

City Commission Policy 242

PROCUREMENT POLICY

DEPARTMENT: Procurement

DATE ADOPTED: July 12, 2000

DATE OF LAST REVISION: September 9, 2020

Policy No.

242.01 STATEMENT OF POLICY: It is the intent of the City Commission of the City of Tallahassee to institute a uniform procurement system with purchasing policies that provide for on-time acquisition of competitive, quality products and services, to support the daily operations of the City in an ethical manner.

242.02 AUTHORITY: This policy was adopted by City Commission July 12, 2000.

242.03 OBJECTIVES: This policy shall provide the governing principles that establish the City's basic philosophies upon which the procurement and warehouse functions must operate. To achieve the aforementioned objective, all persons authorized to commit City funds for the purchase of supplies and services shall:

1. Ensure the uninterrupted flow of the City's services by obtaining and ensuring delivery of acceptable quality of supplies and services, at the right time and price.
2. Comply with all applicable federal, state and local laws, statutes, ordinances and regulations governing municipal procurement. Special emphasis shall be placed on ensuring that procurement actions comply with Chapter 112, Florida Statutes, and The City of Tallahassee Ethics Code, relating to ethical behavior in the acquisition of supplies and services.
3. Provide fair and equitable treatment of all vendors who participate in City procurement activities.
4. No person or business shall be excluded from participation in, denied benefits of, or otherwise discriminated against, in connection with procurement by the City on the basis of an individual's race, color, gender, religion, national origin, age, disability, marital status, pregnancy, sexual orientation and gender identity, or any other characteristic protected by law.

242.04 SCOPE AND APPLICABILITY: The policy outlined herein shall apply to all appointed officials and their respective departmental employees involved in any activities associated with the procurement of supplies or services for the City of Tallahassee.

242.05 DEFINITIONS:

1. Competition: The effort of two or more vendors to secure the business of a purchaser by the offer of the most favorable terms as to price, quality, promptness

of delivery or service, in accordance with the provisions of a solicitation of such offers.

2. Competitive Negotiation: A method for procurement of supplies and services in which discussions attempting to reach agreement on terms and conditions of a contract may be conducted with multiple vendors who submit proposals or replies in response to a solicitation, either a request for proposal or an invitation to bid.
3. Competitive Sealed Bid: A method for acquiring offers for procurement of goods, services, or construction in which award is made to the lowest responsive and responsible bidder based on responses to an invitation for bid received from qualified vendors.
4. Competitive Threshold: A dollar limit established by the City Commission for the purpose of determining the method of procuring a particular supply or service. (See [Appendix B](#) for competitive threshold requirements).
5. Conflict of Interest: A situation in which a public official or an employee has material financial relationship, close personal relationship or family relationship with a vendor.
6. Continuing Services Agreement: A type of agreement that provides for furnishing of specified types of professional services for a stated term pursuant to individual task or purchase orders.
7. Contract: A written agreement, regardless of its title, which is signed by the City and one or more other parties, and which sets forth specific terms and conditions for the procurement or furnishing of goods, services or professional services.
8. Contracting Officer: An individual with the authority to enter into, administer, and/or terminate contracts, and make related determinations and findings.
9. Family: A father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, daughter-in-law, son-in-law, cousin, niece, nephew or stepchildren.
10. Non-Competitive Negotiations or Procurements: A method for procurement of supplies and services in which discussions attempting to reach agreement on terms and conditions of a contract may be conducted with a single vendor. Non-competitive negotiations may occur when:
 - There are less than two responsive and responsible vendors,
 - The service or commodity is exempt from competitive procurements
 - It is an emergency procurement,
 - The service or commodity is less than \$3,000 or,
 - Hiring a consultant, per s. 287.055 *Florida Statutes*, for less than \$35,000.
11. Material Personal Financial Interest: Having a material personal financial interest in a vendor means any position as owner, proprietor, manager, partner (active or silent), officer, director, shareholder or beneficiary of such vendor. A material personal financial interest does not, in most instances, pertain to ownership of a limited number of shares in publicly held firms, shares owned through a mutual fund, or personal bank accounts. However, direct or indirect ownership of more

than five (5) percent of the total assets or capital stock of a vendor constitutes a material personal financial interest in such vendor.

12. Procedure: The prescribed method or specific course of action that will accomplish the requirements of a policy.
13. Procurement: Buying, leasing, renting or otherwise acquiring any materials, supplies services, construction, and equipment, including description of specifications and requirements, selection and solicitation resources, preparation and award of contracts.
14. Purchasing Authority: The authority to approve the acquisition of supplies or services on behalf of the City of Tallahassee as designated by the City Commission, Appointed Official, Procurement Services Manager or appropriate Department Head (See [Appendix A](#) for purchasing authority levels and specific thresholds).
15. Request for Quotation (RFQ): An informal solicitation or request for information, where oral or written quotes are obtained from vendors, without formal advertising or receipt of sealed bids.
16. Services: The furnishing of labor, time, or effort by a vendor, which does not result in the delivery of a tangible product.
17. Supplies: Commodities or equipment.
18. Term Contract: A type of agreement that provides prices for specific types of goods or services (other than professional services) that is in effect for a stated term.
19. Vendor: Any person or entity who has a pending bid proposal, an offer or request to sell goods or services, sell or lease real or personal property, or who currently sells goods or services, or sells or leases real or personal property, to the city. For the purposes of this definition, a vendor's representative includes an owner, director, or manager.

