

RESOLUTION NO. 2021-01

A RESOLUTION OF THE CHILDREN'S SERVICES COUNCIL OF LEON COUNTY ADOPTING A POLICY FOR THE PURCHASE OF GOODS AND SERVICES; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CHILDREN'S SERVICES COUNCIL OF LEON COUNTY AS FOLLOWS:

SECTION 1. AUTHORITY. This Resolution of the Children's Services Council of Leon County is adopted pursuant to Ordinance No. 2018-13 adopted by the Board of County Commissioners of Leon County, Florida on June 19, 2018, as approved by the electorate of Leon County at the general election conducted on November 3, 2020, section 125.901, Florida Statutes, Chapter 189, Florida Statutes, and other applicable provisions of law.

SECTION 2. FINDINGS. It is hereby ascertained, determined and declared as follows:

(A) The Children's Services Council of Leon County (the "Council") is an independent special district established by ordinance of Leon County, Florida (the "County") and approved by the electors of the County to provide children with early learning and reading skills, development, treatment, preventative and other children's services.

(B) As an independent special district, the Council is governed in part by Chapter 189, Florida Statutes, entitled the "Uniform Special District Accountability Act" (the "Act").

(C) The Act does not mandate a particular policy or procedure for the purchase and procurement of goods and services by special districts such as the Council.

(D) The Council recognizes the importance and need for a purchasing policy to facilitate the fair and efficient purchase of goods and services and to promote public confidence in the purchasing procedures utilized by the Council.

(E) Section 125.901, Florida Statutes, authorizes creation of children's services councils and provides that such councils may make and adopt bylaws and rules and regulations for the council's guidance, operation, governance, and maintenance, provided such rules and regulations are not inconsistent with federal or state laws or county ordinances.

(F) In accordance therewith, the Governing Council adopts this Resolution to adopt a purchasing policy for the Council's procurement of goods and services, consistent with federal and state law and Leon County Ordinance No. 2018-13.

SECTION 3. PURCHASING POLICY. The Council hereby approves and adopts the purchasing policy attached hereto as Appendix A. Such policy shall be implemented on the effective date of this Resolution.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED this 19th day of August, 2021.

**CHILDREN'S SERVICES COUNCIL
OF LEON COUNTY**

By: _____

Chair

Sjostrom

ATTEST:

Secretary

APPENDIX A

PURCHASING POLICY

Children's Services Council of Leon County (CSC Leon)

Purchasing Policy

Authority:

- Children's Services Council of Leon County Independent Special District Ordinance (Leon County Ordinance No. 2018-13)
- Section 125.901, Florida Statutes

Version:

- Original (August 19, 2021)

Purpose and Scope:

- This policy outlines the duties and authority of CSC Leon regarding the purchase of goods and services.

Standards

Guiding Principles:

- CSC Leon will spend funds efficiently and in the best interest of CSC Leon and the public.
- All purchases in the operating budget will be procured through one of several purchasing processes authorized by this policy.
- CSC Leon purchasing activities will advance the goals and objectives of the Minority, Women, and Small Business Enterprise Policy of the Office of Economic Vitality.
- CSC Leon will comply with any additional regulatory requirements that may be associated with particular funding sources (e.g., 2 CFR Part 200 for federal awards).

Documentation:

- Documentation sufficient for an audit shall be prepared at the time of purchase.
- A purchase order (written or electronic) is required for the purchase of any good or service, unless the purchase is authorized under a banking procurement-card ("P-card") program that CSC Leon may adopt.

Procurement Ethics:

- All competitive purchases will be fair and equitable as required by this policy.
- CSC Leon employees and contractors involved in or influencing a purchase shall avoid any conflict of interest and shall maintain the highest degree of integrity and fairness throughout the purchasing process.
- CSC Leon council members, employees and contractors shall not influence the purchasing process or communicate with anyone regarding a planned or pending procurement in any manner that may appear to provide anyone an unfair competitive advantage.
- CSC Leon employees shall not purchase or recommend the purchase of goods or services from family members, CSC Leon council members, relatives or friends.

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- CSC Leon employees shall not bill personal purchases to any CSC Leon account or P-card or use the CSC Leon tax-exempt number to make personal purchases.

Definitions

Best Value

The expected outcome of a purchase that, in CSC Leon's estimation, provides the greatest overall benefit in response to CSC Leon's requirements.

Bidder, Proposer, Vendor, Contractor

Those seeking to do business, or doing business, with CSC Leon.

