "B") clearly showing that efforts have been made to obtain quotes from local vendors and a list of the local vendors who were contacted. The General Services Department will ensure that the Using/Departments are exercising competition and rotating opportunities for vendors by monitoring these procurement activities regularly. If the Using/Requesting Departments cannot identify any local businesses to provide quotes contact Purchasing for assistance to find potential vendors.

Administrative Policy 905.14 Purchasing Thresholds outlining the Look Local First "LLF" requirements have been attached herein as Exhibit "I" of this manual

SECTION 15

LOCAL BUSINESS PROGRAM

LOCAL BUSINESS PROGRAM

On March 13, 2018, the City Commission approved Ordinance 2018-46, establishing a Local Business Program, a policy to increase the participation of City of Pompano Beach businesses in the City's procurement process.

For purposes of this solicitation, “Local Business” will be defined as follows:

TIER 1 LOCAL VENDOR. POMPANO BEACH BUSINESS EMPLOYING POMPANO BEACH RESIDENTS. A business entity which has maintained a permanent place of business within the city limits and maintains a staffing level, within this local office, of at least ten percent who are residents of the City of Pompano Beach or includes subcontracting commitments to Local Vendors Subcontractors for at least ten percent of the contract value. The permanent place of business may not be a post office box. The business must be located in a non-residential zone, and must actually distribute goods or services from that location. The business must be staffed with full-time employees within the limits of the city. In addition, the business must have a current business tax receipt from the City of Pompano Beach for a minimum of one year prior to the date of issuance of a bid or proposal solicitation.

TIER 2 LOCAL VENDOR. BROWARD COUNTY BUSINESS EMPLOYING POMPANO BEACH RESIDENTS OR UTILIZING LOCAL VENDOR SUBCONTRACTORS. A business entity which has maintained a permanent place of business within Broward County and maintains a staffing level, within this local office, of at least 15% who are residents of the City of Pompano Beach or includes subcontracting commitments to Local Vendors Subcontractors for at least 20% of the contract value. The permanent place of business may not be a post office box. The business must be located in a non- residential zone, and must actually distribute goods or services from that location. The business must be staffed with full-time employees within the limits of the city. In addition, the business must have a current business tax receipt from the respective Broward County municipality for a minimum of one year prior to the date of issuance of a bid or proposal solicitation.

LOCAL VENDOR SUBCONTRACTOR. POMPANO BEACH BUSINESS. A business entity which has maintained a permanent place of business within the city limits of the City of Pompano Beach. The permanent place of business may not be a post office box. The business must be located in a non-residential zone, and must actually distribute goods or services from that location. The business must be staffed with full-time employees within the limits of the city. In addition, the business must have a current business tax receipt from the City of Pompano Beach for a minimum of one year prior to the date of issuance of a bid or proposal solicitation.

You can view the list of City businesses that have a current Business Tax Receipt on the

City's website, and locate local firms that are available to perform the work required by the bid specifications. The business information, sorted by business use classification, is posted on the webpage for the Business Tax Receipt Division: www.pompanobeachfl.gov by selecting the Pompano Beach Business Directory in the Shop Pompano section.

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, including labor, materials and equipment. Proposers are required to participate in the City of Pompano Beach's Local Business Program by including, as part of their package, the Local Business Participation Form "A" listing the local businesses that will be used on the contract, and the Letter of Intent Form "B" from each local business that will participate in the contract. Form "B" must be signed by a representative of the participating firm and not by the Prime.

The required goal for this RFP is ___% for Local Vendor.

If a Prime Contractor/Vendor is not able to achieve the level of goal attainment of the contract, the Prime Vendor will be requested to demonstrate and document that good faith efforts were made to achieve the goal by providing the Local Business Unavailability Form "C" listing firms that were contacted but not available, and the Good Faith Effort Report Form "D" describing the efforts made to include local business participation in the contract. This documentation shall be provided to the City Commission for acceptance.

The awarded proposer will be required to submit "Local Business Subcontractor Utilization Reports" during projects and after projects have been completed. The reports will be submitted to the assigned City project manager of the project. The Local Business Subcontractor Utilization Report template and instructions have been included in the bid document.

Failure to meet Local Vendor Goal commitments will result in "unsatisfactory" compliance rating. Unsatisfactory ratings may impact award of future projects if a sanction is imposed by the City Commission.

The city shall award a Local Vendor preference based upon vendors, contractors, or subcontractors who are local with a preferences follows:

1. For evaluation purposes, the Tier 1 and Tier 2 businesses shall be a criterion for award in this Request for Proposal (RFP). No business may qualify for more than one tier level.

2. For evaluation purposes, local vendors shall receive the following preferences:

   a. Tier 1 business as defined by this subsection shall be granted a preference in the amount of five percent of total score.

   b. Tier 2 business as defined by this subsection shall be granted a preference in the amount of two and one-half percent of total score.

3. It is the responsibility of the awarded vendor/contractor to comply with all Tier 1&2 guidelines. The awarded vendor/contractor must ensure that all requirements are met before execution of a contract.

The Resolution establishing this program is attached herein as Exhibit "E" of this manual.

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

Definition of Local Business

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 notified of formal and informal bids. Vendors registered in NaviLine have an "L" on their vendor record if they have submitted documentation that they are located within the City of Pompano Beach City limits and have a current City of Pompano Beach Business Tax Receipt. Bidders who have completed electronic bidder registration and have selected the Local Business classification that has been verified by Purchasing will have the Local Business classification associated with their bidder profile.

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 16

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 Section 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 $20,000.00, the City does not require a signed two-party agreement.

For service agreements with a cost of $20,001.00 but less than $50,000.00 approval must be obtained from the General Services Director 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.

For service agreements with a cost of $50,001.00 but less than $75,000.00 approval must be obtained from the General Services Director with concurrence 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 service agreement of $75,001.00 or more must be presented to the City Commission for approval via a Resolution, and must be on an agreement form approved by the City Attorney's office.

Service agreements with a duration of more than one (1) year must be approved by City Commission via an Ordinance per the City Charter.

REQUISITIONS FOR "SERVICES" UNDER $20,000

Before submitting a requisition to the Purchasing Department, the Using Department will determine whether the proposal or quote is for a service or commodity. The Using Department will then indicate in the "Item Description" the word **"Service"** type for all requests that are deemed to be services. For Blanket and Open P.O.'s they will indicate in the "Item Description" the words Blanket or Open P.O., as applicable.

Requisitions for services should contain text with a brief description of the services to be provided. In the absence of this text, the Purchasing Department will return the requisition to the User to provide an adequate description of the services.

The Using Department should determine if the standard insurance requirements of the purchase order terms and conditions is sufficient and should contact the City's Risk Manager for review of the proposal/quote, prior to sending it to the Purchasing Department.

Examples of services: small repairs, such as to generators, floors, and plumbing; installation services; professional services in general including consulting services; etc., etc.

NOTE: 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 and backup provided. 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 are then able to start the procurement process.

SECTION 17

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 Thursday, with the exception of City holidays, from 7:00 a.m. to 3:00 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 (1) 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 (toilet paper, paper 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 (2) 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. An employee ID badge must be presented to pick-up stock orders.

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. An employee ID badge must be presented for “walk-up” stock orders.

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.: overnight) 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. CENTRAL STORES "STAND-BY" AND "EMERGENCY CALLBACK" PROCEDURES

PURPOSE

Central Stores "Stand-By" and "Emergency Callback" procedures ensures that the after-hours needs of the City of Pompano Beach are accomplished in a reliable and timely manner. Central Stores normal hours of operation are 7:00 a.m. until 3:00 p.m. Monday thru Friday with the exception of official holidays.

SCOPE

a. These procedures apply to all Central Stores employees: fulltime and part-time.
b. These procedures cover those periods when an employee attends to an Emergency Callback after normal operating hours.

DEFINITIONS

a. Stand-By: is when an employee must remain available to be called back to work on short notice if the need arises.
b. Emergency Callback: is when an employee has left the work site and is required to respond, either by going back to work or by responding via telephone or computer on short notice in the event of an emergency.

CALLBACK LIST

a. Central Stores Stand-By and Emergency Callback Employees should be contacted in the following order:

First: Chief Material Handling Specialist (C.M.H.S.)
Second: Material Handling Specialist (M.H.S.)
Third: Part-time Material Handling Specialist (P/T M.H.S.)

RESPONSE

a. The initial call goes to the C.M.H.S. If the Chief does not answer/respond within 15 minutes then the call goes to the M.H.S. If the Material Handler does not answer/respond to the call within fifteen (15) minutes, the call then goes to the Part Time M.H.S.

EMPLOYEE RESPONSABILITIES

After the initial notification, the Callback employee is responsible for opening the warehouse and issuing inventoried items requested by City of Pompano Beach staff.

SECTION 18

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 attached herein as Exhibit "F" of this manual. This 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. The Printing Request Form is also available as an electronic form in rePORTAL that can be submitted via email.

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 (3) 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. Bond, White, 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 (2) 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 19

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 Thursday.

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 3:30 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.

For large bulk mailings the Messenger must be notified at least 48 hours prior to the mailing date and the mail must be delivered to the mail room a minimum of 24 hours prior to the date the outgoing mailing must be post marked.