242.06 ROLES AND RESPONSIBILITY:

- A. **All Employees** of the City of Tallahassee, in accordance with the requirements of their positions, shall be responsible for:
 1. Complying with all of the City's purchasing policies and procedures.
 2. Creating and retaining sufficient documentation to comply with this policy and ensuring such documentation is filed in the City's records management system.
 3. Consulting with Risk Management prior to entering into any contract to ensure insurance provisions are adequate and required coverage is obtained prior to a vendor commencing work.
 4. Signing contracts or any procurement-related documents (See City Commission Policy No. 116).
 5. Notifying the Treasurer-Clerk's Office of all contracts not resulting from a formal solicitation proctored by Procurement Services.

6. Ensuring work does not begin until all contract documents have been fully executed.
7. Providing Procurement Services with timely and accurate information to efficiently procure requested supplies/services
8. Providing necessary information and working with Procurement Services in:
 - a. Evaluating vendor performance
 - b. Resolving vendor grievances
 - c. Identifying department procurement needs
 - d. Evaluating vendor responses to solicitations
 - e. Providing purchasing and vendors with necessary technical information
 - f. Identifying alternative sources of supply
 - g. Identifying possible Vendors so Procurement has a preliminary or potential vendor pool to notice or inform about upcoming solicitations.
9. Referring or directing vendors to Procurement Services or the Purchasing Agent when a competitive solicitation is released and has yet to be awarded. (See *Code of General Ordinances*, Section 2-357.)
10. Ensuring that Procurement Services is made aware of all communications with vendors concerning vendor performance, renewals and potential contract amendments.
11. Disclosing to Procurement Services any potential conflict of interest where a City Employee was previously employed, within the past two years, by any vendor responding to a competitive solicitation. If the City Employee was previously employed by a responding vendor within the last two years, he or she is prohibited from participating in the selection process.

B. **City Commission**, as the overall governing body for the City of Tallahassee, shall:

1. Provide overall policy direction related to procurement activities.
2. Render a final decision on award regarding any action for procurement of supplies or services presented by the City Manager or other Appointed Official.

C. **City Manager** shall provide overall administration of procurement activities for the City of Tallahassee. This responsibility shall include:

1. Approving and submitting of all award recommendations presented to City Commission by departments under the Manager's organizational authority.

2. Approving and awarding all purchases/contracts within designated managerial authority.
3. Recommending amendments to this Procurement Policy and approving all administrative procedures to insure consistency and compliance with this Policy.
4. Serving in the capacity of Contracting Officer for the City of Tallahassee.
5. Capital Projects- Approving and awarding all purchases, contracts and change orders for all capital projects approved by the City Commission in the capital budget.

Note: All appointed officials shall have the same authority as the City Manager for the procurement of supplies or services within their respective areas of responsibility.

D. **Procurement Services** provides centralized procurement, for the City of Tallahassee. Its primary responsibility is to provide for the acquisition of materials, supplies and services within ethics guidelines and with the objective that they will be available at the time and place, in a quantity, of a quality, and at a price consistent with the needs of the City. These responsibilities include the following:

1. Developing and distributing administrative procedures that pertain to purchasing activities with the intent of providing personnel with the guidelines and, where appropriate, the specific action sequences to ensure uniformity, compliance, and internal control of all procurement related activities.
2. Providing appropriate procedures for the selection of vendors in accordance with applicable federal, state and local laws, statutes, ordinances and regulations governing municipal procurement.
3. Providing leadership in the development of invitations to bid and requests for proposal, invitations to negotiate and other competitive solicitation types, administration of contracts and management of inventories of purchased goods, so as to meet the requirements of City departments.
4. Issuing and receiving responses to competitive solicitations in accordance with this Policy and related administrative procedures.
5. Making a final determination and/or recommendation, in conjunction with the appropriate operating department, for quote, bid and proposal awards, except where others are so authorized by the City Commission or City Manager.
6. Reviewing and approving all procurement related award recommendations submitted to the City Manager.
7. Approving and awarding of all procurement actions within the Procurement Services Manager's authority.
8. Providing appropriate procedures for ensuring vendor protests of competitive sealed bids, competitive negotiations and requests for quotations are treated in a fair and objective manner.

