

Office of Superintendent of Schools
Board Meeting of April 14, 2010

April 13, 2010

Financial Services
Richard H. Hinds, Chief Financial Officer

**SUBJECT: PROPOSED AMENDMENT OF SCHOOL BOARD RULES:
 INITIAL READING**

6Gx13- 3C-1.10, PURCHASE APPROVAL

**6Gx13- 3F-1.02, CONSULTANT AND TECHNICAL
SERVICES; INSTRUCTIONAL TELEVISION, RADIO AND
MEDIA LEASE AGREEMENTS, ROYALTY FEES,
PRODUCTION AND PROGRAMMING CONTRACTS**

**PROPOSED REPEAL OF SCHOOL BOARD RULES:
INITIAL READING**

6Gx13- 3C-1.11, BIDDING PROCESS

**6Gx13- 3C-1.111, BIDDING PROCESS - COMPETITIVE
BIDDING REQUIREMENTS**

**6Gx13- 3C-1.15, PURCHASE AND PAYMENT OF CERTAIN
COMMODITIES AND SERVICES IN SPECIFIED AREAS —
GENERAL AUTHORIZATION PURCHASES**

6Gx13- 3C-1.16, EMERGENCY PURCHASES

**COMMITTEE: INNOVATION, EFFICIENCY & GOVERNMENTAL
 RELATIONS**

**LINK TO STRATEGIC
FRAMEWORK: FINANCIAL EFFICIENCY/STABILITY**

This item is being submitted for consideration by the School Board, to amend and appeal School Board Rules, in order to reflect amendments by the State Board of Education Rule 6A-1.012 FAC, regarding purchasing policies.

6Gx13- 3C-1.10, Purchase Approval, has been amended to include definition of procurement methodologies, procedures for use of state term contracts, as well as other government-agency contracts, emergency purchases, electronic receipt and posting of bids, general authorization purchases, bidding process, and revised dollar threshold.

The following Board rules are being repealed to be consolidated into Board Rule 6Gx13- 3C-1.10, Purchase Approval; 6Gx13- 3C-1.11, Bidding Process; 6Gx13- 3C-1.111, Bidding Process-Competitive Bidding Requirements; 6Gx13- 3C-1.15, Purchase and Payment of Certain Commodities and Services in Specified Areas – General Authorization Purchases; and 6Gx13- 3C-1.16, Emergency Purchases.

6Gx13- 3F-1.02, Consultant and Technical Services; Instructional Television, Radio and Media Lease Agreements, Royalty Fees, Production and Programming Contracts, is being amended to reflect the revised dollar threshold.

Attached are the Notices of Intended Action, and the rules proposed for repeal, and amendment. Changes to the current rules are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

Authorization of the School Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the amendment of School Board Rules 6Gx13- 3C-1.10, Purchase Approval; and 6Gx13- 3F-1.02, Consultant and Technical Services; Instructional Television, Radio and Media Lease Agreements, Royalty Fees, Production and Programming Contracts, and to repeal School Board Rules 6Gx13- 3C-1.11, Bidding Process, 6Gx13- 3C-1.111, Bidding Process-Competitive Bidding Requirements; 6Gx13- 3C-1.15, Purchase and Payment of Certain Commodities and Services in Specified Areas – General Authorization Purchases; and 6Gx13- 3C-1.16, Emergency Purchases.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act, to amend School Board Rules 6Gx13- 3C-1.10, Purchase Approval; and 6Gx13- 3F-1.02, Consultant and Technical Services; Instructional Television, Radio and Media Lease Agreements, Royalty Fees, Production and Programming Contracts; and to repeal School Board Rules 6Gx13- 3C-1.11, Bidding Process, 6Gx13- 3C-1.111, Bidding Process-Competitive Bidding Requirements; 6Gx13- 3C-1.15, Purchase and Payment of Certain Commodities and Services In Specified Areas – General Authorization Purchases; and 6Gx13- 3C-1.16, Emergency Purchases.

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NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on April 14, 2010, its intention to amend School Board Rule 6Gx13- 3C-1.10, Purchase Approval, at its meeting of June 16, 2010.

PURPOSE AND EFFECT: The amendment to the School Board Rule will incorporate the revised language set forth in Florida Department of Education Rule, 6A-1.012 – Purchasing Policies regarding including definition of procurement methodologies, procedures for use of state term contracts, as well as other government-agency contracts, emergency purchases, electronic receipt and posting of bids, general authorization purchases, bidding, process, and revised dollar threshold.

SUMMARY: The rule outlines the purchasing approval and bidding process, and authority of the Superintendent of Schools, as established by Florida Statutes and State Board of Education rules, regarding the procurement process.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(26); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 119.07; 120.569; 120.57; 120.57(3); 255.0516; 255.25 (3)(c); 282.0041(15); 287.017; 287.042(2)(c); 287.056; 1001.42(12)(j); 1006.27; 1010.04(4)(a), F.S.; 6A-1012; 6A-1.012; 6A-1.091; 6A-7.0411(2)(i); 28-110.005(2), F.A.C. } Revised

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF June 16, 2010, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so, in writing, by May 10, 2010, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based (Section 286.0105, Florida Statutes).

A COPY OF THE PROPOSED AMENDED RULE is available at a cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Joseph A. Gomez
Supervisor: Dr. Richard H. Hinds
Date: March 23, 2010

Non-salaried ExpendituresPURCHASE APPROVAL AND COMPETITIVE BIDDING PROCESS REQUIREMENTS

- I. ~~Insofar as practical all purchases from vendors shall be based on purchase requisitions submitted by authorized originators.~~

~~Authority is vested in the Superintendent of Schools or his/her designee(s) to approve or reject purchase requisitions and to authorize purchases of supplies, equipment, and services when the total amount of each purchase does not exceed \$25,000. Purchases in excess of \$25,000 shall be approved by The School Board of Miami Dade County, Florida except for the following:~~

A. ~~Purchases of instructional materials under state contract, which are authorized by State Board of Education Rule 6A-1.012(1).~~

B. ~~Purchases of various goods and services under State Board of Education Rule 6A 1.012(4) which requires school systems to receive and give consideration to prices available to it through the use of the program for on-line procurement of commodities and contractual services under Section 287.057(23)(a), Florida Statutes, under rules of the Department of Management Services, Division of Purchasing.~~

1. The Superintendent may be authorized to purchase commodities or contractual services where the total amount does not exceed an amount prescribed by the school board, and does not exceed the applicable appropriation in the district budget. The Superintendent may also be authorized to purchase commodities or contractual services under Department of Management Services state term contracts. Assistants functioning under the Superintendent's direction may be authorized to perform these purchasing tasks.
2. In each school district in which the purchasing agent for any public agency is authorized by law to make purchases for the benefit of other governmental agencies within the county, the district school board shall have the option to purchase under the current contracts as established for these public agencies at or below the stated unit price, if the purchase is economically advantageous to the district school board, and the items purchased conform to the standards and specifications prescribed by the Superintendent.