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 (1) ounce or less is $0.47. (2) The City is charged $0.376 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.

7. Certified Mail

The City has implemented ConnectSuite e-Certify for the electronic creation and processing of outgoing certified mail. The e-Certify software electronically transmits the City's outgoing certified mail in batches to the post office. The software allows for the creation of certified mail using special envelopes that are carried in Central Stores as a stock item and does not use the "green card" for certified mail. Each department's designated user(s) must have a user account for e-Certify in order to process the outgoing certified mail. Outgoing certified mail using the e-Certify envelope with the PS Form 5630 Shipment Confirmation Acceptance Notice and PS Form 3877 Firmbook showing the outgoing certified mail for your department in the batch must be attached to the outside of the piece of outgoing certified mail and placed in your outgoing mail for the messenger to take the certified mail to the post office. The messenger will return the Shipment Confirmation Acceptance Notice stamped by the post office as verification the mail has been received by the post office. Departments can view all delivery confirmations in ConnectSuite e-Certify.

SECTION 20

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 Surplus Property

1. When a department/division wishes to surplus any City-owned property, the appropriate documentation must be completed, as follows:

   a. "Custody Control Form" (Form PB 1403). See EXHIBIT "J"

2. Completed forms for non-vehicle surplus items must be forwarded to the Purchasing Division. Completed forms for vehicles and equipment maintained by Fleet 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 surpluses remain unclaimed by other departments/divisions, these items will be included in the property offered to the public via auction or on-line auction and will be sold to the highest bidder.

C. Methods of Sale

1. Public Auction or On-line 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 General Services Director 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 $75,000.00 in total, sealed bids should be utilized. The bid must be advertised in a newspaper of general circulation in the Pompano Beach area, posted on the City website, at City Hall and in the Purchasing Office. It may also be advertised in trade journals or other specialized publications which can target specific markets. All requirements noted in Section I, Purchasing Division, Section 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 $75,000.00 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 (3) vendors (if possible) to obtain competitive offers. All requirements noted in Section I, Purchasing Division, Section 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 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.

SECTION 21

EXHIBITS

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EXHIBIT "A"

INSTRUCTIONS FOR ELECTRONIC REQUISITIONS

Please contact the General Services Department Purchasing Division for instructions on Electronic Requisitions. (954) 786-4098

EXHIBIT "B"

SOLE SOURCE/SOLE BRAND APPROVAL FORM

REQUISITION NUMBER: _____

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 FORM)

CITY OF POMPANO BEACH
P.O. Drawer 1300
Pompano Beach, FL 33061

The City Manager has the authority to approve all construction change orders up to ten percent **(10%)** of the project's original total cost or **$75,000.00**, whichever is lower, on a cumulative or aggregate basis. The City Commission must formally approve all other change orders in excess of the City Manager's approval authority **prior** to work being performed. The City Engineer, CIP Manager, and Project Manager have the discretion to review and approve non-compensatory time-extensions as and when needed up to ninety (90) days or 25% of the Contract time, whichever is lower. The City Manager must be notified once the project is delayed by more than ninety (90) days, or 25% of the contract time, whichever is lower.

Project Name:		Contract #:	
Project Number:		Date:	
Project Manager:			
Owner:	**City of Pompano Beach**	Change Order #:	
Contractor:			
All items terms and conditions of the original contract #____ 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		

CITY MANAGER
By:
Date:

EXHIBIT "D"

CONTINGENCY USAGE FORM
CITY OF POMPANO BEACH

Project Name:	Contract/Bid #:
Project Number:	Date:
Project Manager:	
Owner: City of Pompano Beach	Contingency Usage #:
Contractor:	
All items terms and conditions of the original Contract/Bid #_____ dated_____ remain unchanged and in full force and effect.	

Reason for Contingency _____

_____

Original Contingency Amount _____

Current Contingency Balance _____

Requested Contingency Amount _____

Remaining Contingency Balance _____

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

CITY ENGINEER	CIP MANAGER	GENERAL SERVICES DIRECTOR
City of Pompano Beach	City of Pompano Beach	City of Pompano Beach
1201 NE 5th Avenue	1201 NE 5th Avenue	1190 NE 3rd Avenue
Pompano Beach, FL 33060	Pompano Beach, FL 33060	Pompano Beach, FL 33060

By: _____ City Engineer

By: _____ CIP Manager

By: _____ General Services Director

Date: _____

Date: _____

Date: _____

Contingency Category	Sub Category
☐ Owners Request ☐ Unforeseen ☐ Consultant Error ☐ Consultant Omission	☐ Regulatory Compliance ☐ Safety/ Emergency

EXHIBIT "E"

ORDINANCE NO. 2018-46

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 32, "DEPARTMENTS," OF THE POMPANO BEACH CODE OF ORDINANCES BY CREATING A NEW SECTION 32.40, "LOCAL BUSINESS PROGRAM," TO PROVIDE FOR AMENDMENT TO THE CITY'S PROCUREMENT PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Pompano Beach established a Local Business Program in 2010 to encourage and enhance competitive opportunities for businesses located in the City of Pompano Beach; and

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 is strongly committed to ensuring the participation of local businesses and residents as contractors and subcontractors for procurement of goods and services; and

WHEREAS, the City of Pompano Beach desires to expand its Local Business Program and establish a Local Business Preference in order to maximize the sustainable community impact of development and provide community benefits by ensuring the utilization of local businesses and residents in every phase of a project; and

WHEREAS, the City of Pompano Beach will continue to use its purchasing functions

to ensure competitive opportunities for local businesses; 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, Florida; and

WHEREAS, a public hearing before the City Commission was held pursuant to the aforesaid notice 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 32.40, "Local Business Program," of Chapter 32,

"Departments," of the City of Pompano Beach Code of Ordinances is hereby created to read as follows:

§ 32.40 LOCAL BUSINESS PROGRAM.

(A) Definitions.

For the purposes of the section, the following definitions shall apply unless the context clearly indicates otherwise.

(1) ***GOAL.*** The minimum percentage of Local Vendor participation required by the City of Pompano Beach.

(2) **LOCAL VENDOR.**

1. **TIER 1 LOCAL VENDOR.** POMPANO BEACH BUSINESS EMPLOYING POMPANO BEACH RESIDENTS. A business entity which has maintained a permanent place of business within the city limits and maintains a staffing level, within this local office, of at least ten percent who are residents of the City of Pompano Beach or includes subcontracting commitments to Local Vendors Subcontractors for at least ten percent of the contract value. The permanent place of business may not be a post office box. The business must be located in a non-residential zone, and must actually distribute goods or services from that location. The business must be staffed with full-time

employees within the limits of the city. In addition, the business must have a current business tax receipt from the City of Pompano Beach for a minimum of one year prior to the date of issuance of a bid or proposal solicitation.

2. **TIER 2 LOCAL VENDOR. BROWARD COUNTY BUSINESS EMPLOYING POMPANO BEACH RESIDENTS OR UTILIZING LOCAL VENDOR SUBCONTRACTORS.** A business entity which has maintained a permanent place of business within Broward County and maintains a staffing level, within this local office, of at least 15% who are residents of the City of Pompano Beach or includes subcontracting commitments to Local Vendors Subcontractors for at least 20% of the contract value. The permanent place of business may not be a post office box. The business must be located in a non- residential zone, and must actually distribute goods or services from that location. The business must be staffed with full-time employees within the limits of the city. In addition, the business must have a current business tax receipt from the respective Broward County municipality for a minimum of one year prior to the date of issuance of a bid or proposal solicitation.

3. **LOCAL VENDOR SUBCONTRACTOR.** POMPANO BEACH BUSINESS. A business entity which has maintained a permanent place of business within the city limits of the City of Pompano Beach. The permanent place of business may not be a post office box. The business must be located in a non-residential zone, and must actually distribute goods or services from that location. The business must be staffed with full-time employees within the limits of the city. In addition, the business must have a current business tax receipt from the City of Pompano Beach for a minimum of one year prior to the date of issuance of a bid or proposal solicitation.

(B) GOALS.

(1) The attainment goal of the Local Business Program is to increase the annual level of Local Vendor participation in the City of Pompano Beach contracting to the average level of ten percent of the total annual expenditures for goods and services of the city.

(2) Department-specific goals expressed as a percentage of aggregate department expenditures, will be specifically included in each of the following contracting categories, or in limited circumstances due to administrative necessity, other such categories established by the General Services Director:

1. construction;

2. construction related services;

3. non-construction related services; and

4. commodities.

(3) When utilized, individual established contract goals, equal to or in excess of the Annual Local Business Program Goal, shall be based on estimates made by Purchasing prior to bid advertisement of the quantity and type of subcontracting opportunities provided by the contract, and on the availability and capability of Local Vendors and Local Vendor 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, if approved by the City Manager.

(4) Prospective construction contracts equal to or above $100,000 in total contract value; or other goods and services contracts equal to or above $50,000 in total contract value will be required to provide Local Vendor Goal attainment information to facilitate the collection of information to assist in monitoring the city's goal attainment efforts.

