

Financial Services  
Richard H. Hinds, Chief Financial Officer

**SUBJECT: PROPOSED AMENDMENT OF BOARD POLICY: INITIAL  
READING POLICY 6320, PURCHASING**

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

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

The purpose of this item is to provide the Board the proposed amendment to Board Policy 6320, Purchasing, to reflect the requirements set forth in the newly adopted Policy 6320.02, Small/Micro Business Enterprise Program and Minority/Women Enterprise Certification. The revised policy will enable the District to adhere to the programs and will allow the maximum legally permissible opportunities for small and minority/women business enterprises to participate in the award and performance of Board contracts. It will also provide the community information concerning contracting opportunities for small and minority/women businesses.

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

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the amendment of Board Policy 6320, Purchasing.

**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 Board Policy 6320, Purchasing.

**E-201**

## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on June 19, 2013, its intention to amend Board Policy 6320, Purchasing, at its meeting of August 7, 2013.

**PURPOSE AND EFFECT:** It is recommended that Board Policy 6320 be amended to reflect the requirements set forth in the newly adopted policy 6320.02, Small/Micro Business Enterprise Program and Minority/Women Business Enterprise Certification. The revised policy will enable the District to adhere to the programs and will allow the maximum legally permissible opportunities for small and minority/women business enterprises to participate in the award and performance of Board contracts by reducing bonding requirements and including in priority awards where bids are tied. It will also provide the community information concerning contracting opportunities for small and minority/women businesses.

**SUMMARY:** This amended policy will create greater opportunities for small and minority/women business participation in the awarding of Request for Proposals, Professional Goods and Services, Construction, Architecture/Engineering Services, Bids and other applicable procurement contracts. All procurement services shall comply with laws, rules, regulations and Board policies.

**SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:** 1001.41(1) and (2); 1001.42 (25); 1001.43(10) F.S.

**LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC:** 287.093; 1001.32(2); 1013.46(1)(b) F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF August 7, 2013, 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 wish to provide a proposal for a lower cost regulatory alternative as provided by Section 541(1), F.S. must do so in writing by July 16, 2013, to the Superintendent, 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 POLICY is available at 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. Barry S. Meltz  
Supervisor: Dr. Richard H. Hinds  
Date: May 29, 2013

1

PURCHASING

2 All procurement of supplies, materials, equipment, and services paid for from county  
3 school funds shall be the responsibility of the procurement department under the  
4 general supervision of the Chief Procurement Officer and shall be made in  
5 accordance with all applicable State statutes, Florida State Board of Education  
6 Rules, School Board policies, and administrative procedures.

7 No person may make any purchase with Board funds unless authorized to do so by  
8 Board policy or by administrative directive, or manuals approved by the  
9 Superintendent.

10 The agency designated for making purchases with Board funds is the Board's  
11 Procurement Management Services.

12 Payment for any unauthorized purchase may be the responsibility of the person  
13 placing the order.

14 **Purchase Approval and Competitive Bidding Process Requirements**

15 Responsibilities

16 The Superintendent shall be responsible for the procurement of supplies, materials,  
17 equipment, and services paid for from Board funds. The several schools,  
18 departments and agencies of the District under the jurisdiction of the Board shall  
19 purchase their materials or commodities through the Division of Procurement, the  
20 Board's official purchasing agency. All purchases shall comply with law, rules,  
21 regulations and Board policies. The Superintendent may approve or reject purchase  
22 requisitions when the total amount does not exceed \$50,000 or the current  
23 threshold set by statute. Purchases in excess of \$50,000 or current threshold set by  
24 statute shall be approved by the Board except for those delineated below:

25 A. The Superintendent may be authorized to purchase commodities or  
26 contractual services where the total amount does not exceed an  
27 amount prescribed by the Board, and does not exceed the applicable  
28 appropriation in the District budget. The Superintendent may also  
29 be authorized to purchase commodities or is exempt by statute or  
30 Florida Administrative Code, or contractual services under  
31 Department of Management Services State term contracts.  
32 Assistants functioning under the Superintendent's direction may be  
33 authorized to perform these purchasing tasks.

- 1           B.    In each school district in which the purchasing agent for any public  
2           agency is authorized by law to make purchases for the benefit of  
3           other governmental agencies within the county, the Board shall have  
4           the option to purchase under the current contracts as established  
5           for these public agencies at or below the stated unit price, if the  
6           purchase is economically advantageous to the Board, and the items  
7           purchased conform to the standards and specifications prescribed  
8           by the Superintendent.
- 9           C.    As required by F.S. 1001.42(12)(j), the Board shall receive and  
10          consider available prices according to the rules of the Department of  
11          Management Services, Division of Purchasing. The Board may use  
12          prices established by the Division of Purchasing through its State  
13          purchasing agreement price schedule. If Board policy provides for  
14          purchasing under this state purchasing program, the conditions for  
15          use shall be those imposed on State agencies.
- 16          D.    In lieu of requesting competitive solicitations from three (3) or more  
17          sources, the Board may make purchases at or below the specified  
18          prices from contracts awarded by other city or county governmental  
19          agencies, other school boards, community colleges, federal agencies,  
20          the public or governmental agencies of any state, or from state  
21          university system cooperative bid agreements, when the proposer  
22          awarded a contract by another entity permits purchases by a school  
23          board on the same terms, conditions, and prices (or below such  
24          prices) awarded in the contract, and the purchases are economically  
25          advantageous to the Board.
- 26          E.    Except as authorized by law or rule, competitive solicitations shall  
27          be requested from three (3) or more sources for any authorized  
28          commodities or contractual services exceeding \$50,000.
- 29          F.    The requirement for requesting competitive solicitations for  
30          commodities or contractual services from three or more sources is  
31          waived pursuant to F.S. 1010.04(4)(a), for:
- 32                1.    the purchase by the Board of professional services which  
33                shall include artistic services, academic program reviews,  
34                lectures by individuals, auditing services not subject to  
35                F.S. 218.391, legal services, including attorney, paralegal,  
36                expert witness, court reporting, appraisal or mediator  
37                services; and health services involving examination,  
38                diagnosis, treatment, prevention, medical consultation or  
39                administration; and