3. As required by Section 1001.42(10)(j), Florida Statutes, the district school board shall receive and consider available prices according to the rules of the Department of Management Services, Division of Purchasing. District school boards may use prices established by the Division of Purchasing through its state purchasing agreement price schedule. If district school board policy provides for purchasing under this state purchasing program, the conditions for use shall be those imposed on state agencies.
4. In lieu of requesting competitive solicitations from three (3) or more sources, district school boards may make purchases at or below the specified prices from contracts awarded by other city or county governmental agencies, other district school boards, community colleges, federal agencies, the public or governmental agencies of any state, or from state university system cooperative bid agreements, when the proposer awarded a contract by another entity permits purchases by a district school board on the same terms, conditions, and prices (or below such prices) awarded in the contract; and the purchases are economically advantageous to the district school board.
5. Except as authorized by law or rule, competitive solicitations shall be requested from three (3) or more sources for any authorized commodities or contractual services exceeding \$50,000.
6. The requirement for requesting competitive solicitations for commodities or contractual services from three or more sources is waived pursuant to Section 1010.04(4)(a), Florida Statutes, for:
 - a. the purchase by district school boards of professional services which shall include artistic services, academic program reviews, lectures by individuals, auditing services not subject to Section 218.391, F.S., legal services, including attorney, paralegal, expert witness, court reporting, appraisal or mediator services; and health services involving examination, diagnosis, treatment, prevention, medical consultation or administration; and
 - b. the purchase by district school boards of educational services and copyrighted materials including educational tests, textbooks, printed instructional materials, computer software, films, filmstrips, videotapes, dvds, disc or tape recordings, digital recordings, or similar audio-visual materials, and for library and reference books, and printed library cards where these materials are purchased directly from the producer or publisher, the owner of the copyright, an exclusive agent with the state, a governmental agency or a recognized educational institution.

7. The district school board shall have the authority to reject any or all proposals submitted in response to any competitive solicitation and to request new proposals or purchase the required commodities or contractual services in any other manner authorized by this section.
8. Regarding invitations to bid, the district school board may accept the proposal of the lowest responsive, responsible proposer. Alternatively, the district school board may also award contracts to the lowest responsive, responsible bidder as the primary awardee of a contract and to the next lowest responsive, responsible bidder(s) as alternate awardees from whom commodities or contractual services would be purchased should the primary awardee become unable to provide all of the commodities or contractual services required by the district school board during the term of the contract. Multiple awards to the lowest responsive and responsible bidders are permitted when multiple awards are clearly allowed by the bid solicitation documents.
9. Regarding requests for proposals, district school boards may award contracts to one or more responsive, responsible proposers in accordance with the selection criteria published in the request for proposal. The district school board is not required to request proposals for purchases made from contracts of the Department of Management Services.
- ~~10.C. The Purchases of food products except milk, required for the School Food Service Program and other ancillary food operations, which are exempt from the bid requirements by pursuant to State Board of Education Rule 6A-7.0411(2)(i)2 6A-7.042(2)(i)2, or for which bids were not received through the prescribed competitive bidding process.~~
- ~~D. Purchases of professional or educational services, educational tests, textbooks, printed instructional materials, computer software, films, filmstrips, video tapes, disc or tape recordings or similar audiovisual materials, and for library and reference books, and printed library cards where such materials are purchased directly from the producer or publisher, the owner of the copyright, an exclusive agent within the state, a government agency or a recognized educational institution where the requirement for requesting bids from three (3) or more sources has been waived as provided by law and State Board of Education Rule 6A-1.012(7).~~
11. Additional exemptions authorized under certain conditions:
- a. The requirements for requesting competitive solicitations and making purchases for commodities and contractual services are waived pursuant to Section 1010.04(4)(a),

Florida Statutes, when the following conditions have been met by the district school board:

1. competitive solicitations have been requested in the manner prescribed by this rule, and
2. the district school board has made a finding that no valid or acceptable firm proposal has been received within the prescribed time.

When such a finding has been officially made, the district school board may enter into negotiations with suppliers of such commodities and contractual services and shall have the authority to execute contracts with such vendors under the terms and conditions the district school board determines are in its best interests.

If fewer than two responsive proposals for commodity or contractual services are received, the district school board may negotiate the best terms and conditions or decide to reject all proposals. The district school board shall document the reasons that negotiating terms and conditions with the sole proposer is in the best interest of the school district in lieu of soliciting new proposals.

12. Commodities or contractual services available from a single source may be exempted from the competitive solicitation requirements. When a district school board believes that commodities or contractual services are available only from a single source, the district school board shall electronically or otherwise publicly post a description of the commodities or contractual services for a period of at least 7 business days. The description must include a request that prospective vendors provide information regarding their ability to supply the commodities or contractual services described. If it is determined in writing by the district school board, after reviewing any information received from prospective vendors, that the commodities or contractual services are available only from a single source, the district school board shall provide notice of its intended decision to enter a single source contract in the manner specified in Section 120.57(3), Florida Statutes, and may negotiate the best terms and conditions with the single source vendor.
13. District school boards may dispense with requirements for competitive solicitations for the emergency purchase of commodities or contractual services when the Superintendent determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the school district requires emergency action. After the Superintendent makes such a written determination, the district school board may procure commodities or contractual services necessitated by the immediate danger, without requesting competitive solicitations. However, such an emergency purchase shall be made by obtaining pricing information from

at least two prospective vendors, which must be retained in the contract file, unless the Superintendent determines in writing that the time required to obtain pricing information will increase the immediate danger to the public health, safety, or welfare or other substantial loss to the school district.

14. A contract for commodities or contractual services may be awarded without competitive solicitations if state or federal law, a grant or a state or federal agency contract prescribes with whom the district school board must contract or if the rate of payment is established during the appropriations process.
15. A contract for regulated utilities or government franchised services may be awarded without competitive solicitations.
16. As much as practicable, all purchases shall be based on contracts, purchasing card systems, electronic procurements or purchase orders.
17. A district school board, when acquiring, whether by purchase, lease, lease with option to purchase, rental or otherwise, information technology, as defined in Section 282.0041(15), Florida Statutes, may make acquisitions through the competitive solicitation process or by direct negotiation and contract with a vendor or supplier, as fits the needs of the school district as determined by the district school board.
18. Except as otherwise required by statute, a district school board, when purchasing insurance, entering risk management programs, or contracting with third party administrators, may use the competitive solicitation process or direct negotiations and contract.
19. ~~E.~~ Emergency purchases made in accordance with Board Rule 6Gx13-3C-1.16 and approved by the Superintendent of Schools or the Superintendent's designated representative. The Superintendent of Schools will report all emergency purchases to the School Board, as soon as possible.

When an emergency arises, circumstances contributing to such an emergency shall be communicated to the proper department or agency of the Board, which in turn will notify Procurement Management, requesting the emergency purchase.

A requisition for an emergency purchase shall be accompanied by the appropriate Emergency Purchase Request Form, explaining the circumstances creating the emergency and clarifying that immediate action is required to protect the Board's interests. Emergency purchases are divided into two categories as follows:

- I. Emergency Purchase Request (Form B FM-3739) - Estimated Expenditure - \$50,000 and under. Requires the signature of the initiating administrator, recommended by Director or above and approval by the Assistant Superintendent or above or his/her designee(s), whose designation shall have prior approval by the Superintendent.
- II. Emergency Purchase Request (Form A FM-2333) - Estimated Expenditure - over \$50,000. Requires the signature of the initiating administrator, recommended by the Assistant Superintendent or above, or his/her designee(s) and approval by Superintendent of Schools. Emergency purchases over \$50,000 shall be reported to the Board.
- ~~F. Purchases where the School Board has the option to purchase from current Miami-Dade county contracts as well as those contracts established by other public agencies within the state, as authorized by Florida Statute 287.056 and State Board of Education Rule 6A-1.012(3).~~
- ~~G. Purchases made under contracts awarded by other city or county governmental agencies, other school boards, community colleges, or state university system cooperative bid agreements when the awardee(s) of said bids will permit purchases by a school board at the same terms, conditions, and unit prices awarded in the contract, and such purchases are to the economic advantage of the school board, as authorized by State Board of Education Rule 6A-1.012(5).~~
20. H. Competitive bidding is waived for Ppurchases of maintenance and/or service contracts, on various types of technical equipment, that are offered and/or supplied only by the original manufacturer or its representative, or that are required to maintain the integrity of the manufacturer's warranty, or that are part of the manufacturer's rental/lease/lease purchase agreements terms and conditions.
- ~~I. The School Board, when acquiring whether by purchase, lease, lease with option to purchase, rental, or otherwise, information technology resources, as defined in Section 282.0041(7) Florida Statutes, may make any acquisition through the bid process as described in State Board of Education Rule 6A-1.012, or by direct negotiation and contract with a vendor or supplier, as best fits the needs of the school district as determined by the School Board. Each acquisition made by direct negotiation and contract shall be reviewed and approved by the Department of Education~~