Competitive Solicitation

A formal competitive process conducted to achieve a best value outcome for CSC Leon, including, without limitation, an invitation to bid (ITB), a request for proposals (RFP), or an invitation to negotiate (ITN), as described in chapter 287, Florida Statutes, and implementing regulations.

Contract

A formal written document used to contract for goods or services. No agreement shall be enforceable against CSC Leon unless it is in writing and in compliance with this policy.

Online Announcement Service

One or more web-based services providing announcements of contracting opportunities (e.g., Florida Administrative Register, DemandStar, etc.).

Purchasing Official

The individual responsible for CSC Leon's administration of the purchasing process.

Requesting Department

The CSC Leon employee assigned to purchase goods or services acting under the direction and authorization of the director of the department that will use the goods or services.

Responsible Vendor

A vendor that has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good faith performance.

Responsive Offer

An offer in response to a competitive solicitation that conforms in all material respects to the solicitation requirements.

General Purchasing

Preparing to Purchase:

To prepare a purchase the requesting department shall:

- Estimate the amount of the purchase.
- Review the budget prior to initiating the purchasing process to confirm that funds are budgeted and available.
- Ensure the appropriate approval has been obtained for the purchase.

Expenditure Authorizations:

- The Executive Director is authorized to approve expenditures not reasonably expected to exceed \$10,000 in a fiscal year if such expenditures are authorized in the CSC Leon approved budget.
- Expenditures beyond \$10,000 must be approved by the CSC Leon council, except in emergency situations threatening life or public safety, as determined by the Executive Director, which must be reported in writing to the CSC Leon council chair with reasonable promptness.

Competitive Solicitation Threshold:

Every purchase reasonably expected to exceed a total amount of \$10,000 shall be made via competitive solicitation unless this policy expressly exempts the purchase from competition. Purchases below the competitive threshold shall be made using good business practices, including seeking price quotations. Good business practice indicates that lower-price purchases require less market research, while higher-price purchases demand more market research. Price quotations may be solicited informally or may be obtained via internet research. Market research efforts, including price quotations, shall be documented.

Contract Reporting:

At each CSC Leon council meeting, a complete list of all contracts signed on behalf of CSC Leon during the preceding month shall be included in the meeting materials.

Exemptions from Competitive Solicitation

The following purchases are exempt from competitive solicitation:

- Goods or services available only from a sole source
- Regulated utilities, i.e. water, sanitary sewer, electricity, and solid waste
- Regulated public communications

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- Membership dues according to the standards applicable to state agencies pursuant to section 216.345, Florida Statutes
- Interlocal/Intergovernmental agreements (chapter 163, Florida Statutes)
- Real estate lease, license, purchase or sale agreements (which may include concessions), and appraisers
- Legal services, including attorney, paralegal, expert witness, appraisal, arbitrator or mediator services
- Conferences, lectures or specialized training attended by staff
- Staff travel conducted according to section 112.061, Florida Statutes, including conferences
- Specialized training or presentations when the facilitator is paid for the service
- Insurance agreements and policies
- Maintenance agreements or services on proprietary or licensed equipment or software
- Emergency purchases
- Negotiated purchases after the receipt of less than two responses to a competitive solicitation
- Publications, subscriptions, and media (including television, radio, print, internet, and billboard advertising)
- Cooperative purchases (e.g., the State of Florida's state term contracts (section 287.056, Florida Statutes), the federal General Services Administration schedules, the U.S. Communities Purchasing Alliance, the NASPO ValuePoint program)
- Other exceptions provided by state or local law, including but not limited to exceptions codified in section 287.057(3), Florida Statutes.

Competitive Solicitation

Determination of Need:

A requesting department will determine its needs in collaboration with the Purchasing Official.

Scope of Work Development:

CSC Leon will prepare a scope of work, which may include specifications, taking the following into consideration:

- Does the scope of work describe the needs of CSC Leon in terms of essential function or performance required?
- Does the scope of work indicate the end usage or expected results?
- Is the scope of work clear and understandable?
- Does the scope of work encourage competition?
- Are standard specifications available?
- Are there any unusual conditions to be considered?

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- If a specific brand or model is referenced, does the scope of work include the term “or approved equal”? If not, is there sufficient documented rationale supporting the use of the specific product?
- Are the deliverables and the payment terms clear?