- 1                   2.     the purchase by the Board of educational services and  
2                   copyrighted materials including educational tests, textbooks,  
3                   printed instructional materials, computer software, films,  
4                   filmstrips, videotapes, DVDs, disc or tape recordings, digital  
5                   recordings, or similar audio-visual materials, and for library  
6                   and reference books, and printed library cards where these  
7                   materials are purchased directly from the producer or  
8                   publisher, the owner of the copyright, an exclusive agent with  
9                   the State, a governmental agency or a recognized educational  
10                  institution.
- 11                G.     The Board shall have the authority to reject any or all proposals  
12                submitted in response to any competitive solicitation and to request  
13                new proposals or purchase the required commodities or contractual  
14                services in any other manner authorized by this section.
- 15                H.     Regarding invitations to bid, the Board may accept the proposal of  
16                the lowest responsive, responsible proposer. Alternatively, the  
17                Board may also award contracts to the lowest responsive,  
18                responsible bidder as the primary awardee of a contract and to the  
19                next lowest responsive, responsible bidder(s) as alternate awardees  
20                from whom commodities or contractual services would be purchased  
21                should the primary awardee become unable to provide all of the  
22                commodities or contractual services required by the Board during  
23                the term of the contract. Multiple awards to the lowest responsive  
24                and responsible bidders are permitted when multiple awards are  
25                clearly allowed by the bid solicitation documents.
- 26                I.     Regarding requests for proposals, the Board may award contracts to  
27                one or more responsive, responsible proposers in accordance with  
28                the selection criteria published in the request for proposal. The  
29                Board is not required to request proposals for purchases made from  
30                contracts of the Department of Management Services.
- 31                J.     The purchase of food products except milk, required for the School  
32                Food Service Program and other ancillary food operations are  
33                exempt from the bid requirements pursuant to State Board of  
34                Education Rule F.A.C. 6A-7.0411(2)(i)2.
- 35                K.     Additional exemptions authorized under certain conditions:
- 36                The requirements for requesting competitive solicitations and  
37                making purchases for commodities and contractual services are  
38                waived pursuant to F.S. 1010.04(4)(a), when the following conditions  
39                have been met by the Board:

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

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

10                  If fewer than two (2) responsive proposals for commodity or  
11                  contractual services are received, the Board may negotiate the best  
12                  terms and conditions or decide to reject all proposals. The Board  
13                  shall document the reasons that negotiating terms and conditions  
14                  with the sole proposer is in the best interest of the School District in  
15                  lieu of soliciting new proposals.

- 16                  L.     Commodities or contractual services available from a single source  
17                                 may be exempted from the competitive solicitation requirements.  
18                                 When the Board believes that commodities or contractual services  
19                                 are available only from a single source, the Board shall electronically  
20                                 or otherwise publicly post a description of the commodities or  
21                                 contractual services for a period of at least seven (7) business days.  
22                                 The description must include a request that prospective vendors  
23                                 provide information regarding their ability to supply the  
24                                 commodities or contractual services described. If it is determined in  
25                                 writing by the Board, after reviewing any information received from  
26                                 prospective vendors, that the commodities or contractual services  
27                                 are available only from a single source, the Board shall provide  
28                                 notice of its intended decision to enter a single source contract in  
29                                 the manner specified in F.S. 120.57(3), and may negotiate the best  
30                                 terms and conditions with the single source vendor.

- 31                  M.     The Board may dispense with requirements for competitive  
32                                 solicitations for the emergency purchase of commodities or  
33                                 contractual services when the Superintendent determines in writing  
34                                 that an immediate danger to the public health, safety, or welfare or  
35                                 other substantial loss to the school district requires emergency  
36                                 action. After the Superintendent makes such a written  
37                                 determination, the Board may procure commodities or contractual  
38                                 services necessitated by the immediate danger, without requesting  
39                                 competitive solicitations. However, such an emergency purchase  
40                                 shall be made by obtaining pricing information from at least two (2)  
41                                 prospective vendors, which must be retained in the contract file,  
42                                 unless the Superintendent determines in writing that the time

1 required to obtain pricing information will increase the immediate  
2 danger to the public health, safety, or welfare or other substantial  
3 loss to the District.

4 N. A contract for commodities or contractual services may be awarded  
5 without competitive solicitations if State or Federal law, a grant or a  
6 State or Federal agency contract prescribes with whom the Board  
7 must contract or if the rate of payment is established during the  
8 appropriations process.

9 O. A contract for regulated utilities or government-franchised services  
10 may be awarded without competitive solicitations.

11 P. As much as practicable, all purchases shall be based on contracts,  
12 purchasing card systems, electronic procurements or purchase  
13 orders.