~~prior to acquisition. When a district School Board elects to directly negotiate and contract for any such acquisition, it shall be authorized to enter into a contract for acquisition with prior approval by the Department, and in that event, the requirements for requesting bids are waived.~~

21. J. ~~Purchases that have been authorized, approved, and are defined by Board Rule 6Gx13- 3C-1.15, as General Authorization Purchases.~~

Non-Purchase Order Invoice Funds Reservation Purchases are purchases for goods and services, expenditures, fund transfers, etc., that are not appropriate for normal competitive purchasing procedures. Only the expenditures listed will be authorized and processed as Non-Purchase Order Invoice Funds Reservation Purchases. Non-Purchase Order Invoice Funds Reservation purchases require the same financial authorization and approval process as purchase requisitions and shopping carts. Those purchases for goods and services, expenditures, fund transfers, etc., that are authorized for Non-Purchase Order Invoice Funds Reservation Purchases are limited to include various types of fund advances, services, reimbursements and purchases, and/or payment for goods and services, which are not appropriate for normal competitive purchasing procedures:

Additional Contracted Services (polygraph, court reporting/
transcribing, etc.)
Admission Fees
Association Fees, Professional Association Dues and
Charges
Distribution of Funds - Athletic Programs, Vending Machine
Commissions
Facilities Fees, Rentals/Leases and Utilities including monthly utility
charges, service and connection fees
Fees for Graduation Exercises (non-employees, union charges,
etc.)
Field Trips
Tickets
Advance Registration
Hotel Accommodations
Groceries and Supplies for Home Economics Classes
Insurance Policies Reimbursements
Legal Settlement Payments and bonds
License Fees and Agreements
Media Advertising (newspaper, radio, television, etc.)
Media Programs, Refreshments, Reimbursement - Grant Funds
Permit Fees
Petty Cash Replenishment

Postage Requisitions
Property Loss Payment
Registration Fees
State Fees (retirement, unemployment compensation, etc.)
Tax Related Payments
Toll Charges for Transportation, Maintenance, Stores and Distribution, and other departments, as may be required
Travel Reimbursement for Non-Employees

- ~~II. Requisitions shall be prepared for individual categories of supplies, equipment, and services. Requirements in the same category shall not be divided and submitted on two or more requisitions in order to circumvent established bid or quotation procedures.~~
- ~~III. The expenditure of internal funds must be in compliance with Section 1011.07 Florida Statutes, and State Board of Education Rules.~~
- ~~IV. If it is determined that it is in the best interest of the school system, the Superintendent of Schools is authorized to direct that the purchase of items such as class jewelry, school annuals, cards and invitations, insignia, caps and gowns, or other such items of common use, to be purchased from funds handled in trust for individuals, shall be centrally bid by Procurement Management Services.~~

BIDDING PROCESS

The Board will issue, receive, open, tabulate, and award bids and process bid disputes. For purposes of this rule, the term "bid(s)" includes all Invitation To Bid (ITB) and Request For Proposals (RFP) and Invitation To Negotiate (ITN). The term "bidder" includes proposers.

I. Soliciting Competitive Bids

Commodities purchased by any school, department, or agency must be acquired at the lowest possible cost, and adequate quality, usually through competitive bidding. Employees of the Miami-Dade County Public Schools system shall be strictly accountable.

In soliciting competitive bids, it is necessary to solicit a minimum of three bids, unless otherwise waived by this Board Rule, Department of Education Administrative Rule, or State Statute.

Commodities or contractual services available only from a single source may be exempted from the competitive solicitation

requirements. When a district school board believes that commodities or contractual services are available only from a single source, the district school board shall electronically or otherwise publicly post a description of the commodities or contractual services sought for a period of at least seven business days. The description must include a request that prospective vendors provide information regarding their ability to supply the commodities or contractual services described. If it is determined in writing by the district school board, after reviewing any information received from prospective vendors, that the commodities or contractual services are available only from a single source, the district school board shall provide notice of its intended decision to enter a single source contract in the manner specified in Section 120.57(3), Florida Statutes, and may negotiate on the best terms and conditions with the single source vendor.

When soliciting bids, all reasonable methods should be exhausted in order to insure full and free competition. Special attention should be given to bids where only one known source has previously been identified as able to supply the commodities or service. Prior to bidding, staff should attempt to contact other prospective vendors, who could possibly provide the same commodity or service. Newspaper advertisements, telephone, electronic or other market contacts should be used as means for solicitation. Documentary evidence of the results, in writing, must become part of the Master Bid File for that particular bid. Care should be exercised to insure that bids are solicited sufficiently in advance of the opening of bid time, to allow bidders adequate opportunity to prepare and submit their bids.

II. Notification to Prospective Bidders

When invitations to bid are prepared by the Board, they should be disseminated to known prospective bidders and in response to subsequent requests.

III. Maintenance of Potential Bidders List

Procurement Management Services shall maintain a list of responsible bidders to whom invitations to bid are routinely sent. The list shall be divided into various commodity classes. Any bidder desiring to be placed on the bid list should submit a request to Procurement Management Services advising of those commodities in which the bidder regularly deals and which the bidder desires to sell to the Board. This list shall be continually reviewed and kept up to date.

IV. Protest of Specifications

Any notice of protest of the specifications contained in an Invitation To Bid shall be filed in writing with the Clerk of The School Board of Miami-Dade County, Florida, who shall maintain offices in the School Board Administration Building.

With respect to a protest of the specifications contained in an Invitation To Bid (ITB) or in a Request For Proposals (RFP), the Notice of Protest shall be filed in writing within 72 hours after the posting of a solicitation. The Formal Written Protest shall be filed within 10 days after the date the notice of protest is filed. Failure to file a Notice of Protest or failure to file a Formal Written Protest shall constitute a waiver of proceedings under this rule. The Formal Written Protest shall state with particularity the facts and law upon which the protest is based. Saturdays, Sundays, and legal holidays shall be excluded in the computation of the 72-hour time period provided by this paragraph.

V. Posting the Bond

The protesting party shall be required to post a bond in a form consistent with F.A.C. Rule 28-110.005(2). A notice of decision or intended decision shall contain this statement: "Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceeding under Chapter 120, Florida States."

i. **Bond: Commodities (Other than Lease of Space) and Contractual Services (Including Professional Services and Insurance)** – Pursuant to Fla. Stat. § 287.042(2)(c), any person who files an action protesting a decision or intended decision pertaining to a solicitation or contract award shall post with the Board, at the time of filing the formal written protest, a bond secured by an acceptable surety company in Florida, payable to The School Board of Miami-Dade County, Florida, in an amount equal to one percent (1%) of the District's estimate of the dollar value of the proposed contract.

A. The District shall provide the estimated contract amount to the protestor within seventy-two (72) hours (excluding Saturdays, Sundays, and holidays when the District administrative office is closed) after the filing of the

Notice of Protest. The estimated contract amount is not subject to protest under this Rule or Fla. Stat. § 120.57(3). In lieu of a bond, the Board may accept a cashier's check or money order in the amount of the bond.