(5) Attainment goal percentages shall be based on the availability of Local Vendors 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 ($100,000/$50,000) and not subject to federal Disadvantage Business Enterprise (DBE) program. All contractors bidding on a construction, professional services or goods and services contracts will be required to subcontract the designated percentage of work, including the cost of materials, goods, and supplies to Local Vendor 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.

(6) In those contracts in which no Local Vendor goal is set, or, for reasons stated herein, the goal is set below the Annual Local Business Program Goal, the contract shall contain language stating that, the city encourages contractors to give full consideration to the use of Local Vendors to perform work or services under the contract.

(C) LOCAL VENDOR PREFERENCE PROCEDURE.

For the purposes of this section, the following preferences shall apply to all Bids and Proposals deem responsive.

(1) ***Award of Bids.*** Purchasing will include Local Vendor preference 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. The city shall award a Local Vendor preference based upon vendors, contractors, or subcontractors who are local with a preferences follows:

1. For bid evaluation purposes, Tier 1 business as defined by this subsection shall be granted a preference in the amount of five percent of any bid or five points of any proposal score. If the Tier 1 business submits a second bid which is

at least one percent lower than that lowest responsive bid/quote, then the award will go to the Tier 1 business. If not, the award will be made to the business that submits the lowest responsive bid/quote. If the lowest responsive and responsible bidder is also a Tier 1 business, the award will be made to that business and no other bidders will be given an opportunity to submit additional bids as described herein.

2. For bid evaluation purposes, Tier 2 business as defined by this subsection shall be granted a preference in the amount of two and one-half percent of any bid or two and one-half points of any proposal score. If the Tier 2 business submits a second bid, which is at least one percent lower than that lowest responsive bid/quote, then the award will go to the Tier 2 business. If not, the award will be made to the business that submits the lowest responsive bid/quote. If the lowest responsive and responsible bidder is also a Tier 1 business, the award will be made to that business and no other bidders will be given an opportunity to submit additional bids as described herein.

3. If there is a Tier 1 business and/or Tier 2 business participating in the same bid solicitation and all businesses qualify to submit a second bid as detailed above, the Tier 1 business will be given first option, the Tier 2 business will be given second option. If the Tier 1 business is not the lowest bid received by at least one percent, then an opportunity will be given to the Tier 2 business. If the Tier 2 business is not the lowest bid by at least one percent, then the bid will be awarded to the lowest bidder regardless of geographic location of the business.

(2) **Proposals.**

1. For evaluation purposes, the Tier 1 and Tier 2 businesses shall be a criterion for award in any Request for Proposal (RFP), Request for Qualifications (RFQ), Request for Letter of Interest (RLI), or other competitive process, unless specifically exempted by the City Manager. No business may qualify for more than one tier level.

2. For evaluation purposes, after completion of the final ranking, local vendors shall receive the following preferences:

a. Tier 1 business as defined by this subsection shall be granted a preference in the amount of five percent of total score.

b. Tier 2 business as defined by this subsection shall be granted a preference in the amount of two and one-half percent of total score.

(3) ***Request for Quotations.*** The city shall, whenever possible, utilize Local Vendors for informal and competitive quotations. All departments are encouraged to request price quotes from Local Vendors. Purchasing shall assist with vendor research, including identifying relevant local businesses to contact for pricing.

(D) EXCEPTIONS.

Notwithstanding anything contained in this section to the contrary, the local

preference provided for in this section shall not be applied in any one or more of the following circumstances:

(1) State, Federal law or applicable County Ordinance prohibits the use of local preferences or the work is funded in whole or in part by a governmental entity, and laws, rules, regulations, or policies prohibit the use of local preferences;

(2) Professional services procured pursuant to the State of Florida Consultants Competitive Negotiations Act (CCNA);

(3) Any competitive solicitation where the city is the lead agency for the Southeast Florida Purchasing Cooperative (Co-op);

(4) Emergency purchases;

(5) Sole Source/Brand purchases;

(6) Co-op purchasing agreements or utilization of other agencies' contracts;

(7) The local business is either nonresponsive or non-responsible;

(8) All bids/proposals submitted exceed the budget amount for the project;

(9) The city's General Services Director has determined that the business is unqualified to perform the work;

(10) Utilization of local business preference is unfeasible due to the nature and scope of the work as determined by the City Manager; or

(11) The business has outstanding city liens, fines or violations.

(E) REGULATIONS.

(1) Goals for participation of Local Business Program in city contracts shall be mandates for complete attainment. These goals should be established in order to increase the percentage of participation of local vendors to a level that is reasonably proportionate to their availability and capability in the City of Pompano Beach and Broward County marketplace. The Local Vendor goals for direct awards and subcontract awards shall be based against the aggregate dollar value of all contracts awarded over the previous fiscal year.

(2) Responsive Bidder means a person who has submitted a bid or proposal, which conforms in all material respects to a solicitation. Failure to provide a bid/response that meets or exceeds the Local Vendor Goals established for a contract

will deem the bid/response Non-responsive by the General Services Director and be summarily rejected.

(3) The city shall review each proposed contract modification and/or change order request that, by itself or aggregated with previous modification requests, increases the contract value by more than $50,000 of the initial contract value for opportunities to include or increase participation of Local Vendors. The contractor shall demonstrate that it makes good faith efforts to include Local Vendor participation in change order work.

(4) 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 Local Vendors as contractors and subcontractors for the procurement of goods and services. Bidders are required to participate in the City of Pompano Beach's Local Business Program by including, as part of their bid package, the Local Vendor Participation Form (Exhibit "A") and the Letter of Intent Form (Exhibit "B"). Bidders who are unable to meet the required goals should also provide the Local Vendor Unavailability Form and Good Faith Effort Report (Exhibits "C" and "D").
>
> The required goal for this bid is % for Local Vendor.

(5) If a Prime Contractor/Vendor is not able to achieve the level of goal attainment of the contract, the Prime Vendor will be requested to demonstrate and document that good faith efforts were made to achieve the goal. This documentation shall be provided to the City Commission for acceptance.

(6) Failure to meet Local Vendor Goal commitments will result in “unsatisfactory” compliance rating. Unsatisfactory ratings may impact award of future projects if a sanction is imposed by the City Commission.

(7) The city shall promulgate administrative rules and procedures implementing this Resolution.

(F) MONITORING AND REPORTING.

(1) The City Manager shall charge at least one employee with the responsibility of monitoring applicable city contracts for compliance with the provisions of this Section and for review of the city’s procurement activities to insure reasonable efforts are being made to encourage and foster the participation of the City of Pompano Beach businesses in the central procurement activities. One such measure shall be the implementation and monitoring the achievement of contract goals for local businesses inclusion.

(2) If it is determined by the Contract Manager that any Prime

Contractor/Vendor is substantially failing to meet the agency-specific Local Vendor Goals prescribed in the contract, the Prime Contractor/Vendor shall b e required to submit a remedial action plan to the Contract Manager to remedy such failure. The director shall provide written notice of such a finding, which shall be publicly available and direct implementation of affirmative corrective measures, as appropriate. This documentation shall be provided to the City Commission for acceptance.

(3) A status report will be developed annually and should indicate the number of Local Businesses used, the total dollar amount spent with Local Businesses in both prime and subcontracting roles, as well as comparative percentages with overall city expenses in order to determine the efficiency of this Section.

SECTION 2. All ordinances or parts of ordinances in conflict herewith be and the same are hereby revoked.

SECTION 3. That 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 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.

EXHIBIT "F"

Print Request Form

Printing request form will NOT be accepted without a sample, paper clipped to this form.

Department: _____ **Phone:** _____ **Date:** _____

Date Needed by: _____ **(A.S.A.P.'s are not accepted)**

Requested by: _____ **Approved by:**

_____

Dept/Div. # _____ -_____ -_____ -_____

1. **Quantity to be printed** _____

_____

2. **Have we printed this job previously?** _____

If YES, are there any changes? _____

Reprint # _____

_____

3. **Size of Form** _____**(Exact Finish Size)**

_____

4. **Paper Types:**

_____ **20# bond** _____ **Card stock**

_____ **NCR (carbonless) # of parts** _____

Color of paper: _____

_____

5. **Print Pages:**

_____ **one (1) sided** _____ **two (2) sided**

Finishing & Bindery:

____ **Collated**____ **Folded**

____ **Stapled**____ **Numbered (beginning #** _____ **to ending #** _____

____ **Padded (100 per pad)**____ **Other**_____

Packaging:

____ **100 per pkg.**___**500 per pkg.** ____**Other**_____

Printing Department Use ONLY

Paper (list total quantity of each type/color)

_____ _____

_____ _____

_____ _____

***Impression: Press** _____ _____

B/W _____ _____
Color _____ _____
Plates _____

***Other** _____ _____

Date Completed:

_____

Completed By: _____

Stamp Date Received by Graphics Department

EXHIBIT "G"

Title:
Procurement Card Policies and Procedures **Policy Number**: 905.08

Effective Date: Jan.1, 2019

INTRODUCTION

The City of Pompano Beach Procurement Card (P-card) Program is designed to improve efficiency in processing purchases from any merchant that accepts the MasterCard. This program will allow the cardholder to purchase approved commodities and services directly from merchants. Each P-card is issued to a named individual and the City of Pompano is clearly shown on the card as the governmental buyer of goods and services. Participating in the P-card program is a privilege being offered by the City. The General Services Department will monitor the performance of the program. All questions or concerns should be directed to:

P-card Program Administrator (General Service Director)	954-786-4167
P-card Program Coordinator (Buyer)	954-786-5502
Finance Director	954-786-4680

PURPOSE

The purpose of these policies and procedures is to accomplish the following:

1. Provide an efficient method of purchasing and paying for goods and services.
2. Provide a convenient method of purchasing goods not exceeding pre-authorized purchase dollar limits.
3. Provide a tool for reviewing and tracking purchases (Smartdata).
4. Reduce the use of purchase orders and expedite purchases.
5. Enhance good relations with merchants due to prompt payment for goods and services.
6. Enhance productivity, improve controls, reduce paperwork and the overall cost associated with purchases.
7. Reduce the amount of time spent by Accounts Payable and General Services Departments when processing transactions.
8. Limit the City's legal liability from inappropriate use of the P-card.
9. Ensure P-card purchases are in accordance with the City's Purchasing Policies and Procedures.
10. Provide for disciplinary action if P-cards are misused.