14 Q. The Board, when acquiring, whether by purchase, lease, lease with  
15 option to purchase, rental or otherwise, information technology, as  
16 defined in F.S. 282.0041(15), may make acquisitions through the  
17 competitive solicitation process or by direct negotiation and contract  
18 with a vendor or supplier, as fits the needs of the School District as  
19 determined by the Board.

20 R. Except as otherwise required by statute, the Board, when  
21 purchasing insurance, entering risk management programs, or  
22 contracting with third party administrators, may use the competitive  
23 solicitation process or direct negotiations and contract.

24 S. Emergency purchases made and approved by the Superintendent or  
25 the Superintendent's designated representative. The  
26 Superintendent will report all emergency purchases to the Board, as  
27 soon as possible.

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

32 A requisition for an emergency purchase shall be accompanied by  
33 the appropriate Emergency Purchase Request Form, explaining the  
34 circumstances creating the emergency and clarifying that immediate  
35 action is required to protect the Board's interests. Emergency  
36 purchases are divided into two (2) categories as follows:

37 1. Emergency Purchase Request (Form B FM-3739) estimated  
38 expenditure \$50,000 and under requires the signature of the

- 1 initiating administrator, recommended by Director or above  
2 and approval by the Assistant Superintendent or above.
- 3 2. Emergency Purchase Request (Form A FM-2333) estimated  
4 expenditure over \$50,000 requires the signature of the  
5 initiating administrator, recommended by the Assistant  
6 Superintendent or above, or his/her designee(s) and approval  
7 by Superintendent or designee. Emergency purchases over  
8 \$50,000 shall be reported to the Board.
- 9 T. Competitive bidding is waived for purchases of maintenance and/or  
10 service contracts, on various types of technical equipment, that are  
11 offered and/or supplied only by the original manufacturer or its  
12 representative, or that are required to maintain the integrity of the  
13 manufacturer's warranty, or that are part of the manufacturer's  
14 rental/lease/lease purchase agreements terms and conditions.
- 15 U. Non-Purchase Order Invoice Funds Reservation Purchases are  
16 purchases for goods and services, expenditures, fund transfers, etc.,  
17 that are not appropriate for normal competitive purchasing  
18 procedures. Only the expenditures listed will be authorized and  
19 processed as Non-Purchase Order Invoice Funds Reservation  
20 Purchases. Non-Purchase Order Invoice Funds Reservation  
21 purchases require the same financial authorization and approval  
22 process as purchase requisitions and shopping carts. Those  
23 purchases for goods and services, expenditures, fund transfers, etc.,  
24 that are authorized for Non-Purchase Order Invoice Funds  
25 Reservation Purchases are limited to include various types of fund  
26 advances, services, reimbursements and purchases, and/or  
27 payment for goods and services, which are not appropriate for  
28 normal competitive purchasing procedures:
- 29 1. Additional Contracted Services (polygraph, court reporting/  
30 transcribing, etc.)
- 31 2. Admission Fees
- 32 3. Association Fees, Professional Association Dues and Charges  
33 Distribution of Funds -Athletic Programs, Vending Machine  
34 Commissions
- 35 4. Facilities Fees, Rentals/Leases and Utilities including  
36 monthly utility charges, service and connection fees
- 37 5. Fees for Graduation Exercises (non-employees, union  
38 charges, etc.)



- 1                    6.    Field Trips
- 2                    7.    Tickets
- 3                    8.    Advance Registration
- 4                    9.    Hotel Accommodations
- 5                    10.   Groceries and Supplies for Home Economics Classes
- 6                    11.   Insurance Policies Reimbursements
- 7                    12.   Legal Settlement Payments and bonds
- 8                    13.   License Fees and Agreements
- 9                    14.   Media Advertising (newspaper, radio, television, etc.)
- 10                   15.   Media Programs, Refreshments, Reimbursement -Grant  
11                   Funds
- 12                   16.   Permit Fees
- 13                   17.   Petty Cash Replenishment
- 14                   18.   Postage Requisitions
- 15                   19.   Property Loss Payment
- 16                   20.   Registration Fees
- 17                   21.   State Fees (retirement, unemployment compensation, etc.)
- 18                   22.   Tax Related Payments
- 19                   23.   Toll Charges for Transportation, Maintenance, Stores and  
20                   Distribution, and other departments, as may be required
- 21                   24.   Travel Reimbursement for Non-Employees

1 **Purchase Requisitions**

2 District schools, departments, and agencies shall initiate a properly executed  
3 purchase requisition, containing authorized approvals of the originating  
4 administrator, principal, department or agency head, for the purchase of any and all  
5 items desired, except where small purchases, transactions not in excess of  
6 \$3,000.00 per requisition, and market difficulties, make the cost of some purchases  
7 in this manner economically unsound. In those instances, administrative directives  
8 or operating manuals may be issued, when deemed necessary, containing the  
9 procedures to economically perform the purchasing function within the controls  
10 required and authority provided by Florida statute, Florida Board of Education  
11 Administrative Rules and Board policies.

12 Split requisitions, to bypass the approval requirements and/or the bidding process,  
13 are specifically forbidden.

14 Requisitions must contain the appropriate authorized approvals as prescribed by  
15 administrative procedures for the SAP system.

16 **Protests**

17 A bidder who wishes to file a bid protest, must file such notice and follow procedures  
18 prescribed by F.S. 120.57(3), for resolution.