Competitive Solicitation Process:

- A requesting department, in collaboration with the Purchasing Official, will determine the appropriate form of competitive solicitation process most likely to achieve best value for CSC Leon.
- Generally speaking, CSC Leon will award contracts to responsible vendors that submit responsive offers providing the best value to CSC Leon.
- Best value may be obtained via different processes, and the relative importance of cost or price may vary. For example, where the requirement is clearly definable and the risk of unsuccessful contract performance is minimal, price may be the dominant consideration, and an ITB may be the appropriate process. By contrast, if requirements are less definitive, or if more development work is required, or if performance risk is greater, then technical or past performance considerations may be the dominant considerations, and an RFP or ITN may be the appropriate process.
- In every competitive solicitation, the solicitation documents shall clearly and completely explain the solicitation process. The solicitation documents shall:
 - Identify the Purchasing Official and contact information
 - Identify material deadlines and other logistical details
 - Describe the good or service sought (specifications, scope of work, etc.)
 - Identify the evaluation criteria and process
 - Describe the negotiation process (if any)
 - Identify the award criteria
 - Identify any other considerations material to the solicitation, such as non-price factors often recognized by the State of Florida and local governments conducting competitive award processes (historically disadvantaged business status, veteran preferences, geographic preferences, etc.)
- CSC Leon is not an executive agency of the State of Florida and is not governed by section 287.057, Florida Statutes, or its implementing policies. This policy refers to those statutory competitive solicitation processes for convenience and as a guideline, but they have no binding legal effect on CSC Leon. Every competitive solicitation will be governed by this policy and by the specific terms of the particular solicitation documents.

Public Notice of Competitive Solicitations:

- A brief public notice advertisement will be published via an online announcement service to inform interested parties of opportunities to participate in CSC Leon competitive solicitations and where additional information may be obtained.

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- Information related to competitive solicitations will be published on the CSC Leon website.
- Notice of competitive solicitations will identify the responsible Purchasing Official.

Restricted Communications:

- Between the date CSC Leon issues a competitive solicitation and the date CSC Leon publishes notice of its recommended award, no vendor interested in the solicitation, or anyone acting on the vendor's behalf, shall contact any CSC Leon council member, employee, or contractor concerning any aspect of the solicitation, except in writing to the Purchasing Official or as provided in the solicitation documents. Violation of this provision may be grounds for rejecting a response.

Pre-Bid Conferences:

- A pre-bid conference may be scheduled when it is deemed advisable to allow vendors to consult with CSC Leon representatives to help ensure full mutual understanding of the terms, conditions, and requirements of the solicitation, and, if applicable, to view the site where the work is to be completed.
- This conference shall be scheduled at a time during the solicitation period to allow time for vendors to prepare for the conference and to consider the information provided.
- Vendor conferences may be optional or mandatory dependent on the specific requirements of the procurement.
- Restrictions on discussions between CSC Leon representatives and vendor personnel during the solicitation process are not applicable during pre-bid conferences.

Addenda to Solicitation Documents:

- There may be occasions when it is necessary to change the terms of solicitation documents. Such changes shall be formalized by the release of an addendum.
- The addendum becomes part of, and supersedes, the revised section of the solicitation documents.
- No change to solicitation documents is official unless the change is expressed in an addendum.
- Offers may be rejected by CSC Leon if the vendor fails to acknowledge receipt of all addenda.

Solicitation Committees:

- CSC Leon will form a solicitation committee of at least three members to evaluate responses to an RFP or an ITN and to form a recommendation of award. Solicitation committee composition is subject to Executive Director approval.
- Solicitation committees shall be comprised of qualified personnel and may include individuals from external entities. For an ITN, CSC Leon will bifurcate the evaluation process from the process of negotiation and recommendation of award, and form

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separate committees for these purposes, but the same individual(s) may serve during both processes.

- Solicitation committee meetings will comply with the Florida Sunshine Law (chapter 286, Florida Statutes), which includes temporary exemptions during the active solicitation process.
- Solicitation committee members must plan to attend all necessary meetings (e.g., orientation, evaluation, strategy, negotiation) and be prepared to complete all actions required to complete the solicitation process.
- Solicitation committee members shall not discuss any aspect of the evaluation outside of appropriately conducted committee meetings.