The success of the City's Procurement Card Program relies on the cooperation and

professionalism of all personnel associated with this initiative. The most important participant is the cardholder. The cardholder is a key element in making this program successful. The policies and procedures provided herein are minimum standards for departments. Departments may establish additional controls if necessary, but cannot alter the authorized policies and procedures specified herein.

SCOPE

These policies and procedures will be applicable to departments using P-cards to purchase goods and services. The Department Head will make the decision of when a P-card is requested, for whom, and the limits for each cardholder. This will be approved by the Program Administrator or his designee. All cardholders must complete a training session administered by the General Services Department before P-cards are issued. The cardholder and Department Head must sign the Procurement Card Employee Agreement Form (Attachment A) before P-cards are issued.

DEFINITIONS

1. Back-order: An order that cannot be fulfilled due to an out of stock condition.

2. Billing Cycle: Individual transactions are assigned based on a specific monthly calendar period.

3. Cardholder: An individual employee who has been assigned a P-card by their department director.

4. Departmental P-card Coordinator: The Departmental P-card Coordinator is appointed by the department director, and is responsible for coordination of activities for each department, including collection of receipts from cardholders, monitoring all cardholder transactions, entering appropriate accounting data on-line, resolving credit issues, scanning receipts and transmitting all approved documentation to the Finance Department for the processing of payment, performs daily, weekly, monthly cardholder audits.

5. Merchant Category Code: A universal code designated by the financial and banking industry that specifically delineates a type or class of products or services.

6. Monthly Purchase Limit (MPL): The dollar limitation for the total monthly allowance assigned to an individual P-card. Typical profile has a $5,000 Monthly Purchase Limit (MPL). However, other limits may be set on a temporary or permanent basis as required by the Cardholder and approved by the Department Head.

7. Procurement Card (P-card): A payment vehicle that may be used for purchases by an individual employee. A procurement card works very similar to a credit card, in terms of acceptance by merchants; however, procurement cards provide the ability for the

administrator to restrict single purchase limitations as well as specifically designate the types of commodities and services that may be purchased with each individual card.

8. P-card Administrator (P.A.): The individual responsible for the overall administration of the P-card program. The General Services Director or his designee is the designated P-card Administrator.

9. P-card Coordinator: The P-card Coordinator is responsible for the day-to-day administrative functions of the P-card program, including the coordination of departmental representatives, departmental auditing, and the dispute resolution process. This position is a member of the General Services Department.
10. Receipt: A merchant's acknowledgement that payment has been made. Specifically, for purposes of this policy, the receipt is provided to the cardholder when using a P-card for a purchase transaction.

11. Daily Purchase Limit (DPL): The dollar limitation for daily purchases using the P-card. Typical profile has a $1,000 Daily Purchase Limit (DPL). However, other limits may be set on a temporary or permanent basis as required by the Cardholder and approved by the Department Head.

12. Splitting: The intentional processing of multiple transactions for one item or for a single order with the express intent of circumventing purchasing dollar thresholds. Splitting of transactions is not allowed, and will result in card removal and/or disciplinary actions.

13. Tax Exempt: When referenced in this policy, "tax exempt" refers to the fact that the City of Pompano has been granted an exemption to the payment of State of Florida Sales Tax by the Florida Department of Revenue.

BENEFITS

There are many benefits to using the P-card for purchases including:

Cardholder benefits

1. Convenience of purchasing goods and services without a purchase order.
2. Expedited delivery of goods to the job site.
3. Expand the list of merchants from whom purchases can be made.

City of Pompano benefits

1. Simplify the procurement and accounts payable processes for the large number of low dollar purchases, freeing up time for large dollar purchases.
2. Lower the overall transaction processing cost per purchase.
3. Improve accountability.
4. Provide management information electronically which is currently unavailable.
5. Rebate back to the City.

Merchant benefits

1. Expedite payment to the merchant.
2. Reduce paperwork.
3. Lower risk of nonpayment.

HOW IT WORKS

The P-card Program is intended to simplify the procurement/disbursement process. The responsibility is delegated to the ordering department enabling authorized cardholders to place orders directly with merchants. The authorization process occurs through the electronic system (Smartdata) that supports the P-card processing services under the City of Pompano's agreement with JP Morgan Chase.

At the point of sale (POS) when the merchant requests a purchase authorization, the MasterCard merchant network validates the transaction against pre-authorized limits established by the cardholder's department. All transactions are approved or declined electronically based on the pre-authorized limits.

Pre-authorized limits per Cardholder may be as follows:

1. Daily purchase dollar limits set per individual's responsibilities.
2. Monthly spending dollar limits set per individual's responsibilities.
3. Approved merchant category codes (MCC).

The Cardholder's pre-authorized limits may be changed by the Department Head and the Program Administrator.

RESPONSIBILITIES:

The following is a summary of the responsibilities involved in the P-card process.

A. CARDHOLDER

1. Sign Cardholder's Agreement (Attachment A). This form must also be signed by the Department Head.
2. Sign back of P-card upon issuance.
3. Hold and safeguard P-card.
4. Use P-card for City business only.
5. Follow departmental administrative control of funds procedures to ensure funding is available.
6. Remind merchants of the City's tax exempt status and ensure no sales tax is charged (sales tax exemption number is imprinted on the face of each P-card).
7. Request credit from Merchant as soon as possible if sales tax is charged in error, but at a minimum within two (2) weeks of purchase.
8. Sign and print name on all receipts, collect and save sales receipts.

9. Forward sales receipts to Department Coordinator by the following business day for safekeeping and placement in your (cardholder) monthly file.
10. Within five (5) days of month end, review monthly P-card statement from Smartdata system against sales receipts in file, sign off on Smartdata statement and provide such, along with receipts back to Department Coordinator.
11. Provide a description of each P-card transaction to the Department Coordinator if the sales receipt does not include a detailed description. This may be written on the face of the receipt next to the transaction on the P-card statement.
12. For purchases of materials, the Cardholder must add the appropriate work order/job number (where necessary) on the invoice/receipt to increase accountability, transparency, provide an audit trail, and justification that the purchase was for City business.
13. Ensure the P-card is not being used to pay outstanding invoices issued as the result of a purchase order or invoices that have been submitted under the cash payment requisition (CPR) process as this may cause duplication of payments from the Finance Department.
14. Provide copies of quotations to Department Coordinator of any purchases requiring RFQ's or Bid's according to the Purchasing Policy and Procedures Manual.
15. Contact Merchant to replace lost or damaged receipts.
16. Provide the merchant with the appropriate delivery information, not the General Services Department as the "ship to" address. Information should have Cardholder's department/division, name, room number (where applicable) clearly marked on the outside of the package.
17. Instruct the merchant to send the receipt directly to you (Cardholder's department to Cardholder's attention), and not to send an invoice to the Finance Department.
18. Manage any returns/exchanges and ensure that proper credit is received for returned merchandise.
19. Immediately report lost or stolen card to JP Morgan Chase, Department Head, Department Coordinator and Program Administrator. The cardholder is responsible for reporting lost or stolen card to JP Morgan Chase.
20. Report disputed charges to Department Coordinator and Program Administrator. The cardholder is responsible for reporting all disputes to JP Morgan Chase and resolution in order to get proper credit to the City.
21. The Department Coordinator shall enter the appropriate account number(s) on the P-card provider's software (Smartdata) for all transactions and approve all transactions using Smartdata.
22. Provide copies of quotations to Department Coordinator of any purchases requiring RFQ's or Bid's according to the Purchasing Policy and Procedures Manual.

B. DEPARTMENT COORDINATOR

1. Maintain sales receipts from cardholders in monthly cardholder files, pending receipt of monthly P-card statement from cardholder.