B. The bond shall be conditioned upon the payment of all costs and charges which may be levied against the protestor in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding.

C. Pursuant to Fla. Stat. § 287.042(2)(c), if, the Board prevails in the administrative hearing process and any appellate court proceedings, it shall be entitled to recover all costs and charges which are included in the final order or judgment, excluding attorneys' fees. Upon payment of such costs and charges by the person protesting the decision or intended decision or contract award, the bond, cashier's check or money order shall be returned to the protestor. If the protestor prevails, the protestor may recover from the Board the costs and charges which are included in the final order or judgment, excluding attorneys' fees.

ii. **Bond: Competitive Bids for Lease of Space -- Pursuant to Fla. Stat. § 255.25(3)(c), any person who files an action protesting a decision or intended decision pertaining to a competitive bid for space to be leased by the Board shall post with the Board, at the time of filing the formal written protest, a bond payable to The School Board of Miami-Dade County, Florida, in an amount equal to one percent (1%) of the estimated total rental of the basic lease period or \$5,000, whichever is greater. The bond shall be conditioned upon the payment of all costs which may be levied against him or her in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. If the Board prevails in the administrative hearing process and any appellate court proceedings, it shall recover all costs and charges which are included in the final order or judgment, excluding attorneys' fees. Upon payment of such costs and charges by the person protesting the award, the bond shall be returned to him or her. If the person protesting the award prevails, the bond shall be returned to that person and he or she shall recover from the Board the costs and charges which are included in the final order or judgment, excluding** } Revised

attorneys' fees.

- iii. **Bond: Construction Purchasing – Construction purchasing is separately governed by Board Rule 6Gx13-7D-1.01, and persons protesting competitive procurement related to educational facilities shall be required to post a bond in the amount specified in Fla. Stat. § 255.0516, which also governs recovery of fees and costs including attorneys' fees.**

- iv. **Staying the Procurement Process – Upon timely receipt of the formal written protest petition, and posting of the bond, the solicitation or contract award process shall be stayed until the protest is resolved by final agency action, unless the School Board sets forth, in writing, particular facts and circumstances which require the continuance of the solicitation or contract award process in order to avoid an immediate and serious danger to the public health, safety, and welfare.**

The Formal Written Protest will be reviewed by Procurement Management Services who will offer the protesting bidder the opportunity to meet and discuss the merits of the protest. If the protest is not resolved, the matter may be referred for proceedings pursuant to Section 120.569 and 120.57, Florida Statutes. Petitions for hearing on protests pursuant to Section 120.569 and 120.57, F.S., must be filed according to School Board Rule 6Gx13-8C-1.064, Adjudicatory Proceedings.

VI. Receiving and Opening of Bids

The Superintendent of Schools, or an administrator designated by the Superintendent, shall designate the time and place for receiving and opening of bids.

- A. Bids are to be submitted to Procurement Management Services or electronically up to the time and on the date specified in the bid documents. Bids received after the date and hour specified in the Bidder Qualification Form will not be considered.

- B. The following persons shall participate in the bid opening function:
 - 1. The District Director, Procurement Management, or an administrator designated by the District Director

shall serve as chairperson.

2. A person designated by the District Director, Procurement Management, to record the minutes of the bid opening, and such minutes shall be reported to the Board at the next regularly scheduled Board meeting.

3. The Executive Director, Project and Contract Management, or an administrator designated by the Executive Director.

4. Those additional administrators and support staff required for the efficient handling of this procedure.

C. All construction bids shall be opened and tabulated prior to bids being released by the recording secretary.

D. All purchasing bids will be recorded at the time they are received, showing the bid number, bid title, and the names of the bidders submitting bid forms. The record shall be made prior to the release of the bid material by the recording secretary.

The above guidelines for receiving bids do not apply to the awarding of bids at Board meetings.

VII. The Recording or Tabulation of Purchasing Bids

The names of bidders, the prices submitted, and such other pertinent data, will be electronically available or entered on a tabulation sheet by Procurement Management Services. This information shall be available as set forth in Fla. Stat. § 119.07.

VIII. Rejection of Bids

The right to reject any and all bids is reserved by the Board and such reservation shall be indicated in all advertising and invitations. When bids are rejected and the project or requirement is not abandoned, new bids may be issued. Bids which contain any alterations or erasures may be rejected. Bids will be rejected for good and sufficient cause, such as faulty specifications, excessive cost, abandonment of the requirements, insufficient funds, or other irregularities. Bids may be rejected for failure by the bidder to comply with any requirement stated in the bid document, the bid proposal form or any attachments which become part of the bid.

IX. Irregular or Deviating Bids

In the event that Procurement Management Services wishes to make a recommendation of an award of a bid to a bidder who has deviated from specifications, or in which there is any irregularity, the report recommending such an award should contain in detail: the manner in which the bid deviates from the specifications or is irregular, the reasons for the recommendation of the award, and approval by the Board Attorney.

X. Award Recommendation

Notice of Intended Action will be posted on the District's website for Procurement bids no later than the Friday preceding the week when the award is scheduled to be made by the School Board or Superintendent.

XI. Protest of Bid Award

Any letters of protest of an intended award may be filed in writing with the Clerk of The School Board of Miami-Dade County, Florida, who shall maintain offices in the School Board Administration Building.

Any person who is adversely affected by the agency decision or intended decision, shall file with the agency a Notice of Protest in writing within 72 hours after the posting of the bid tabulation or after receipt of the notice of the agency decision or intended decision and shall file a Formal Written Protest within ten (10) days after filing the Notice of Protest. The protesting vendor shall also be required to post a bond, consistent with Section V of this rule. Failure to file a Notice of Protest or failure to file a Formal Written Protest shall constitute a waiver of proceedings under Chapter 120.57, Florida Statute. The formal written protest shall state with particularity the facts and law upon which the protest is based. Saturdays, Sundays, and legal holidays shall be excluded in the computation of the 72-hour time periods provided by this paragraph.

The Formal Written Protest will be reviewed by Procurement Management Services, who will offer the protesting bidder the opportunity to meet and discuss the merits of the protest. If the protest is not resolved, the matter may be referred for proceedings, pursuant to Section 120.569 and 120.57, Florida Statutes. Petitions for hearing on protests pursuant to Section 120.569 and

120.57, F.S., must be filed in accordance with School Board Rule 6Gx13- 8C-1.064, Adjudicatory Proceedings.

XII. Official Award Date

Awards become official when made, unless otherwise specified in the award recommendation.

XIII. Contract Renewals

The School Board shall have the authority to award bids and reject any or all bids. The Superintendent shall have the authority to exercise, in subsequent years, any renewal options included in a bid solicitation, provided terms and conditions are favorable for the School District and subject to the availability of funds.

XIV. Legal Basis for Procedures

The procedures for the purchase of commodities and services, and construction of facilities for Miami-Dade County Public Schools shall comply with the Florida Statutes and the State Board of Education Rules.

COMPETITIVE BIDDING REQUIREMENTS

I. Definitions

- a. The term "competitive solicitation" includes purchasing made through the issuance of an Invitation To Bid, Request For Proposals and Invitation To Negotiate. Competitive solicitations are not required for purchases made through the pool purchase provisions of Section 1006.27, Florida Statutes.
- b. "Invitation To Bid" is a written solicitation for competitive sealed bids. The Invitation To Bid is used when the district school board is capable of specifically defining the scope of work for which a contractual service is required or when the district school board is capable of establishing precise specifications defining the actual commodity or group of commodities required.
- c. "Invitation To Negotiate" is a written solicitation for competitive sealed replies to select one or more vendors with which to negotiate for the procurement of commodities or contractual services. The Invitation To Negotiate is used when the district school board determines that negotiations may be necessary for it to receive the best value.