19 **Protest of Specifications**

20 Any notice of protest of the specifications contained in an Invitation To Bid (ITB) or  
21 Request for Proposal (RFP) shall be filed in writing with the Clerk of The School  
22 Board of Miami-Dade County, Florida, who shall maintain offices in the School  
23 Board Administration Building.

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

1 **Posting the Bond**

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

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

16 1. The District shall provide the estimated contract amount to  
17 the protestor within seventy-two (72) hours (excluding  
18 Saturdays, Sundays, and holidays when the District  
19 administrative office is closed) after the filing of the Notice of  
20 Protest. The estimated contract amount is not subject to  
21 protest under this policy or F.S. 120.57(3). In lieu of a bond,  
22 the Board may accept a cashier's check or money order in the  
23 amount of the bond.

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

28 3. Pursuant to F.S. 287.042(2)(c), if, the Board prevails in the  
29 administrative hearing process and any appellate court  
30 proceedings, it shall be entitled to recover all costs and  
31 charges which are included in the final order or judgment,  
32 excluding attorneys' fees. Upon payment of such costs and  
33 charges by the person protesting the decision or intended  
34 decision or contract award, the bond, cashier's check or  
35 money order shall be returned to the protestor. If the  
36 protestor prevails, the protestor may recover from the Board  
37 the costs and charges which are included in the final order or  
38 judgment, excluding attorneys' fees.

- 1           B.     Bond: Competitive Bids for Lease of Space --Pursuant to  
2           F.S. 255.25(3)(c), any person who files an action protesting a  
3           decision or intended decision pertaining to a competitive bid for  
4           space to be leased by the Board shall post with the Board, at the  
5           time of filing the formal written protest, a bond payable to the Board  
6           in an amount equal to one percent (1%) of the estimated total rental  
7           of the basic lease period or \$5,000, whichever is greater. The bond  
8           shall be conditioned upon the payment of all costs which may be  
9           levied against him or her in the administrative hearing in which the  
10          action is brought and in any subsequent appellate court proceeding.  
11          If the Board prevails in the administrative hearing process and any  
12          appellate court proceedings, it shall recover all costs and charges,  
13          which are included in the final order or judgment, excluding  
14          attorneys' fees. Upon payment of such costs and charges by the  
15          person protesting the award, the bond shall be returned to him/her.  
16          If the person protesting the award prevails, the bond shall be  
17          returned to that person and s/he shall recover from the Board the  
18          costs and charges which are included in the final order or judgment,  
19          excluding attorneys' fees.
- 20          C.     Bond: Construction Purchasing – Construction purchasing is  
21          separately governed by Board policy, and persons protesting  
22          competitive procurement related to educational facilities shall be  
23          required to post a bond in the amount specified in F.S. 255.0516,  
24          which also governs recovery of fees and costs including attorneys'  
25          fees.
- 26          D.     Staying the Procurement Process – Upon timely receipt of the formal  
27          written protest petition, and posting of the bond, the solicitation or  
28          contract award process shall be stayed until the protest is resolved  
29          by final agency action, unless the Board sets forth, in writing,  
30          particular facts and circumstances which require the continuance of  
31          the solicitation or contract award process in order to avoid an  
32          immediate and serious danger to the public health, safety, and  
33          welfare.
- 34          The Formal Written Protest will be reviewed by Procurement Management Services  
35          who will offer the protesting bidder the opportunity to meet and discuss the merits  
36          of the protest. If the protest is not resolved, the matter may be referred for  
37          proceedings pursuant to F.S. 120.569 and 120.57. Petitions for hearing on protests  
38          pursuant to F.S. 120.569 and 120.57, must be filed according to Board policy on  
39          adjudicatory proceedings.

1 **Protest of Bid Award**

2 Any letters of protest of an intended award may be filed in writing with the Clerk of  
3 the Board who shall maintain offices in the Board Administration Building.

4 Any person who is adversely affected by the agency decision or intended decision,  
5 shall file with the agency a Notice of Protest in writing within seventy-two (72) hours  
6 after the posting of the bid tabulation or after receipt of the notice of the agency  
7 decision or intended decision and shall file a Formal Written Protest within ten (10)  
8 calendar days after filing the Notice of Protest. The protesting bidder shall also be  
9 required to post a bond, consistent with this rule. Failure to file a Notice of Protest  
10 or failure to file a Formal Written Protest shall constitute a waiver of proceedings  
11 under F.S. Chapter 120.57. The formal written protest shall state with particularity  
12 the facts and law upon which the protest is based. Saturdays, Sundays, and legal  
13 holidays shall be excluded in the computation of the seventy-two (72) hour time  
14 periods provided by this paragraph.

15 The Formal Written Protest will be reviewed by Procurement Management Services,  
16 who will offer the protesting bidder the opportunity to meet and discuss the merits  
17 of the protest. If the protest is not resolved, the matter may be referred for  
18 proceedings, pursuant to F.S. 120.569 and 120.57. Petitions for hearing on protests  
19 pursuant to F.S. 120.569 and 120.57, must be filed in accordance with Board policy  
20 on adjudicatory proceedings.

21 **Receiving and Opening of Bids**

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

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

28 B. The following persons shall participate in the bid opening function:

29 1. The District Director, Procurement Management, or an  
30 administrator designated by the District Director shall serve  
31 as chairperson.