2. Review transaction with Cardholder(s) as sales receipts are turned in.
3. Ensure there has been no sales tax charged and that no items are back ordered. Should be verified immediately upon receiving receipts from cardholder.
4. Scan receipts into (Smartdata) as support for each transaction coded to the system. Enter the appropriate account number(s), and work order/job order number for purchased materials (where appropriate/provided), in Smartdata for all transactions; approve, and save all transactions in Smartdata.
5. Review charges in the Smartdata system for validation of all transactions.
6. Ensure transactions are coded to the correct general ledger account number in the Smartdata system. Also revise (if necessary) general ledger account numbers for each transaction.
7. Ensure the P-card is not used to pay outstanding invoices issued as the result of a purchase order or invoices that have been submitted under the cash payment requisition (CPR) process as this risks the possibility of duplication of these payments from the Finance Department.
8. For invoices paid through P-cards. Ensure that the invoice number is entered into the Smartdata system. This is a necessary control to minimize the possibility of duplicate payments to the vendor.
9. Print the respective cardholder bank statements match the receipts to the statement transactions, sign off to indicate a match, and ensure cardholder has signed off also to indicate reconcilement of sales receipts to statement activity.
10. Ensure all department approvals have been obtained prior to Finance Department scheduled review, inclusive of verification of any approvals in Smartdata system.
11. Ensure that all supporting receipts are maintained for submittal to the Finance Department, even though scanned into the Smartdata system.
12. Submit receipts, individual cardholder statements and the "Procurement Card Order Log" (Attachment C–manila folder) to Finance within the date specified on the "Procurement Card Processing Due Dates Calendar". The calendar will be updated by Finance at the beginning of each fiscal year.
13. Verify sufficient funding exists; notify Department Head if funds are insufficient. A budget adjustment must immediately be prepared to correct any shortfalls.
14. Notify Program Administrator immediately of any Cardholders whose employment with the City is terminated.
15. Collect cards from terminated employees prior to the last day of employment, and return to Program Administrator.
16. Assist Cardholder in managing any returns/exchanges and ensuring that proper credit is received for returned merchandise.
17. Assist Cardholder in resolving disputed transactions, and resolution.
18. Report any misuse or abuse of P-cards to Department Head and Program Administrator.
19. Provide default general ledger account numbers to Program Administrator for new Cardholders.
20. Complete a P-Card Maintenance Form (Attachment B) for any status changes and forward to Department Head for approval.
21. Monitor and review all cardholder daily transactions.

22. Ensure that cardholders are not splitting orders to circumvent procurement policies and procedures.
23. Monitor and review all cardholder daily transactions. Ensure that cardholders are not splitting orders to circumvent procurement policies and procedures.

C. DEPARTMENT HEAD

1. Request P-card for selected employees.
2. Establish pre-authorized limits and authorize merchant codes for use of P-card in consultation with Program Administrator.
3. Designate Department Coordinator.
4. Review and approve P-card usage and transactions for all departmental Cardholders on a monthly basis (or as necessary), to be evidenced by signing off on the package, or Smartdata (cardholder monthly statement and receipts reconciliation) from the Department Coordinator, or directly online in Smartdata.
5. Approve P-card Maintenance Form for any status changes and forward to Program Administrator. (Reference Attachment B)
6. Require the Cardholder to reimburse the City for any purchases deemed not for official City use. (Reference A4)
7. Enforce disciplinary actions on any misuse of the P-card program.
8. Monitor department line item expenditure/expense budget on a monthly basis.
9. Ensure that Cardholder's Agreement (Attachment A) is signed by cardholder. This form must also be signed by the Department Head.

D. PROGRAM COODINATOR

1. Coordinate with the Program Administrator in setting Procurement Card Policies and Procedures.
2. Issue and cancel P-cards.
3. Input new cardholder and their default account numbers into the Smartdata System.
4. Participate in resolving billing disputes as necessary.
5. Evaluate P-card feedback from merchants and cardholders.
6. Notify Finance of terminated/cancelled cards.
7. Distribute Procurement Card Policies and Procedures.
8. Conduct annual inventory of P-cards by October 31st by requesting listed card holders to present the card. Cards that have not been utilized within a one year period will be de-activated.
9. Monitor Cardholder compliance with Procurement Card Policies and Procedures and the Purchasing Policies and Procedures.
10. Provide training to new and existing cardholders.
11. Verify that there is no balance on the P-card if card is cancelled or employee is terminated. Contact Department Coordinator if there is a balance, so they can verify that all charges are authorized and confirmed by attached receipts.

E. PROGRAM ADMINISTRATOR

1. Coordinate with the Finance Director and Internal Auditor in setting and amending Procurement Card Policies and Procedures.
2. Issue and cancel P-cards.
3. Remove or change Cardholder's privileges in consultation with Department Head.
4. Input new cardholder and their default account numbers into the Smartdata system.
5. Participate in resolving billing disputes as necessary.
6. Evaluate P-card feedback from merchants and cardholders.
7. Notify Finance of terminated cards.
8. Audit Cardholder compliance with Procurement Card Policies and Procedures and the Purchasing Policies and Procedures.
9. Distribute Procurement Card Policies and Procedures.
10. Conduct annual inventory of P-cards.
11. Pursue supplier discount opportunities.
12. Target new Cardholders and expand use of P-card.
13. Provide training to new and existing cardholders.

F. FINANCE

1. Upload Smartdata into GMBA monthly.
2. Review individual cardholder statements, supporting sales receipts and "Procurement Card Order Log" from Departments.
3. Ensure "Procurement Card Order Log" and individual cardholder statement is signed by the cardholder, and each transaction is reviewed by the Department Coordinator and Department Head evidenced by their approval in the Smartdata system.
4. Notify cardholders and/or Department Coordinator when statements and documentation have not been received by the date specified on the Procurement Card Processing Due Dates Calendar.
5. Print monthly consolidated statement from Smartdata.
6. At the end of the month, reconcile monthly consolidated statement from P-card issuer to monthly amounts uploaded to GMBA by the date specified on the Procurement Card Processing Due Dates Calendar.
7. Post the group of all P-card transactions.
8. Provide monthly consolidated statement, and GMBA report summarizing the P-card transactions that were posted to Controller or Finance Director.
9. Controller or Finance Director to initial and date once review of consolidated statement and posted P-card transactions have been completed.
10. Maintain files for auditing and in accordance with document retention guidelines.

11. Notify Program Administrator of any noted non-conformance with Procurement Card Policies and Procedures and the Purchasing Policies and Procedures.

G. INTERNAL AUDIT

Conduct periodic operational and compliance audits of the P-Card Program.

H. DECLARED EMERGENCIES

At the discretion of the City Manager or his designee, restrictions on daily transaction limits, monthly transaction limits, and Merchant Category Groups may be temporarily modified once an emergency situation has been declared. Initial card limits/restrictions must be re-initiated by the Department Coordinator through the Program Administrator, post emergency.

ASSIGNMENT AND CONTROL OF THE P-CARD:

A. REQUESTS FOR INITIAL OR CHANGES TO P-CARD

All initial requests for cardholders or changes to current cardholders will be processed by the Program Administrator after receiving the P-Card Agreement from the Department Head.

The Department Head approving the assignment of a P-card will set limits for each cardholder, such as:

A. Daily Transaction Limit (DLT) of a particular dollar amount.
B. Monthly Transaction Limit (MLT) of a particular dollar amount.

The P-card will have the employee's name, the City's name, sales tax exemption number and the expiration date embossed on the face of the card. JP Morgan Chase MasterCard (the P-card issuer) will not have individual cardholder information. No personal credit records or social security numbers are noted in the bank records.

1. Cardholders will receive a copy of the P-card Policies and Procedures and an oral review of the program policies and procedures and the individual cardholder's responsibilities and consequences of any misuse.
2. P-cards will be distributed to the cardholder upon completion of training and they will be required to sign the back of the p-card.
3. The cardholder will be required to sign the Card Holder's Agreement Form along with the Department Head.

B. LIMITATIONS ON USE OF THE P-CARD

1. Procurement cards should not leave the possession of, nor be used by, anyone other than the assigned cardholder, whose name is imprinted on the front of the card.
2. The Procurement Card is to be used for City-authorized purchases only.
3. Personal use of P-card is strictly prohibited. Any such use will require immediate reimbursement by the employee to the City, and may result in disciplinary action up to and including termination of employment.
4. A purchase may consist of multiple items but the invoice total must not exceed the cardholder's authorized limit.
5. Payment for items shall not be split in order to stay within the single purchase limit.
6. Other limitations may be imposed such as limits on particular commodity types and/or merchant types.
7. It is the cardholder's responsibility to ensure all extra charges such as freight, handling, and set up are considered before a P-card transaction. Such charges are part of the initial transaction and considered within those dollar limits.
8. A merchant's willingness to honor a P-card transaction exceeding the individual's limit does not authorize the cardholder to make such purchases.
9. The Department Head and Program Administrator will set a 30-day spending limit for each cardholder. The maximum limit shall be established based upon each individual's need. Requests for spending limit changes must be initiated and authorized by the Department Head and coordinated with the Program Administrator.
10. All items purchased over-the-counter or by telephone must be immediately available. If the item is back-ordered the City may not be charged except upon shipment of the merchandise. The order should not be placed without this assurance.