- d. “Request For Proposals” shall be defined for the purposes of this rule as a written solicitation for competitive sealed proposals. The Request For Proposals is used when it is not practicable for the district school board to specifically define the scope of work for which the commodity, group of commodities, or contractual service is required and when the district school board is requesting that a responsible vendor propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document.
- e. The term “proposer” includes those vendors submitting bids or responses to a competitive solicitation.
- f. The term “Superintendent” means “Superintendent or designee”.

The major consideration given to bid evaluations is lowest price meeting specifications.

When the determination is made that a bid is appropriate, the performance specifications and standards requirements shall be spelled out in detail and shall be furnished to Procurement Management. After review, Procurement Management shall issue the Invitation For Bids, including all general and special conditions, and evaluate the bids submitted. The requirements for solicitation and review of bids by the Procurement Contract Review Committee (PCRC) shall be followed in all cases. Board approval is required for contracts recommended for award.

For each purchase of more than \$50,000, bids shall be requested from three or more sources. Notices of bids shall be electronically posted or may be sent to all vendors on the active vendor mailing list for that category of goods or services. This list shall include all minority/women vendors identified with the School Board for that particular category of goods or services, as well as organizations involved in assisting M/WBE firms, by posting and disseminating information regarding available contracts. Notices of bids shall be advertised in one or more major, local newspapers or electronically posted at least seven days prior to the bid opening date. This shall include, as necessary, major newspapers having circulation representative of the various relevant minority classifications or electronic posting. Tabulations of current bids shall be retained in bid files and shall be available for reference. Standard bid forms used shall be as approved by the Superintendent of Schools and the Board Attorney.

II. Written, Telephone, or Electronic Quotations

For each purchase of \$50,000 or less and over the minimum quotation

threshold established by Procurement Management, staff shall obtain written, telephone, or electronic quotations from three or more sources. If possible, vendors contacted shall be rotated and shall include M/WBE vendor participation. If only one of those sources respond with prices, two additional sources, if available, may be contacted for pricing, including, if possible, an M/WBE vendor. If no additional prices are obtained from those sources, the award shall be made to the lowest and best price quotation. If all three of the vendors first contacted for prices respond with valid price quotations, the award shall be made to the lowest price quotation meeting specifications, with no additional requests from other vendors required.

Quotations obtained shall be attached to the purchase order by written notations or electronic reference indicating prices and sources thereof, and certification of same by signature, electronic signature, or facsimile. The requisition shall be approved for purchase as authorized by the Superintendent of Schools.

III. Schools making internal fund purchases will adhere to policies as outlined in School Board Rule 6Gx13- 3D-1.021, Internal Fund/School Activities - Specific Procedures.

Specific Authority: 1001.41(1)(2); 1001.42(2226); 1001.43(10) F.S.

Law Implemented, Interpreted, or Made Specific: 119.07; 120.569; 120.57; 120.57(3); 255.0516; 255.25 (3)(c); 282.0041(15); 287.017; 287.042(2)(c); 287.056; 1001.42(12)(j); 1006.27; 1010.04(4)(a), F.S.; 6A-1012; 6A-1.012; 6A-1.091; 6A-7.0411(2)(i); 28-110.005(2), F.A.C.
282.0041(15)(7); 287.017; 287.0042(2)(c); 287.056; 287.057; 1001.07 F.S.; 1001.42(12)(j) F.S.; 6A-1.012; 6A-1.091; 6A-7.042-FAG 6a-7.0411; 28-

Revised

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Technical Change: 5-1-98

Amended: 4-12-78; 11-19-80; 8-19-87; 12-6-89; 3-6-91; 9-8-93; 8-20-03; 12-10-03

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on April 14, 2010, its intention to amend School Board Rule 6Gx13- 3F-1.02, Consultant and Technical Services; Instructional Television, Radio and Media Lease Agreements, Royalty Fees, Production and Programming Contracts, at its meeting of June 16, 2010.

PURPOSE AND EFFECT: The amendment to the School Board Rule will revise the threshold for Consultant and Technical Services; Instructional Television, Radio and Media Lease Agreements, Royalty Fees, Production and Programming Contracts.

SUMMARY: The rule outlines the authority and procedures for Consultant and Technical Services; Instructional Television, Radio and Media Lease Agreements, Royalty Fees, Production and Programming Contracts including revised dollar threshold.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(26); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 287.057 F.S.; 6A-1.012 FAC.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF June 16, 2010, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so, in writing, by May 10, 2010, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based (Section 286.0105, Florida Statutes).

A COPY OF THE PROPOSED AMENDED RULE is available at a cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Joseph A. Gomez
Supervisor: Dr. Richard H. Hinds
Date: March 23, 2010

Contracts and Documents**CONSULTANT AND TECHNICAL SERVICES; INSTRUCTIONAL TELEVISION, RADIO AND MEDIA LEASE AGREEMENTS, ROYALTY FEES, PRODUCTION AND PROGRAMMING CONTRACTS**

The Superintendent of Schools or the Superintendent's designated representative is authorized to negotiate and execute contracts for consultant and technical services, and instructional television, radio and media lease agreements, and royalty fees not to exceed ~~\$25,000~~ \$50,000. Any contract in excess of ~~\$25,000~~ \$50,000 must be submitted to the Board prior to execution by the Superintendent of Schools. The Superintendent of Schools or a designated staff member is to administer this policy in accordance with good business practices and procedures. Contract forms shall be approved by the Board Attorney.

If no local funds are required, the Superintendent of Schools or the designated representative is authorized to enter into production and programming contracts or cooperative programming purchase agreements in excess of ~~\$25,000~~ \$50,000 with the following agencies:

- a. State Department of Education
- b. The Public Broadcasting System

All such agreements shall be reported to the Board in conjunction with the submission of the related budget amendment.

Specific Authority: 1001.41(1)(2); 1001.42(2226); 1001.43(10) F.S.
Law Implemented, Interpreted, or Made Specific: 287.057 F.S.; 6A-1.012 FAC

History THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
Repromulgated: 12-11-74
Amended: 1-23-80; 1-9-91; 12-19-91; 1-19-94; 8-20-03

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on April 14, 2010, its intention to repeal School Board Rule 6Gx13- 3C-1.11, Bidding Process, at its meeting of June 16, 2010.

PURPOSE AND EFFECT: To repeal the existing Board Rule and incorporate language into Board Rule 6Gx13- 3C-1.10, Purchase Approval.

SUMMARY: To repeal School Board Rule 6Gx13- 3C-1.11, Bidding Process, and incorporate language into Board Rule 6Gx13- 3C-1.10, Purchase Approval, which sets forth procedures for the Board to review and tabulate bids, as well as a single source process.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(23); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 120.57; 120.569; 287.057 F.S.; 6A-1.012 FAC.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING of June 16, 2010, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so, in writing, by May 10, 2010, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based (Section 286.0105, Florida Statutes).

A COPY OF THE PROPOSED REPEALED RULE is available at a cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Joseph A. Gomez
Supervisor: Dr. Richard H. Hinds
Date: March 23, 2010

Non-salaried Expenditures**BIDDING PROCESS**

The purpose of this rule is to set forth procedures by which the Board will issue, receive, open, tabulate, and award bids and process bid disputes. For purposes of this rule, the term "bid(s)" includes all Invitations to Bid (ITB) and Request For Proposals (RFP). The term "bidder" includes proposers.