- 1                   2.     A person designated by the District Director, Procurement  
2                   Management, to record the minutes of the bid opening, and  
3                   such minutes shall be reported to the Board at the next  
4                   regularly scheduled Board meeting.
- 5                   3.     The Executive Director, Project and Contract Management, or  
6                   an administrator designated by the Executive Director.
- 7                   4.     Those additional administrators and support staff required  
8                   for the efficient handling of this procedure.
- 9                   C.     All construction bids shall be opened and tabulated prior to bids  
10                  being released by the recording secretary.
- 11                  D.     All purchasing bids will be recorded at the time they are received,  
12                  showing the bid number, bid title, and the names of the bidders  
13                  submitting bid forms. The record shall be made prior to the release  
14                  of the bid material by the recording secretary.

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

17     **The Recording or Tabulation of Purchasing Bids**

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

22     **Rejection of Bids**

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

1 **Irregular or Deviating Bids**

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

8 **Award Recommendation**

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

12 **Official Award Date**

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

15 **Contract Renewals**

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

20 **Legal Basis for Procedures**

21 The procedures for the purchase of commodities and services, and construction of  
22 facilities for the District shall comply with the Florida statutes and the Florida  
23 Administrative Code.

24 **Bidding**

25 It is the policy of the Board that the Superintendent shall be responsible for  
26 estimating needs for items in common use and making quantity purchases. All  
27 items, or group of related items that cost in excess of the amount defined in  
28 F.A.C. 6A-1.012(6), shall be purchased based on competitive bids, except as  
29 otherwise authorized by Florida statutes and/or Florida Administrative Code.

1 **Competitive Bidding Requirements**

2 Definitions

3 A. The term "competitive solicitation" includes purchasing made  
4 through the issuance of an Invitation To Bid, Request For Proposals  
5 and Invitation To Negotiate. Competitive solicitations are not  
6 required for purchases made through the pool purchase provisions  
7 of F.S. 1006.27.

8 B. "Invitation To Bid" is a written solicitation for competitive sealed  
9 bids. The Invitation To Bid is used when the Board is capable of  
10 specifically defining the scope of work for which a contractual  
11 service is required or when the Board is capable of establishing  
12 precise specifications defining the actual commodity or group of  
13 commodities required.

14 C. "Invitation To Negotiate" is a written solicitation for competitive  
15 sealed replies to select one or more vendors with which to negotiate  
16 for the procurement of commodities or contractual services. The  
17 Invitation To Negotiate is used when the Board determines that  
18 negotiations may be necessary for it to receive the best value.

19 D. "Request For Proposals" shall be defined for the purposes of this rule  
20 as a written solicitation for competitive sealed proposals. The  
21 Request For Proposals is used when it is not practicable for the  
22 Board to specifically define the scope of work for which the  
23 commodity, group of commodities, or contractual service is required  
24 and when the Board is requesting that a responsible vendor propose  
25 a commodity, group of commodities, or contractual service to meet  
26 the specifications of the solicitation document.

27 E. The term "proposer" includes those vendors submitting bids or  
28 responses to a competitive solicitation.

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



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

9 For each purchase of more than \$50,000, bids shall be requested from three (3) or  
10 more sources. Notices of bids shall be electronically posted or may be sent to all  
11 vendors on the active vendor mailing list for that category of goods or services. This  
12 list shall include all minority/women vendors identified with the Board for that  
13 particular category of goods or services, as well as organizations involved in assisting  
14 M/WBE firms, by posting and disseminating information regarding available  
15 contracts. Notices of bids shall be advertised in one or more major, local  
16 newspapers or electronically posted at least seven (7) days prior to the bid opening  
17 date. This may include, as necessary, major newspapers having circulation  
18 representative of the various relevant minority classifications or electronic posting.  
19 Tabulations of current bids shall be retained in bid files and shall be available for  
20 reference. Standard bid forms used shall be as approved by the Superintendent and  
21 the Board Attorney.

22 A. Written, Telephone, or Electronic Quotations

23 For each purchase of \$50,000 or less and over the minimum  
24 quotation threshold established by Procurement Management, staff  
25 shall obtain written, telephone, or electronic quotations from  
26 three (3) or more sources. If possible, vendors contacted shall  
27 include M/WBE vendor participation. If only one of those sources  
28 respond with prices, two (2) additional sources, if available, may be  
29 contacted for pricing, including, if possible, an M/WBE vendor. If  
30 no additional prices are obtained from those sources, the award  
31 shall be made to the lowest and best price quotation. If all three (3)  
32 of the vendors first contacted for prices respond with valid price  
33 quotations, the award shall be made to the lowest price quotation  
34 meeting specifications, with no additional requests from other  
35 vendors required.

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

6                   B.       Schools making internal fund purchases shall comply with  
7                   Policy 6610.

8       **Quantity Purchasing--Development of Specifications, Determination of**  
9       **Quantities and Standardization of Supplies And Equipment**

10                  A.       To help achieve both quality control and the price advantages of  
11                  quantity purchasing, the administration is directed to:

- 12                   1.       set specifications for goods and services as needed;
- 13                   2.       cite several existing, commercially available "standard  
14                   brands" that meet those specifications acceptably as  
15                   examples; and
- 16                   3.       invite vendors to bid on those examples, or equal ones, which  
17                   the vendors believe to be acceptable according to the  
18                   specifications.