C. LOST OR STOLEN P-CARD

1. If a P-card is lost or stolen, the cardholder must immediately notify JP Chase Morgan, Department Head, Department Coordinator, Finance and the Program Administrator in writing, or email. The cardholder is responsible for reporting lost or stolen card to JP Chase Morgan.
2. If the report is made during regular business hours (Monday – Friday, 7 a.m. to 5 p.m.), the cardholder must notify JP Morgan Chase and their department coordinator of the lost or stolen card.
3. If the card is lost or stolen after hours, the cardholder must immediately notify JP Morgan Chase by calling **(800) 316-6056**, to report the card lost or stolen. On the next business day the Cardholder must also notify the Department Head, the Department Coordinator, Finance and the Program Administrator in writing, or email. Cardholders may be held personally liable if the lost card is not reported in a timely manner and unauthorized purchases are charged to the card.
4. The cardholder will be responsible for reporting all information necessary to reduce the liability to the City for a lost or stolen P-card.

5. Any actions contrary to the above may result in removal of the cardholder from the program and/or disciplinary actions.

D. TERMINATION OR TRANSFER OF CARDHOLDER

1. When an employee ends his/her employment, the Department Coordinator must collect the P-card and send it to the Program Administrator with the P-Card Maintenance Form attached, sealed in an envelope addressed directly to the Program Administrator. The Program Administrator or his designee will coordinate with HR/Payroll to confirm that there are no outstanding personal or un-authorized charges due on the card. The cardholder will be responsible for paying any unauthorized fees due on the card.
2. The Program Administrator will notify the Finance Department of the terminated cardholder and the receipt of the card. Immediately by Email.
3. If the department is unable to collect the P-card when an employee terminates, the Department Coordinator must immediately notify the Program Administrator and JP Chase Morgan with the name of the cardholder and the date of termination. As a follow up, the P-Card Maintenance Form should be submitted to the Program Administrator. The Program Administrator or his designee will follow up JP Morgan Chase to ensure that the card is terminated. Document process with a follow up Email to bank.
4. A cardholder who fraudulently uses the P-card after separation from the City will be subject to legal action.
5. When an employee transfers to another department, the new Department Coordinator will complete the P-Card Maintenance Form and submit it to the Program Administrator who will notify the Finance Department. The P-card of the transferred employee will be cancelled. The Department Head will decide if the newly transferred employee will receive a new P-card.

E. CARDHOLDER USE ONLY

1. Only the employee whose name is embossed on the P-card may use the card. No other person is authorized to use that P-card. Cardholders are prohibited from providing their card or card number to anyone else for use.
2. Improper or unauthorized use of the P-card may result in termination, reimbursement to the City for the purchase and/or legal action.

F. P-CARD SECURITY

1. Guard your card number carefully. Do not post it or write it in any location that is accessible to others.
2. Do not send your card number, three digit code or expiration date in an e-mail.
3. Do not leave your card in an un-locked desk.
4. Do not fax your card number or images of your card to the vendor.
5. Do not give your card number to anyone over the phone unless you know you are dealing with a reputable vendor.

G. CITY PURCHASES ONLY

1. The P-card is to be used for City authorized purchases only. Any personal use of the P-card is strictly prohibited.
2. Any personal expenditure made on the P-card will require the cardholder to immediately reimburse the City. Such personal transactions may result in termination.
3. Abuse of the Procurement Card Policies and Procedures could result in disciplinary action as noted above.

H. PROHIBITED USES OF THE P-CARD

The following types of item and/or transactions may not be purchased with a P-card, no matter the dollar amount:

1. Cash advances and cash refunds will not be permitted. Store credits are also prohibited. Any credit received must be applied to the P-card account of the cardholder.
2. Tuition, permits, and licenses.
3. Merchandise exchanges are prohibited (the entire transaction should be credited and a new transaction started).
4. Capital assets (per unit cost of $1,000 or greater).
5. Travel related expenses (i.e. registration fees, airline, car rental, lodging, and restaurant) are not permitted. They must be paid separately and reimbursed as outlined in City administrative policy 150.03 for payment and reimbursement of travel related expenses.
6. Gas, fuel, or oil unless using a City vehicle while out of town on City business or a special type of fuel is needed that is not available from Fleet Maintenance.
7. Vehicle repairs unless for a City vehicle and prior approval is obtained from the Fleet Manager.
8. Items available through city or state or other types of government contracts, such purchases shall be coordinated through the General Services Department.
9. Tuition, permits, licenses and other fees payable to the City.
10. Payments for outstanding invoices issued as the result of a purchase order or invoice that has been submitted under the cash payment requisition (CPR) process as this may cause duplication of payments from the Finance Department.
11. Consultant's fees.
12. Sole Source purchases, unless current Sole Source Justification form is on file with the General Services Department.
13. IT purchases (computers, laptops, monitors, cellular telephones, headsets, pagers, etc.). Prior written approval is to be obtained from the IT Director and then the order will be processed through the General Services Department.
14. Purchase where insurance requirements are a consideration.
15. Purchases that require a contract or agreement to be signed.
16. Goods specifically restricted by the Department Head.

17. Food or meals not necessitated by official city business. Must have Department Head Approval prior to purchase.
18. Grant funded purchases should be coordinated through the General Services Department.
19. All procurements that are above the purchasing thresholds must be processed via the RFQ, Bid, RFP, or RLI processes by the General Services Department.

At no time is the P-card to be used to circumvent the Purchasing Policies and Procedures, such misuse may result in the removal of the cardholder from the program and/or disciplinary actions.

PROCEDURES FOR MAKING AND PAYING FOR PURCHASES:

A. OVER-THE-COUNTER PURCHASES

1. Whenever purchases are made, the Cardholder is to exercise due diligence to obtain the best price possible for goods or services. The P-card does not eliminate the need to be fiscally responsible.
2. There is no pre-encumbrance of budget funds for P-card transactions.
3. Cardholders must show their City pictured identification card prior to making a purchase.
4. Signatures on receipts are to be clear and able to be understood in the event they are questioned for authenticity. Names should also be printed on receipts prior to submittal to the Department Coordinator.
5. The cardholder must inform the merchant that the City is exempt from State Sales Tax. Some merchants are not able to process tax exempt transactions. Review the receipt to be sure no tax has been charged. The sales tax exemption number is on the front of the P-card.
6. Cardholder is to retain the sales receipt and forward it to the Department Coordinator by the next business day.
7. No item may be back-ordered at any time. If the items are not in stock when an order is placed, the order must be cancelled and re-issued when the item is no longer on back-order.

B. TELEPHONE PURCHASES

1. When placing a telephone order, the Cardholder must confirm that the merchant will not charge the P-card transaction until the item(s) is shipped. Florida law prohibits payment to a merchant prior to receipt of goods or services except in specific circumstances.
2. All items purchased during one telephone transaction must be delivered in a single delivery.
3. Request the merchant to include on the shipping document or packing slip:

    A. Order date
    B. Purchased by

C. Department/Division
D. P-Card purchase

4. The merchant must include any shipping or delivery fees with the invoice. All orders are to be shipped prepaid, FOB Destination to the ordering Department/Division (by name), City of Pompano Beach.
5. Cardholder must notify merchant of sales tax exemption status.

C. MISSING DOCUMENTATION

If for some reason the Cardholder does not have documentation of the transaction, (e.g. charge slip, receipt or invoice), he/she must contact the merchant and ask for a copy. The cardholder is responsible for contacting the merchant to obtain copies of any missing documentation for transactions. The cardholder will provide a signed legible receipt to the Department Coordinator. If for some reason the Cardholder is still unable to obtain documentation of the transaction, he/she must complete the "Lost Receipt/Invoice Affidavit" form. Failure to complete such affidavit may result in disciplinary action and the Cardholder may be required to pay the City for the undocumented expense. Continued instances of missing documentation could result in suspension or termination of P-card privileges or disciplinary action.

D. PAYMENT PROCEDURES

1. The Cardholder is to turn in sales receipts to the Department Coordinator by the next business day following the purchase.
2. The Department Coordinator will enter a brief description of the purchase and add the general ledger account number into the Smartdata system if necessary. The Department Coordinator will also enter appropriate quotes or justification comments.
3. The Department Coordinator will scan the receipt for each transaction into the Smartdata system (optional). A hard copy of receipts must be kept in the monthly individual manila envelope for each P-card cardholder.
4. Smartdata will generate a monthly electronic individual account statement on the last day of each month. This individual account statement will list all transactions processed during the monthly billing cycle.
5. The Department Coordinator must reallocate all transactions to their appropriate account numbers throughout the billing cycle, and by the date specified on the Procurement Card Processing Due Dates Calendar. The Department Coordinator must then check the reviewed box in Smartdata for each transaction. By checking reviewed, the Department Coordinator is verifying that all charges are authorized and confirmed by attached receipts. Each individual account statement should be printed and forwarded to Finance along with all applicable receipts in the manila P-card envelope.