Award Process:

- The solicitation committee will formulate by consensus a recommendation of award in accordance with the criteria published in the solicitation documents.
- The solicitation committee will reduce its recommendation to writing, including a description of the basis of its recommendation, and convey that written recommendation to the Purchasing Official. The written recommendation will be a public record available for inspection (particular details may be redacted as authorized by Florida law).
- The Purchasing Official will convey the written recommendation to the Executive Director, for purposes of planning the meeting at which the CSC Leon council will consider the recommendation.
- The Purchasing Official will advise in writing (including email) every vendor that responded to the solicitation of the committee's recommendation of award. This notice will include the date, time, and place of the meeting at which the CSC Leon council will consider the recommendation, which must be at least seven days after the date of the notice. The notice will also describe briefly CSC Leon's protest process.
- Any protest of a recommended award must be made within five days after the Purchasing Official communicates notice of the recommended award, and before the CSC Leon council votes on the recommendation.
- No recommendation of award is binding on CSC Leon. Only the CSC Leon council may approve award of a contract resulting from a competitive solicitation.
- If the CSC Leon council votes to award the contract to a vendor other than the one recommended by the solicitation committee, within three business days after the council meeting the Purchasing Official will advise in writing (including email) every vendor that responded to the solicitation of the council's decision. No notice will be given if the council adopts the committee's recommendation of award. If notice is given, it will describe briefly CSC Leon's protest process.
- Any protest of a final award decision must be made within five days after the Purchasing Official communicates notice of the award decision. There is no right of protest if the council adopts the recommendation of award.

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- After council approval of a contract award and the expiration of any protest period, CSC Leon will execute the written contract through its council chairperson or authorized designee.

Debriefing of Unsuccessful Responding Vendors:

- Within 30 days after CSC Leon executes a contract resulting from a competitive solicitation, any vendor that participated in the process may request a formal debriefing regarding the evaluation of its proposal.
- Debriefings may be conducted by conference call or in person. CSC Leon will be represented by the Purchasing Official, and may also be represented by one or more members of a solicitation committee.
- Discussion will be limited to issues regarding the proposal submitted by the vendor requesting the debriefing and will be focused on information intended to enable the vendor to respond in a more successful manner in the future.

Protest Process:

- CSC Leon encourages prompt and fair handling of all complaints and disputes with the business community. CSC Leon will resolve disputed matters in an equitable manner.
- Any vendor allegedly aggrieved in connection with a competitive solicitation or other purchasing action must file a written protest with the Purchasing Official within five days after notice of the action. The written protest shall state with particularity the facts and laws upon which the protest is based, including full details of adverse effects and the relief sought.
- Within seven days of receipt of the written protest, the Purchasing Official will arrange a meeting of a Protest Committee and the affected parties. The Protest Committee shall consist of the Executive Director and at least one other CSC Leon employee not previously involved personally and substantially in the action at issue. The Purchasing Official shall act as a hearing coordinator and the CSC Leon attorney or designee may be requested to attend. The Purchasing Official or designee shall record the meeting and provide any information as the committee may request. The purpose of the meeting of the Protest Committee is to provide an opportunity to (1) review the basis of the protest, (2) evaluate the facts and merits of the bid protest, and (3) if possible, to reach a resolution of the protest that is acceptable to the affected parties. For the purpose of the Protest Committee hearing, resolution shall mean that the protestor finds the decision of the Protest Committee acceptable.
- In the event the matter is not resolved with the Protestor's acceptance of the Protest Committee's decision, the Executive Director will schedule the matter before the CSC Leon council, including the details of the protest and the Protest Committee's recommendation. The affected parties may appear before the CSC Leon council as a final means of administrative remedy.

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- CSC Leon is not subject to the Administrative Procedures Act (chapter 120, Florida Statutes). If a vendor disputes a purchasing decision of the CSC Leon council, the vendor must seek relief in the appropriate court.
- Failure to observe the above process shall constitute a waiver the right to protest a purchasing action. In the event of a timely protest, CSC Leon shall not proceed further with the action until final resolution by the Protest Committee or the CSC Leon council, unless the Executive Director determines in writing that action must be taken immediately to protect the public interest.

Purchases Subject to Statutory Requirements:

The following purchases are subject to statutory requirements of the State of Florida, which will apply in addition to this policy, and control to the extent inconsistent:

Auditing:

- Purchase of annual auditing services is governed by section 218.391, Florida Statutes.

Professional Services:

- Purchase of certain professional services is governed by the Consultants' Competitive Negotiation Act, section 287.055 Florida Statutes, in particular, architects, engineers, landscape architects, design-builders, and surveyors and mappers.

Construction Contractors:

- Construction of public projects is governed by section 255.20, Florida Statutes.