19                  B.       All bid quantities and specifications shall be transmitted to the  
20                  Division of Procurement Management by the originating department,  
21                  in writing. The originating department shall also certify to the  
22                  Division of Procurement Management, in writing, that the  
23                  specifications for an existing bid (to be rebid) are still appropriate  
24                  before issuance of the bid. If the specifications are originated by the  
25                  Division of Procurement Management, it shall follow similar  
26                  certification procedures.

1 C. All increases to quantities specified in an existing term bid requiring  
2 a supplemental bid award shall be requested in writing by the  
3 originating department, countersigned by an administrator reporting  
4 directly to the Superintendent identifying the reason why the  
5 increase in quantities was unavoidable. If an adequate reason  
6 cannot be identified, then the corrective action to be taken by the  
7 originating department to prevent a future underestimate of  
8 quantities shall be described. A similar procedure will be followed  
9 for term bids originated by the Division of Procurement  
10 Management.

11 D. All changes to specifications for an existing bid (to be rebid) or  
12 similar bid shall be identified in writing, including the reason for the  
13 change, by the originating department or the Division of  
14 Procurement Management, if originator.

15 E. The District Director, Division of Procurement Management, shall  
16 initiate procedures to assure the identification of specifications  
17 which appear to limit the bidding process to a single vendor. In the  
18 event that the District Director has identified such a set of  
19 specifications, the originating department shall be required to justify  
20 in writing, those specifications which appear to favor a single  
21 vendor. This documentation shall be countersigned by an  
22 administrator reporting directly to the Superintendent.

23 **Request For Proposals and Professional Services Contracts**

24 For purposes of this rule, Professional Service is any type of personal service to the  
25 District which requires as a condition precedent to the rendering of such service:

26 A. the obtaining of a license or other legal authorization; or

27 B. work which can only be performed by one who has achieved a high  
28 level of training and proficiency in the work to be performed.

1 **Request For Proposals**

2 The Request For Proposal shall be used when seeking to contract for professional  
3 services, and when it is not practicable for the agency to specifically define the scope  
4 of work for which the commodity, group of commodities, or contractual service is  
5 required and when the agency is requesting that a responsible vendor proposed a  
6 commodity, group of commodities, or contractual service to meet the specifications  
7 of the solicitation document. A written solicitation includes a solicitation that is  
8 electronically posted.

9 The following process shall be followed for the Request For Proposal:

10 A. If the cost of the contract is estimated to be more than \$50,000  
11 annually:

12 1. The evaluation committee shall be specified in the Request  
13 For Proposal. The committee shall consist of at least:  
14 (1) Two (2) individuals from the originating bureau/office,  
15 however, not more than one (1) of these individuals can be  
16 from the requesting department; (2) Two (2) individuals from  
17 outside the bureau/office; (3) One (1) individual from the  
18 ~~Division of Business Development Office of Economic~~ } REVISED  
19 ~~Opportunity and Assistance~~; and (4) one (1) individual from  
20 Procurement Management Services (non-voting). Additional  
21 members may be appointed at the discretion of the  
22 Superintendent or his/her designee. The committee shall to  
23 the extent possible, be ethnically and gender representative.

24 2. The ~~Procurement Contract Review~~ Goal Setting Committee  
25 shall review the Request For Proposal to determine Small  
26 Business Enterprise (SBE), Micro Business Enterprise (MBE),  
27 Minority/Women Business Enterprise (M/WBE) minority  
28 participation in the project, prior to issuing the Request For  
29 Proposals.

30 3. The Request For Proposal shall be advertised to solicit  
31 maximum vendor participation. To enhance Minority/Women  
32 Business Enterprise (M/WBE) participation, it is  
33 recommended that all advertisements be published and  
34 announced in major ethnic publications and organizations, as  
35 outlined in applicable Board policies.

36 4. Board approval of recommendations by the evaluation  
37 committee shall be obtained after the evaluation process is  
38 completed and prior to the issuance of the contract.

- 1           B.    If the contract is estimated to cost less than \$50,000 annually:
- 2                   1.    There must be evidence that at least three vendors were
- 3                            contacted in writing, and if possible, at least one of these
- 4                            vendors shall be a Minority/Women Business Enterprise.
- 5                   2.    If only one potential vendor is known, an advertisement shall
- 6                            be placed in an appropriate publication that is widely
- 7                            distributed. If no responses are received, the contract can be
- 8                            developed with the one known vendor, in accordance with
- 9                            other established procedures.
- 10           C.    The Request For Proposal shall include an implementation schedule
- 11                   consisting of the following:
- 12                   1.    ~~Procurement Contract Review~~ Goal Setting Committee
- 13                   2.    Mailing/Posting Date
- 14                   3.    Pre-Proposal Conference (if required)
- 15                   4.    Opening Date and Time Evaluation Criteria
- 16                   5.    Interview Schedule (if required) Award Process
- 17           D.    The evaluation criteria which shall serve as the basis for
- 18                   recommendations by the evaluation committee shall include, but are
- 19                   not limited to:
- 20                   1.    Conformance to the Proposal Requirements Experience
- 21                   2.    Past Performance
- 22                   3.    Price
- 23                   4.    M/WBE Participation
- 24                   5.    Other Instructions