6. The Department Head or his/her designee will review and approve monthly P-card charges in the Smartdata system. The review will be evidenced by their approval of each transaction in the Smartdata system.
7. Finance will audit each transaction to verify that each transaction has been reviewed by the Department Coordinator, reviewed by the Department Head, supported by documentation, and is not prohibited. Finance will also verify that the "Procurement Card Order Log" has been signed by the Cardholder. This process is repeated until all transactions have been audited.
8. Finance will upload approved P-card transactions from the Smartdata system module to GMBA in the HTE system.
9. At the end of the statement period (monthly) Finance will download the consolidated credit card statement. Individual Cardholder statements will be available in the Smartdata system.
10. At the end of the statement period, Finance will reconcile the monthly statement from the P-card issuer to the batches in GMBA.
11. The Department Coordinator will be responsible for submitting a journal entry request to Finance if a purchase should have been charged to a different general ledger account number.

E. RETURNING MERCHANDISE

The Cardholder, in conjunction with the Department Coordinator is responsible for managing any returns/exchanges and ensuring that proper credit is received for returned merchandise. Credit should be applied to individual cardholder account. No cash refunds or store credits are permitted. They are to contact the merchant and obtain instruction on how to return the merchandise and review the next monthly statement to ensure that the account is properly credited for the return.

F. DISPUTE PROCEDURES

A dispute occurs when a cardholder questions a transaction that has been charged to his/her account. The dispute process must be performed through the Smartdata System.

1. If the item(s) purchased with a P-card is defective or not what was ordered, the cardholder must return the item(s) to the merchant for replacement or credit.
2. If the goods paid for with a P-card are faulty, the merchant must be notified and asked to correct the situation or provide a credit.
3. If the merchant refuses to replace or correct the faulty item(s) the purchase will be considered in dispute.
4. If the quantity of items received is less than the invoice and the charged billing, then the transaction must be put into dispute.

5. Please note that disputes must occur within sixty (60) days after the last day of the billing cycle during which the disputed transaction was first charged to the Cardholder.

Before you begin, you can dispute a transaction if all of the following conditions are true:

1. The transaction posting date satisfies the dispute basis criteria specified by the issuer.
2. The transaction is a merchant transaction, not an adjustment or cash transaction.
3. You have the financial information modify authority. Users at any level can be given this authority.

The dispute process involves opening the dispute form (in Smartdata) for a transaction, filling in the fields, selecting a dispute reason and submitting the form. You should also print the form and follow any instructions specified by the issuer. Once you have submitted a dispute, you cannot retract or change the dispute. The transaction will be permanently marked as disputed. In the Transaction Detail screen, the disputed column will indicate that the transaction has been disputed. The dispute process must be performed through the Smartdata System.

Procedure:

1. Open the transaction detail screen in Smartdata, for the transaction you need to dispute.
2. Click dispute. The Create Financial Transaction Dispute screen appears.
3. In the dispute instructions section, read the instructions and proceed as indicated.
4. In the dispute details section, select a dispute reason. Wait for additional fields, including reason legal text, to appear.
5. Read the reason legal text to confirm that you have selected the most appropriate reason. Select a different reason, if required.
6. Fill in any remaining fields. The selection of fields depends on the reason that you selected. These fields are required.
7. Confirm that all information on the screen is correct. Once you click save, the transaction is permanently marked as disputed.
8. Click Save. After the confirmation prompt, a confirmation message and the view Financial Transaction Dispute screen appear.
9. To display the dispute detail in a form suitable for printing, click printer friendly version. Use your browser's print command to print the dispute details.
10. Review the dispute instructions to confirm that you have followed them correctly.

It is the responsibility of the cardholder and Department Coordinator to make sure that all disputes are finalized. Failure to follow the above actions may result in

removal of the cardholder from the program and/or disciplinary action.

G. FRAUD PROCEDURES

Fraud is when you do not recognize a transaction on your statement. The cardholder must alert JP Morgan Chase immediately at **866-300-4911** to report fraudulent transaction/activities, or the cardholder can call the number on the back of their card to alert JP Morgan Chase of a fraudulent transaction.

With disputes JP Morgan Chase will not change the card number but with fraudulent transactions JP Morgan Chase will close that card and reissue the cardholder a new card number.

H. REVIEW OF PURCHASES BY DEPARTMENT COORDINATORS

The P-Card is designed to improve efficiency, however, in gaining that efficiency the system lends itself to possible individual misuse or abuse. For this reason the City **will not tolerate misuse or abuse of the P-card.**

1. Accidental misuse of a P-card may result in possible verbal counseling, written reprimand or revocation of the P-card privileges depending on the nature of the misuse. The cardholder must report, in writing (email is acceptable), accidental misuse of the card immediately to the Department Coordinator, Department Head and Finance.
2. Deliberate misuse or abuse of the P-card may result in suspension without pay or termination and possible personal reimbursement of funds by the Cardholder to the City.
3. Because of their knowledge of the job responsibilities and requirements, Department Coordinators are required to review each P-card expenditure (item purchased, amount and merchant) to ensure the goods were necessary and for official use.
4. When purchases are questioned, the Department Head will be responsible for resolving the issue with the Cardholder. The Department Head will inform the Program Administrator, so that any changes in policy and procedure necessary to prevent similar misuse or abuse may be implemented.
5. Serious or repeated misuse of the P-card will result in the revocation of the card. The Department Head as necessary will discipline employees abusing their purchasing card privileges. Depending on the nature and recurrence of the card abuse, disciplinary action may include termination of the employee.
6. Any supervisor directing a subordinate cardholder to use a card for an unauthorized purpose or in an unacceptable manner is subject to discipline up to and including termination.
7. To help the departments in their reviews, management reports will be available through the Program Administrator.

I. ACTIONS THAT ARE UNACCEPTABLE

1. Failure to follow "Purchasing Policies and Procedures" and "Procurement Card Policies and Procedures."
2. Failure to produce proper documentation, sales slips receipts, invoices, etc. to the Department Coordinator.
3. Failure to report a lost or stolen p-card to JP Chase Morgan and Program Administrator.
4. Failure to process paperwork in a timely manner.
5. Failure to notify merchant that the purchase is tax exempt, resulting in taxes being paid. Cardholder may be responsible for paying the City back for taxes incurred.
6. Charging to accounts when funds are not available.
7. Purchasing items not authorized by their Department Head.
8. Using the P-card to circumvent the requirement for request for quotations, Bids, and RFP's.

Attachments:

Attachment A-Procurement Card Employee Agreement
Attachment B- P-card Maintenance Form
Attachment C- Payment Request/Authorization Procurement Card Oder Log

ATTACHMENT "A"

PROCUREMENT CARD EMPLOYEE AGREEMENT

I, _____, do hereby agree to the following terms and conditions pertaining to the use of the City of Pompano's Procurement Card (P-card). I also understand the penalties that are set in place concerning the misuse of the P-card. I have received a copy of the City's "Procurement Card Policies and Procedures" and understand my responsibilities as listed therein.

***Procurement Card Employee Agreement must be signed by Department Head and Cardholder**

1. The P-card is to be used for authorized purchases only in accordance with the "Policies and Procedures" set forth by the City.
2. I will not purchase items/services over the amount that requires RFQ's or Bids per the "Purchasing Policies and Procedures."
3. I will not purchase items on Blanket Purchase Orders, computer equipment, or capital outlay items except in the instance of such a purchase being specifically authorized by procedure(s) outlined herein.
4. Under no circumstances will I use the P-card to make personal or unauthorized purchases, either for myself or others.
5. I will not split orders to allow purchases over my authorized limit.
6. I will not allow my P-card to be used by any other person, nor will I use anyone else's P-card. Nor will I make any transactions without first obtaining proper department authorization.
7. Intentional misuse of the P-card is deemed to be theft, regardless of the amount of money in question.
8. I understand the misuse or violating the "Procurement Card Policies and Procedures" will be subject to disciplinary action up to and including termination of employment and that I will reimburse the City for all incurred charges, and any costs related to the collection of such charges. Such charges may be withheld from my check.
9. If my P-card has been lost or stolen I will report this to the Department Coordinator, Program Administrator, and JP Morgan Chase immediately by telephone or in person by the morning of the next business day.
10. I will submit daily a legible receipt of purchase to the Department Coordinator with the account number, date of purchase, description of merchandise/service, and total amount of purchase, to assist in the reconciliation of the statement.
11. I will assist the Department Coordinator in reconciling any charges on the monthly statement and resolving any discrepancies.
12. P-card billings received by Finance and not substantiated within 5 days of the receipt of the monthly statement are deemed to be personal charges and may be the responsibility of the employee to reimburse the City.
13. Upon my termination, whether with or without cause, I will turn in my P-card to the Department Head or Program Administrator if the Department Head is not available.

Department/Division: _____

Employee signature:
_____date_____

Print/type signature as signed above:
_____

Department Head signature:
_____date_____

Print/type signature as signed above:
_____

ATTACHMENT "B"
P-CARD MAINTENANCE FORM

Date of Request: _____/20____

□ New Card **or** □ Replacement P-Card Number: _____

□ Lost □ Damaged □ Change Profile □ Terminated □ Employee □ Other_____

(Transferred to: _____dept/division.)