I. Soliciting Competitive Bids

Good public administration requires that commodities bought by any school, department, or agency be purchased at the lowest possible cost, consistent with an adequate standard of quality, usually through competitive bidding. Employees of the Miami-Dade County Public school system, responsible for the expenditure of public funds, must be held to a high level of accountability.

Competitive bidding helps to do this and assures the public that the Board's purchases will be made without favoritism and as economically as possible consistent with an adequate standard of quality. The object of competitive bidding is to obtain prices from as many qualified sources as practical. Competition will provide reasonable costs and insure the school system a maximum yield from each tax dollar expended. It is necessary to furnish potential bidders specific detailed information concerning the item or items which the Board plans to purchase. Bidders may then establish a basis on which to compute their bid prices after determining which of their products meet the specifications.

In soliciting competitive bids it is necessary to solicit a minimum of three bids, unless otherwise waived by Board Rule, Department of Education Administrative Rule, or State Statute.

The competitive bid process, as stated above, is not applicable in those instances where only one source can supply and only one price is available for commodities which can be offered by only one vendor or source. Documentary evidence, in writing, showing the sole source status of the goods or service being ordered and justification as to why that particular goods or service is needed, must accompany the requisition.

When soliciting bids, all reasonable methods should be exhausted in order to insure full and free competition. Special attention should be given to bids where only one known source has previously been identified as able to supply the commodities or

service. Prior to bidding, staff should attempt to contact other prospective vendors who could possibly provide the same commodity or service. Newspaper advertisements, telephone or other market contacts should be used as means for solicitation. Documentary evidence of the results, in writing, must become part of the Master Bid File for that particular bid. Care should be exercised to insure that bids are solicited sufficiently in advance of the opening of bid time to allow bidders adequate opportunity to prepare and submit their bids.

II. Mailing to Prospective Bidders

When invitations to bid are prepared by the Board they should be disseminated to known prospective bidders and in response to subsequent requests.

III. Maintenance of Potential Bidders List

Procurement Management Services shall maintain as large a list as possible of responsible bidders to whom invitations to bid are sent. The list shall be divided into various commodity classes. Any bidder desiring to be placed on the bid list should submit a request to Procurement Management Services advising of those commodities in which the bidder regularly deals and which the bidder desires to sell to the Board. This list shall be continually reviewed and kept up to date.

IV. Protest of Specifications

Any notice of protest of the specifications contained in an invitation to bid shall be filed in writing with the Clerk of The School Board of Miami-Dade County, Florida, who shall maintain offices in the School Board Administration Building.

With respect to a protest of the specifications contained in an Invitation To Bid (ITB) or in a Request For Proposals (RFP), the Notice of Protest shall be filed in writing within 72 hours after the posting of a solicitation. The Formal Written Protest shall be filed within 10 days after the date the notice of protest is filed. Failure to file a Notice of Protest or failure to file a Formal Written Protest shall constitute a waiver of proceedings under this rule. The Formal Written Protest shall state with particularity the facts and law upon which the protest is based. Saturdays, Sundays, and legal holidays shall be excluded in the computation of the 72 hour time periods provided by this paragraph.

V. Posting the Bond

The protesting party shall be required to post a bond in a form consistent with F.A.C. Rule 28-110.005(2). A notice of decision or intended decision shall contain this statement: "Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceeding under Chapter 120, Florida States."

- i. **Bond: Commodities (Other than Lease of Space) and Contractual Services (Including Professional Services and Insurance)** – Pursuant to Fla. Stat. § 287.042(2)(c), any person who files an action protesting a decision or intended decision pertaining to a solicitation or contract award shall post with the Board, at the time of filing the formal written protest, a bond secured by an acceptable surety company in Florida, payable to The School Board of Miami-Dade County, Florida, in an amount equal to one percent (1%) of the District's estimate of the dollar value of the proposed contract.
 - A. The District shall provide the estimated contract amount to the protestor within seventy-two (72) hours (excluding Saturdays, Sundays, and holidays when the District administrative office is closed) after the filing of the notice of protest. The estimated contract amount is not subject to protest under this Rule or Fla. Stat. § 120.57(3). In lieu of a bond, the Board may accept a cashier's check or money order in the amount of the bond.
 - B. The bond shall be conditioned upon the payment of all costs and charges which may be adjudged against the protestor in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding.
 - C. Pursuant to Fla. Stat. § 287.042(2)(c), if, after completion of the administrative hearing process and any appellate court proceedings the Board prevails, it shall be entitled to recover all costs and charges which are included in the final order or judgment, excluding attorney's fees. Upon payment of such costs and charges by the person protesting the decision or intended decision or contract award, the bond, cashier's check or money order shall be returned to the protestor. If, after the completion of the

administrative hearing process and any appellate court proceedings, the protestor prevails, the protestor may recover from the Board the costs and charges which are included in the final order or judgment, excluding attorney's fees.

- ii. **Bond: Competitive Bids for Lease of Space** -- Pursuant to Fla. Stat. § 255.25(3)(c), any person who files an action protesting a decision or intended decision pertaining to a competitive bid for space to be leased by the Board shall post with the Board, at the time of filing the formal written protest, a bond payable to The School Board of Miami-Dade County, Florida, in an amount equal to one percent (1%) of the estimated total rental of the basic lease period or \$5,000, whichever is greater, which bond shall be conditioned upon the payment of all costs which may be adjudged against him or her in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. If the Board prevails after completion of the administrative hearing process and any appellate court proceedings, it shall recover all costs and charges which are included in the final order or judgment, excluding attorney's fees. Upon payment of such costs and charges by the person protesting the award, the bond shall be returned to him or her. If the person protesting the award prevails, the bond shall be returned to that person and he or she shall recover from the Board the costs and charges which are included in the final order or judgment, excluding attorney's fees.
- iii. **Bond: Construction Purchasing** – Construction purchasing is separately governed by Board Rule 6Gx13-7D-1.01, and protestors regarding competitive procurement related to educational facilities shall be required to post a bond in the amount specified in Fla. Stat. § 255.0516, which also governs recovery of fees and costs including attorney's fees.
- iv. **Staying the Procurement Process** – Upon timely receipt of the formal written protest petition, and posting of the bond, the solicitation or contract award process shall be stopped until the subject of the protest is resolved by final agency action, unless the School Board sets forth in writing, particular facts and circumstances which require the continuance of the solicitation or contract award process without delay, in order to avoid an immediate and serious danger to the public health, safety, and welfare.

The Formal Written Protest will be reviewed by Procurement Management Services who will offer the protesting bidder the opportunity to meet and discuss the merits of the protest. If the protest is not resolved, the matter may be referred for proceedings pursuant to Section 120.569 and 120.57, Florida Statutes. Petitions for hearing on protests pursuant to Section 120.569 and 120.57, F.S., must be filed in accordance with School Board Rule 6Gx13- 8C-1.064, Adjudicatory Proceedings.

VI. Receiving and Opening of Bids

The Superintendent of Schools, or an administrator designated by the Superintendent, shall designate the time and place for receiving and opening of bids.

- A. Bids are to be submitted to Procurement Management Services up to the time and on the date specified in the bid documents. The official time for accepting bids shall be determined by the clock located in the room which contains the "Bid Box." Bids received after the date and hour specified in the Bidder Qualification Form will not be considered.
- B. The following persons shall participate in the bid opening function:
 - 1. The District Director, Procurement Management, or an administrator designated by the District Director shall serve as chairperson.
 - 2. A person designated by the District Director, Procurement Management, to record the minutes of the bid opening, and such minutes shall be reported to the Board at the next regularly scheduled Board meeting.
 - 3. The Executive Director, Project and Contract Management, or an administrator designated by the Executive Director.
 - 4. Those additional administrators and support staff required for the efficient handling of this procedure.
- C. All construction bids shall be opened and tabulated prior to bids being released by the recording secretary.