- 1           E.     Evaluation Committee Meetings
- 2                   1.     When committees are established to evaluate Request For  
3                   Proposals, the originating department (Chairperson) will  
4                   conduct the meetings, and ensure that: (1) minutes are  
5                   recorded; and (2) proper documentation and records of  
6                   committee actions are maintained. A copy of the minutes  
7                   shall be forwarded to Procurement Management Services for  
8                   inclusion in the master file.
- 9                   2.     Subsequent to required oral interviews, and discussions, the  
10                  evaluation committee will evaluate proposers and prepare a  
11                  recommendation. The written recommendation and all other  
12                  pertinent documentation shall be forwarded by the Chair of  
13                  the evaluation committee to Procurement Management  
14                  Services.
- 15                  3.     The evaluation committee=s written recommendation must  
16                  include the following for inclusion in the Master file within  
17                  Procurement Management Services:
- 18                      a.     Clear Objective of the Request For Proposal
- 19                      b.     Identification of the Committee Members
- 20                      c.     Dates of Committee Meetings and a Brief Synopsis of  
21                      the General Discussion
- 22                      d.     Dates of the Oral Interviews, if any
- 23                      e.     Name and Location of the Offeror(s)
- 24                      f.     The Evaluation Criteria
- 25                      g.     An Explanation for the Basis of Selection
- 26                      h.     Recommendation of Acceptance of the Offeror(s)  
27                      Proposal
- 28                      i.     Votes of Committee Members

- 1 F. The following exclusions to this rule apply:
- 2 1. Contracts for legal services by the Board Attorney and the  
3 attorneys supervised by the Board Attorney, contracted third-  
4 party claims administration, nonpublic school placements  
5 and other services/goods for which selection procedures are  
6 provided by State statute, State Board Rule or other Board  
7 Policy.
- 8 2. The Professional Services Contract Committee shall be  
9 comprised of a three representatives from Senior Staff, two  
10 representatives from Education and Curriculum, one  
11 representative from the Goal Setting Committee, one  
12 representative from the Office of Economic Opportunity  
13 (OEO), and nonvoting representatives, from Procurement  
14 Management Services, Office of Board Attorney, and  
15 Management and Compliance Audits shall meet to consider  
16 requests for further exceptions to this rule. Such exceptions  
17 may be granted in the case of sole sources, contractors  
18 having specific expertise or as otherwise determined by the  
19 committee to be in the best interest of the Board. Exceptions  
20 recommended by the committee will be submitted to the  
21 Board for approval for contracts with an annual estimated  
22 cost of more than \$50,000.

23 In instances where the contract is estimated to cost less than \$50,000, but more  
24 than the threshold established for quotations, and an exception for the procedure  
25 outlined above is sought, the contract does not have to be submitted to the Board  
26 for approval if the Committee has granted an exception pursuant to this policy.

27 The Board may make further exceptions to this policy on a case-by-case basis.

28 **Identical Prices--Priorities for Award**

29 When identical prices are received from two or more vendors and all other factors  
30 are equal, priority for award shall be given to vendors in the following sequence:

- 31 A. A business that certifies that it has implemented a drug-free work  
32 place program shall be given preference in accordance with the  
33 provisions of F.S. 287.087.
- 34
- 35 B. Local vendor as defined by Board Policy 6320.05;
- 36 B. C. Certified service-disabled Veteran business;

- 1           D. A certified Minority/Women Business Enterprise vendor;  
2  
3           ~~E.~~ E. The Miami-Dade County SBE/Micro/Minority/Women Business  
4           Enterprise vendor;  
5           ~~D.~~ ~~The Miami Dade County vendor, other than the Minority/Women~~  
6           ~~Business Enterprise vendor;~~  
7           ~~E.~~ F. The Broward, Palm Beach or Monroe County  
8           SBE/Micro/Minority/Women Business Enterprise vendor;  
9           ~~F.~~ G. The Broward, Palm Beach or Monroe County vendor, other than the  
10           SBE/Micro/Minority/Women Business Enterprise vendor;  
11           ~~G.~~ H. The Florida vendor who is a SBE/Micro/Minority/Women Business  
12           Enterprise vendor;  
13           ~~H.~~ I. The Florida vendor, other than a Minority/Women Business  
14           Enterprise vendor;  
15           ~~I.~~ J. The Minority/Women Business Enterprise vendor, who, because of  
16           lower prices, receives a larger dollar award for other items; and  
17           ~~J.~~ K. The SBE/Micro/non-Minority/Women Business Enterprise vendor,  
18           who, because of lower prices, receives a larger dollar award for other  
19           items.

20 If application of the above criteria does not indicate a priority for award, Board  
21 administration shall determine if the award is capable of being split, and, if the  
22 vendors will agree to split the award. If the award cannot be split, or the vendors do  
23 not agree to split the award, the award will be decided by the toss of a coin. The  
24 toss of a coin shall be held publicly, with the tie low bid vendors invited to be  
25 present as witnesses and participants. A staff member from the Division of  
26 Procurement Management will preside over the coin toss and a member from  
27 Internal Audits will observe.

28 **Vendor Preference For Certified Service-Disabled Veteran Business Enterprises**

29 The Board adopts the relevant portions of "The Florida Service-Disabled Veteran  
30 Business Enterprise Opportunity Act," F.S. 295.187, which provides a vendor  
31 preference in favor of certified service disabled veteran businesses. The state,  
32 through its Department of Management Services, will develop a certification  
33 procedure.