9. Processing vendor payments in accordance with the City's Prompt Pay Policy and the Florida Prompt Payment Act, Section 218.70, Florida Statutes.
 10. Approving all extensions to the term of procurement related agreements as stipulated in the original terms and conditions of such agreements.
 11. Resolving complaints between using departments and vendors regarding purchases of supplies and services.
 12. Rejecting all bids or proposals received in response to a solicitation, when deemed appropriate by the Procurement Services Manager.
 13. Authorizing the termination of vendor relationships.
 14. Authorizing the disqualification of a vendor or respondent from a solicitation process, the rejection of bids received from a vendor or respondent, or the termination of any resulting contract from a solicitation if a vendor or their representative engages in "prohibited communications" as defined in the Code of General Ordinances, Section 2-357.
 15. Authorizing the suspension or debarment of a vendor or their representative for one year if they engage in "prohibited communications" as defined in the Code of General Ordinances, Section 2-357.
 16. Maintaining vendor performance records.
 17. Providing procedures for the evaluation of vendors including suspension and debarment.
 18. Disposing of materials and equipment owned by the City and declared to be surplus or obsolete.
 19. Routing for execution contracts, contract amendments, contract extensions, and purchase orders that originate through the procurement cycle after the appropriate approval is obtained.
 20. Ensuring that the City conducts procurement within the Ethics Guidelines outlined in the Purchasing Manual.
 21. Training and advising department personnel on proper or appropriate procurement practices.
- E. **Tallahassee – Leon County Office of Economic Vitality's Minority, Women, and Small Business Enterprise Division (MWSBE)** coordinates the City's Minority and Disadvantaged Business Enterprise (MBE/DBE) activities. In carrying out this role, the MWSBE Division shall follow the Tallahassee-Leon County Office of Economic Vitality's Minority, Women and Small Business Enterprise Policy, effective April 1, 2020.
- F. **Treasurer - Clerk's Office** maintains all official records for the City of Tallahassee, and as such, shall be responsible for the following, with regards to the City's procurement activities:

1. Retaining all procurement-related records in the citywide records management system (See City Commission Policy No. 140).
2. Countersigning all contracts made in behalf of the City
3. Ensuring all procurement-related contracts are executed and filed in the citywide records management system. ~~appropriate parties~~
4. Safekeeping all bid and contract performance security instruments, including without limitation bid bonds or performance bonds submitted to the City.
5. Responding to requests for records under the Public Records Act (See Commission Policy No. 140).

G. **Vendors** interested in doing business with the City shall be responsible for:

1. Registering with the City's vendor database manager and distributor for all procurement solicitations
2. Ensuring that all business information set forth in the database, at any time, is current (i.e., address, contact person, product lines, etc.)
3. Complying with all terms and conditions of the applicable solicitation, or other procurement related documents, in making an offer or proposal to the City and when conducting business with the City
4. Ensuring the correctness, completeness and timeliness of responses to procurement solicitations and invoices submitted for payments
5. Disclosing a current or reasonably foreseeable conflict of interest involving the City of Tallahassee. The City of Tallahassee seeks to avoid, neutralize or mitigate significant potential or actual organizational conflicts of interest.

242.07 **SUNSET PROVISION:** The Procurement Policy shall be reviewed no later than five years from the effective date. Administrative and Professional Services shall submit the policy to the City Commission for review at least 90 days prior to the sunset review date. If no action is taken on the policy prior to the sunset review date, the policy will automatically extend for another five-year period or until the City Commission revises or terminates the policy.

242.08 **EFFECTIVE DATE:** This policy will become effective October 1, 2020. Attachments – Appendix A and B

REVISIONS: July 12, 2000
 August 29, 2001
 November 13, 2002
 February 11, 2009
 March 9, 2011
 February 26, 2020

**Appendix A City of Tallahassee
Purchasing Authority
(See Notes Below)**

City Commission [1]	Unlimited
City Manager or designee	Capital Projects as approved by the City Commission in the Capital budget Non-Capital Projects as approved by the City Commission, exceeding \$250,000.
City Manager, Appointed Officials, or Assistant City Managers	Non-Capital Projects \$0 - \$250,000
Procurement Services Manager	Up to \$125,000
Procurement Services Supervisor	Up to \$50,000 [3]
(See Purchasing Manual)	

NOTES:

1.Orders of supplies/services pursuant to Term Contracts [2] (price agreements) with fixed pricing, approved by the applicable purchasing authority listed in the above chart, shall be made on an as needed basis in accordance with other applicable City or departmental policies or procedures and do not require additional approval by the purchasing authority.

[1] The City Commission as a body, not individual members of that body.

[2] This includes contracts established by federal, state and other governmental agencies when it is in the best interests of the City.

[3] A formal contract shall be prepared for transactions for services that exceed \$50,000. Contract extensions that are included in the original terms and conditions DO NOT require City Commission approval. The City Commission shall approve extensions to contracts that are not a part of the original terms and condition

Appendix B
Competitive Thresholds

Threshold	Method of Competition
All Purchases	
≤\$3,000	No competition required
> \$3,000 but ≤\$50,000	Three written quotes required
> \$50,000	Competitive solicitation
Professional Services	
≤ F.S. 287.017 Category Two	Non-Competitive Negotiation
> F.S. 287.017 Category Two (See Note 2)	Competitive Negotiation

Note: Purchases of select vehicles for special operations of the Tallahassee Police department as specifically identified by the Chief of Police or his/her designee shall be exempt from the competitive procurement process. The Tallahassee Police Department shall coordinate all purchases of special vehicles with the Fleet and Procurement Services Divisions to insure proper acquisition.