- D. All purchasing bids will be recorded at the time they are received, showing the bid number, bid title, and the names of the bidders submitting bid forms. The record shall be made prior to the release of the bid material by the recording secretary.

The above guides to receiving bids in no way affect the awarding of bids at Board meetings.

VII. The Recording or Tabulation of Purchasing Bids

The names of bidders, the prices submitted, and such other pertinent data, will be entered on a tabulation sheet by Procurement Management Services. This information shall be available as set forth in Fla. Stat. § 119.07.

VIII. Rejection of Bids

The right to reject any and all bids is reserved by the Board and such reservation shall be indicated in all advertising and invitations. When bids are rejected and the project or requirement is not abandoned, new bids may be called for. Bids which contain any alterations or erasures may be rejected. Bids will be rejected for good and sufficient cause, such as faulty specifications, excessive cost, abandonment of the requirements, insufficient funds, or other irregularities. Bids may be rejected for failure by the bidder to comply with any requirement stated in the bid document, the bid proposal form or any attachments thereto which become part of the bid.

IX. Irregular or Deviating Bids

In the event that Procurement Management Services wishes to make a recommendation of an award of a bid to a bidder who has deviated from specifications, or in which there is any irregularity, the report recommending such an award should contain in detail: the manner in which the bid deviates from the specifications or is irregular, the reasons for the recommendation of the award, and approval by the Board Attorney.

X. Award Recommendation

Notice of Intended Action will be posted on the District's website, for Procurement bids, no later than the Friday preceding the week when the award is scheduled to be made by the School Board or Superintendent.

XI. Protest of Bid Award

Any letters of protest of an intended award may be filed in writing with the Clerk of The School Board of Miami-Dade County, Florida, who shall maintain offices in the School Board Administration Building.

Any person who is adversely affected by the agency decision or intended decision, shall file with the agency a Notice of Protest in writing, within 72 hours after the posting of the bid tabulation or after receipt of the notice of the agency decision or intended decision and shall file a Formal Written Protest within ten (10) days after filing the Notice of Protest. Protesting vendor shall also be required to post a bond, consistent with Section V of this rule. Failure to file a Notice of Protest or failure to file a Formal Written Protest shall constitute a waiver of proceedings under Chapter 120.57, Florida Statute. The formal written protest shall state with particularity the facts and law upon which the protest is based. Saturdays, Sundays, and legal holidays shall be excluded in the computation of the 72 hour time periods provided by this paragraph.

The Formal Written Protest will be reviewed by Procurement Management Services who will offer the protesting bidder the opportunity to meet and discuss the merits of the protest. If the protest is not resolved, the matter may be referred for proceedings, pursuant to Section 120.569 and 120.57, Florida Statutes. Petitions for hearing on protests pursuant to Section 120.569 and 120.57, F.S., must be filed in accordance with School Board Rule 6Gx13- 8C-1.064, Adjudicatory Proceedings.

XII. Official Award Date

Awards become official when made unless otherwise specified in the award recommendation.

XIII. Contract Renewals

The School Board shall have the authority to award bids and reject any or all bids. The Superintendent shall have the authority to exercise, in subsequent years, any renewal options included in a bid solicitation, provided terms and conditions are favorable for the School District and subject to the availability of funds.

XIV. Legal Basis for Procedures

The procedures for the purchase of commodities and services, and construction of facilities for Miami-Dade County Public Schools shall comply with the Florida Statutes and the State Board of Education Rules.

Specific Authority: 1001.41(1)(2); 1001.42(23); 1001.43(10) F.S.

Law Implemented, Interpreted, or Made Specific: 120.57; 120.569; 287.057 F.S.; 6A-1.012 FAC

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY FLORIDA

Repromulgated: 12-11-74

Amended: 8-19-87; 6-28-89; 6-19-96; 8-20-03; 6-13-07

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on April 14, 2010, its intention to repeal School Board Rule 6Gx13- 3C-1.111, Bidding Process--Competitive Bidding Requirements, at its meeting of June 16, 2010.

PURPOSE AND EFFECT: To repeal the existing Board Rule and incorporate language into Board Rule 6Gx13- 3C-1.10, Purchase Approval.

SUMMARY: The repeal of this School Board Rule will allow incorporation of the definitions for competitive solicitations, as well as revised formal bidding threshold into amended Board Rule 6Gx13- 3C-1.10, Purchase Approval. The amended rule also sets forth definitions for formal procurement methodologies, as well as the revised formal bidding threshold.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 287.057 F.S.; 6A-1.012 FAC.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING of June 16, 2010, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so, in writing, by May 10, 2010, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based (Section 286.0105, Florida Statutes).

A COPY OF THE PROPOSED REPEALED RULE is available at a cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Joseph A. Gomez
Supervisor: Dr. Richard H. Hinds
Date: March 23, 2010

Non-salaried Expenditures**BIDDING PROCESS--COMPETITIVE BIDDING REQUIREMENTS****I. Formal Bids**

"Formal Bid" means a written solicitation for competitive sealed bids. The invitation to bid is used when the agency is capable of specifically defining the scope of work for which a contractual service is required or when the agency is capable of establishing precise specifications defining the actual commodity or group of commodities required. A written solicitation includes a solicitation that is electronically posted.

The major consideration given to bid evaluations is lowest price meeting specifications.

When the determination is made that a bid is appropriate, the performance specifications and standards requirements shall be spelled out in detail and shall be furnished to Procurement Management. After review, Procurement Management shall issue the invitation for bids, including all general and special conditions, and evaluate the bids submitted. The requirements for solicitation and review of bids by the Procurement Contract Review Committee (PCRC) shall be followed in all cases. Board approval shall be sought when the contract is recommended for award.

For each purchase of more than \$25,000, bids shall be requested from three or more sources. Notices of bids shall be sent to all vendors on the active vendor mailing list for that category of goods or services. This list shall include all minority/women vendors identified with the School Board for that particular category of goods or services, as well as organizations involved in assisting M/WBE firms by posting and disseminating information regarding available contracts. Notices of bids shall be advertised in one or more major, local newspapers at least seven days prior to the bid opening date. This shall include, as necessary, major newspapers having circulation representative of the various relevant minority classifications. Tabulations of current bids shall be retained in bid files and shall be available for reference. Standard bid forms used shall be as approved by the Superintendent of Schools and the Board Attorney.

II. Written, Telephone, or Electronic Quotations

For each purchase of \$25,000 or less and over the minimum quotation threshold established by Procurement Management, staff shall obtain written, telephone, or electronic quotations from three or more sources. If possible, vendors contacted shall be rotated and shall include M/WBE

vendor participation. If only one of those sources respond with prices, two additional sources, if available, may be contacted for pricing, including, if possible, an M/WBE vendor. If no additional prices are obtained from those sources, the award shall be made to the lowest and best price quotation. If all three of the vendors first contacted for prices respond with valid price quotations, the award shall be made to the lowest price quotation meeting specifications with no additional requests from other vendors required.

Quotations obtained shall be attached to the purchase order by written notations or electronic reference indicating prices and sources thereof, and certification of same by signature, electronic signature, or facsimile. The requisition shall be approved for purchase as authorized by the Superintendent of Schools.

- III. Schools making internal fund purchases will adhere to policies as outlined in School Board Rule 6Gx13- 3D-1.021, Internal Fund/School Activities - Specific Procedures.