Employee Name: _____

Department: _____

Division: _____

Department Coordinator: _____

PROFILE: Daily Purchase Limit (DPL) and / Monthly Purchase Limit (MPL)

$_____ DPL / $_____ MPL

Note: Typical profile is $1,000 Daily Purchase Limit (DPL) and $5,000 Monthly Purchase Limit (MPL). However, other limits may be set on a temporary or permanent basis as required by the Cardholder and approved by the Department Head.

Approved by: (Dept. Head) _____date: _____/_____/20____

Approved by Program Administrator_____ date: _____/_____/20____

For Finance Use:
Date Rec'd _____, 20_____
Date Entered: _____, 20_____By: _____

Profile:_____/_____

Activation # _____

Date Employee Signed Agreement: _____, 20_____

Card # Issued: _____

Date Card Issued: _____, 20___Group_____

Emailed Coordinator: _____
OR
Received Card After Termination: _____, 20_____

ATTACHMENT "C"

PAYMENT REQUEST/AUTHORIZATION PROCUREMENT CARD ORDER LOG

CITY OF POMPANO BEACH

PAYMENT REQUEST/AUTHORIZATIONS

Statement Closing Date: _____ JP Morgan Chase Telephone (800) 316-6056

Name: _____

Card # _____

Date	Vendor	Item Description	Account Number	Project #	Total $
Grand Total					$ -

DISPUTES

Statement Amount	Authorized Amount	Reason

I hereby certify that this Procurement Card Order Log is true and correct in every material matter. The expenses listed were incurred by the undersigned cardholder as a necessary expense in the performance of official duties and conform in every respect with the requirements of City of Pompano Beach Procurement Card Policies and Procedures. Appropriate documentation and receipts are attached verifying the items purchased, vendor, cost and date of purchase.

Cardholder Signature: _____ Date: _____

Department Coordinator: _____ Date: _____

Dept. Head/Designee: _____ Date: _____

PROCUREMENT CARD ORDER LOG

EXHIBIT "H"

PROCEDURE FOR JOB ORDER CONTRACT (JOC) USAGE

Job Order Contracting (JOC) is based on a competitively bid Indefinite-Delivery-Indefinite Quantity (IDIQ) contract between an entity and a construction contractor. The contract sets parameters such as the type of work that can be done, location of work, design criteria, and maximum amount of work to be awarded. The job order contract may be used for construction projects, such as remodeling, renovations, repairs/rehabs and is a form of requirements contract with prices based on a comprehensive price list of common tasks, national average prices with adjustment factors for this region. The Public entity orders the construction services from the contract on an "as needed" basis. The contract has an RSMeans unit-price book (UPB) that establishes a unit price to be paid for a multitude of construction line items. The contract price is established in terms of a coefficient, which is a multiplier that covers the contractor's overhead and profit as well as any adjustments between the UPB and the actual local prices. The contract term is typically a base year with two (2) one (1) year renewal options.
Indefinite-Delivery-Indefinite-Quantity (IDIQ) = Participating members are identified and requirements are estimated in the solicitation with no specific purchase commitment.

1. Approval Authority

I. The General Services Director or designee is authorized to approve Job Order Contracts (JOC) determined to be in the best interest of the City. The General Services Director has the sole authority to approve any and all job order contracts meeting all or some of the following requirements:

a) JOC usage will be evaluated by the General Services Director and City Engineer on a project-by-project basis to determine if the use of JOC is advantageous to the City

b) The JOC will be used when it is beneficial to the city (ex. financially, project efficiency, when no bids received).

c) The JOC will be used for remodeling, renovations, repairs/rehabs, replacements and projects that may not require engineering/architectural design plans that fit the project criteria

d) The JOC cannot be used to build new structures

e) National Joint Powers Alliance (NJPA) or similar Co-operative contracts must be used to procure JOC contractors

f) The City will utilize JOC Contractors on a rotational basis

g) JOC can be used if a project has been bid through the City's competitive process, but no responses have been received

h) The General Services department along with Project Managers will ensure that the JOC contractors are adhering to the voluntary Local Business guidelines that have been established by the City (see Forms A & B)

REQUESTED INFORMATION BELOW IS ON LOCAL BUSINESS PROGRAM FORM ON THE BID ATTACHMENTS TAB. BIDDERS ARE TO COMPLETE FORM IN ITS ENTIRITY AND INCLUDE COMPLETED FORM IN YOUR PROPOSAL THAT MUST BE UPLOADED TO THE RESPONSE ATTACHMENTS TAB IN THE EBID SYSTEM.

1. LOCAL BUSINESS EXHIBIT FORM "A"

CITY OF POMPANO BEACH, FLORIDA
LOCAL BUSINESS PARTICIPATION FORM

Name of Firm, Address	Contact Person, Telephone Number	Type of Work to be Performed/Material Purchased

Solicitation # & Title: _____Prime Contractor's _____

REQUESTED INFORMATION BELOW IS ON LOCAL BUSINESS PROGRAM FORM ON THE BID ATTACHMENTS TAB. BIDDERS ARE TO COMPLETE FORM IN ITS ENTIRITY AND INCLUDE COMPLETED FORM IN YOUR PROPOSAL THAT MUST BE UPLOADED TO THE RESPONSE ATTACHMENTS TAB IN THE EBID SYSTEM.

LOCAL BUSINESS EXHIBIT FORM "B"

1. LETTER OF INTENT TO PERFORM AS A LOCAL SUBCONTRACTOR

Solicitation Number_____

TO: _____
(Name of Prime or General Bidder)

The undersigned City of Pompano Beach business intends to perform subcontracting work in connection with the above contract as (check below)

_____ an individual _____ a corporation
_____ a partnership _____ a joint venture

The undersigned is prepared to perform the following work in connection with the above Contract, as hereafter described in detail:

_____

_____

_____

_____

_____

_____

at the following price: _____

_____ _____
(Print Name of Local Business Contractor)

_____ _____
(Date)

_____
(Street Address)

_____
(City, State Zip Code)

BY: _____
(Signature))

IMPORTANT NOTE: Signatures on this form MUST be by an authorized employee of Subcontractor and must be uploaded to the Response Attachment Tab

EXHIBIT "I"

"Look Local First" LLF

Using/Requesting Departments will be required to adhere to the "Look Local First" (LLF) initiative to obtain quotes from a Pompano Beach firm/business. Pompano Beach firms/businesses can be identified by using the rePORTAL Pompano Beach Business Directory report in the City Wide report. This report will display by business tax receipt (BTR) classification all Pompano Beach businesses that have a current City BTR for the classification.

If no local companies can be identified to provide quotes then the Using/Requesting Departments must complete a Good Faith Effort form clearly showing that efforts have been made to obtain quotes from local vendors and a list of the local vendors who were contacted. Administrative Policy 905.14 New Purchasing Thresholds outlining the Look Local First requirements have been included below. The General Services Department will ensure that the Using/Departments are exercising competition and rotating opportunities for vendors by monitoring these procurement activities regularly. If the Using/Requesting Departments cannot identify any local businesses to provide quotes contact Purchasing for assistance to find potential vendors.

To help identify Pompano Beach businesses http://chambermaster.pompanobeachchamber.com/list http://pompanobeachfl.gov/index.php/pages/dev_scv_btr/btr

Purchasing Thresholds Admin. Policy 905.14	
$0 - $20,000	One (1) quote required
	Quotes obtained by using department
	General Services Director can authorize expenditures up to this amount
$20,001 - $50,000	Three (3) quotes required
	Quotes obtained by Using/Requesting Department
	General Services Director can authorize expenditures up to this amount
$50,001 - $75,000	Three (3) quotes required
	Quotes obtained by Purchasing Department (5-7 days)
	General Services Director with the concurrence of the City Manager can authorize expenditures up to this amount
$75,001 and greater	To be competitively bid and approved by City Commission

Sole Source, Emergency Procurement, Piggy-back, Work Authorization Thresholds	
$0 - $50,000	General Services Director can authorize
$50,001 - $75,000	General Services Director can authorize with the concurrence of the City Manager
$75,001 and greater	Must Be approved by City Commission

EXHIBIT "J"

CUSTODY CONTROL FORM

SHADED AREA MUST BE FILLED IN

Property Control No.
Serial No.
Date

TO: FINANCE DEPARTMENT

VIA: PURCHASING DEPARTMENT

FROM: _____ _____
Department Name *Cost Center Number*

The following Property Item has changed status due to the action stated below. Please change the Property Records as necessary.

PROPERTY DESCRIPTION: _____

_____

CHECK ACTION TO BE TAKEN:

PROPERTY CONDITION:
- Excellent ☐
- Good ☐
- Fair ☐
- Poor ☐

_____ Transfer to: _____ _____
Cost Center Name *Cost Center Number*

_____ Declared Surplus: Date _____

_____ Sold/Scrapped to: _____

Date _____ $ _____

_____ Traded in to: _____

P.O. No. _____ Date _____ $ _____

_____ Other: (Lost, stolen, cannibalized, etc.)

_____

_____

Custody Relief Requested By: _____ Date _____

FOR PURCHASING DEPARTMENT ONLY – DO NOT WRITE BELOW LINE

_____ _____
General Services Director – Signature *Date*

Distribution:
Original – Finance Department via Purchasing
Yellow – Department of Origin
Pink – Purchasing

PB 1403 Rev. 4/92