Specific Authority: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

Law Implemented, Interpreted or Made Specific: 287.057 F.S.; 6A-1.012 FAC

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Amended: 9-21-83; 8-19-87; 12-6-89; 1-9-91; 9-8-93; 8-20-03; 5-18-05

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on April 14, 2010, its intention to repeal School Board Rule 6Gx13- 3C-1.15, Purchase and Payment of Certain Commodities and Services in Specified Areas – General Authorization Purchases, at its meeting of June 16, 2010.

PURPOSE AND EFFECT: To repeal the existing Board Rule and incorporate language into Board Rule 6Gx13- 3C-1.10, Purchase Approval.

SUMMARY: The repeal of the School Board Rule will incorporate the process for General Authorization Purchases through the use of the Enterprise Resource Planning (ERP) system definitions for competitive solicitations, as well as revised formal bidding threshold into Board Rule 6Gx13- 3C-1.10, Purchase Approval.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 203.22(2) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 237.02(1)(a); 237.02(2); 946.01 F.S.; 6A-1.012; 6A-7.042(2)(i)2 FAC.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF June 16, 2010, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so, in writing, by May 10, 2010, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based (Section 286.0105, Florida Statutes).

A COPY OF THE PROPOSED REPEALED RULE is available at a cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Joseph A. Gomez
Supervisor: Dr. Richard H. Hinds
Date: March 23, 2010

Non-salaried Expenditures**PURCHASE AND PAYMENT OF CERTAIN COMMODITIES AND SERVICES IN SPECIFIED AREAS--GENERAL AUTHORIZATION PURCHASES**

General Authorization Purchases are purchases for goods and services, expenditures, fund transfers, etc., that do not lend themselves to normal competitive purchasing procedures. Only those types of expenditures as listed herein will be authorized and processed as General Authorization Purchases. General Authorization purchase requisitions are required to go through the same authorizing and approving signature trail as all requisitions. General Authorization Purchases will be reviewed by the Bureau of Procurement and Materials Management for propriety, and having met all requirements for a General Authorization Purchase will be approved for processing. Those purchases for goods and services, expenditures, fund transfers, etc., that are authorized for General Authorization Purchases are limited to those listed as follows.

I. Groceries and Supplies for Home Economics Classes

When the purchase of such supplies is an integral part of the student's educational training, the Home Economics teacher, under the direction of the principal and the supervisor of the Home Economics Department, shall assume the responsibility of procuring such supplies as required. The principal is charged with the responsibility of keeping such purchases within the limits of the allocated budget approved for the school.

At the end of each month the principal shall obtain from the Home Economics teacher(s) all invoices for expenditures made during that month, and submit a computer generated purchase requisition to the Bureau of Procurement and Materials Management for conversion to a General Authorization Purchase Order. Upon review and approval of that purchase order, the appropriate copies will be returned to the principal who will attach to it the summary form listing all purchases together with the properly signed invoices, and forward same to the Accounts Payable Section.

Payment shall be made by General Authorization each month as required.

The administrator/principal shall review said General Authorization with the appropriate administrators of the Division of Procurement Management, to ensure its validity as a General Authorization Purchase and proper utilization of vendors. Upon presentation of the required requisition and signed invoice by the

administrator/principal, payment shall be made by General Authorization Payment, as required.

- II. In addition to those expenditures outlined in Section I, General Authorization Purchases shall be approved by the appropriate approving administrators and the Bureau of Procurement and Materials Management. Those expenditures cover various types of fund advances, services, reimbursements and purchases, and/or payment for goods and services, which do not lend themselves to normal competitive purchasing procedures. The following is a list of those expenditures which shall be authorized as General Authorization Purchases:

Additional Contracted Services (polygraph, court reporting/transcribing, etc.)
 Admission Fees
 Airline Credit Card Charges
 Association Fees, Duties and Charges
 Distribution of Funds-Athletic Program, Sale Juice, Sale Doughnuts, Titlement Programs
 Facilities Fees, Rentals/Leases and Utilities
 Fees for Use of City/County Off-Duty Police Officers
 Fees for Graduation Exercises (non employees, union charges, etc.)
 Fund 9 Advances/Reimbursements
 Hotel Requirements for State Legislative Services
 Insurance Premiums, Claims and Reimbursements
 Legal Settlement Payments
 License Fees and Agreements
 Media Advertising (newspaper, radio, television, etc.)
 Media Programs, Refreshments,
 Reimbursement-Grant Funds
 Miscellaneous Reimbursement, (law enforcement personnel, etc.)
 Permit Fees
 Petty Cash Replenishment
 Postage Requisitions
 Professional Fees
 Property Loss Payment
 Registration Fees
 Savings Bond Purchases
 State Fees (retirement, unemployment compensation, etc.)
 Tax Requisitions
 Toll Charges for Transportation, Maintenance, Stores and Distribution, and other departments as may be required

Travel Reimbursement for Non-Employees
Tuition Reimbursement--Exceptional Students/Instructional
Personnel, Non-Instructional Employees
Utilities-Monthly Charges, Service and Connection Fees, etc.

Specific Authority: 230.22(2) F.S.

Law Implemented, Interpreted, or Made Specific: 237.02(1)(a); 237.02(2); 946.01
F.S.; 6A-1.012; 6A-7.042(2)(i)2 FAC

History

THE SCHOOL BOARD OF DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Amended: 8-19-87; 1-20-93; 11-19-97

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on April 14, 2010, its intention to repeal School Board Rule 6Gx13- 3C-1.16, Emergency Purchases, at its meeting of June 16, 2010.

PURPOSE AND EFFECT: To repeal the existing Board Rule and incorporate language into Board Rule 6Gx13- 3C-1.10, Purchase Approval.

SUMMARY: The repeal of the School Board Rule will allow incorporation of the dollar threshold for emergency purchases and the language set forth by State Board of Education rule 6A-1.012 – Purchasing Policies into amended Board Rule 6Gx13- 3C-1.10, Purchase Approval. The amended rule will also outline the procedures for handling emergency purchases, as well as the revised dollar threshold.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 287.057 F.S; 6A-1.012 FAC.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF June 16, 2010, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so, in writing, by May 10, 2010, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based (Section 286.0105, Florida Statutes).

A COPY OF THE PROPOSED REPEALED RULE is available at a cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Joseph A. Gomez
Supervisor: Dr. Richard H. Hinds
Date: March 23, 2010

Non-salaried Expenditures**EMERGENCY PURCHASES**

When an emergency arises, circumstances contributing to such an emergency shall be communicated to the proper department or agency of the Board, which in turn will notify Procurement Management requesting the emergency purchase.

A requisition for an emergency purchase shall be accompanied by the appropriate Emergency Purchase Request Form, explaining in detail the circumstances creating the emergency and further clarifying that immediate action was required to protect the Board's interests. Emergency purchases are divided into two categories as follows:

- I. Emergency Purchase Request (Form B FM-3739) - Estimated Expenditure - \$25,000 and under. Requires the signature of the initiating administrator, recommended by Director or above and approval by the Assistant Superintendent or above or his/her designee(s), whose designation shall have prior approval by the Superintendent.
- II. Emergency Purchase Request (Form A FM-2333) - Estimated Expenditure - over \$25,000. Requires the signature of the initiating administrator, recommended by the Assistant Superintendent or above, or his/her designee(s) and approval by Superintendent of Schools. Emergency purchases over \$25,000 will be reported to the Board.

Specific Authority: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

Law Implemented, Interpreted, or Made Specific: 287.057 F.S.; 6A-1.012 FAC

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Amended: 8-19-87; 1-20-88; 12-6-89; 9-8-93; 8-20-03