1 In assessing priorities for award, when identical prices are received from two or more  
2 vendors and all other factors are equal, priority for award shall be given to a certified  
3 service-disabled veteran business enterprise as defined by F.S. 295.187. In the event  
4 there are two or more certified-disabled veteran business enterprises entitled to the  
5 preference, then the award shall be given to the business having the smallest net  
6 worth.

7 The vendor preference for certified service-disabled veteran businesses shall be  
8 subordinate only to the vendor preference for businesses implementing a drug-free  
9 workplace.

10 In adopting a major tenet of the Veterans Entrepreneurship and Small Business  
11 Development Act of 1999, (Public Law 106-50), which applies to Federal agencies,  
12 the Board goal for participation by service disabled veteran business enterprises  
13 shall be established at three percent (3%) of the total value of all prime  
14 contract/subcontract awards for each fiscal year.

15 To the extent that this policy is inconsistent with the provisions of any other Board  
16 policy, the provisions of this policy shall supersede.

17 **Performance and Payment Security, Declining a Bid Award, Default and**  
18 **Bonding Company Qualifications**

19 A. Performance Security on Construction Bids and Awards

20 1. Bid Bond of five percent (5%) of the total bid amount is  
21 required.

22 2. In order to encourage participation in construction,  
23 remodeling, and renovation projects by small, woman owned,  
24 and minority owned businesses, at the option of the Board,  
25 no bid security or performance or payment bond shall be  
26 required for bids in an amount less than \$3200,000

27 3. Bid awards exceeding \$3200,000 require a 100% performance  
28 and payment security of the award amount. For construction  
29 projects costing \$200,000 or more, the accepted bidder must  
30 deliver performance and payment bonds equal to the contract  
31 price, no later than twenty (20) days after the date of Award of  
32 the contract or Approval of the Guaranteed Maximum Price  
33 (GMP) Amendment by the Board. Bonds must be issued by  
34 surety companies admitted to do business in the State of  
35 Florida and listed in the Federal Register of the U.S.  
36 Department of Treasury for surety Companies Acceptable on  
37 Federal Bonds.

1 Bid security shall be a certified check, cashier's check,  
2 Treasurer's check, bank draft, or bid bond acceptable to the  
3 Board in a form and manner that is acceptable to the Board.

4 Should the accepted bidder refuse to enter into the contract  
5 or fail to furnish performance and materials and payment  
6 bonds, the amount of the bid security may be forfeited to the  
7 District.

8 B. Performance Security on Awards Other than Construction

9 1. Bid awards of \$3200,000 or less shall be exempt from  
10 performance and payment security.

11 2. Performance security shall not be required unless otherwise  
12 defined in the bid specification. Performance security shall  
13 equal 100% of the award amount.

14 C. Bonding Company Qualifications

15 Bonds shall be written through a reputable and responsible surety  
16 bond agency licensed to do business in the State of Florida and with  
17 a surety company or corporation meeting both of the following  
18 specifications:

19 1. Awards Greater than \$500,000

20 a. A minimum rating in the latest revision of Best's  
21 Insurance Reports of:

22	<b>Contract Amount</b>	<b>Minimum Rating by</b>
23		<b>A.M. Best</b>
24	\$200,000.00 to	
25	\$5,000,000	A, No Minimum Class
26	\$5,000,000.01 to	
27	\$10,000,000	A, Class IV
28	\$10,000,000.01 or more	A, Class V

1                   b.     Current certificate of authority as acceptable surety on  
2                             Federal Bonds in accordance with the latest edition of  
3                             the United States Treasury Department Circular 570  
4                             entitled "Companies Holding Certificates of Authority  
5                             as Acceptable Sureties on Federal Bonds and as  
6                             Acceptable Reinsuring Companies" and shall be  
7                             accepted for an amount not exceeding the underwriting  
8                             limitation thereon.

9                   2.     Awards of \$500,000 or less

10                             Bonds shall be written with a surety company or corporation  
11                             meeting the qualifications as set forth in Paragraph A.2 above  
12                             or the qualifications set forth in F.S. 287.0935.

13     **Default by Vendor**

14     A bidder who declines an award shall either (1) pay liquidated damages of five  
15     percent (5%) of the unit price bid times the quantity, or \$10, whichever is greater, or  
16     (2) lose eligibility to transact new business with the Board for a period of  
17     fourteen (14) months from the date the Board acts on the withdrawn bid.

18     A bidder who accepts an award but fails to perform shall either (1) pay liquidated  
19     damages of ten percent (10%) of the unit price of the item(s) awarded times the  
20     quantity when no purchase order has been issued, ten percent (10%) of the  
21     purchase order when a purchase order has been issued or \$100, whichever is  
22     greater, or (2) lose eligibility to transact new business with the Board for a period of  
23     fourteen (14) months from date of termination of award by the Board. The  
24     ineligibility shall be applicable to the principals individually and the entity, as well  
25     as any other firm in which a principal of a defaulting firm is a principal. If an  
26     awardee fails to pay the liquidated damages within fifteen (15) days after it is  
27     invoked, the awardee shall lose eligibility to transact new business with the Board  
28     for a period of fourteen (14) months from the date of termination of award by the  
29     Board. Bidders that are determined ineligible may request a hearing pursuant to  
30     F.S. 120.57, Bylaw 0120. The Board reserves the right to waive liquidated  
31     damages/loss of eligibility.

1 Reinstatement of vendors losing eligibility to transact new business with the Board  
2 will not be automatic and will be subject to review by the Contractor's Responsibility  
3 Committee. Vendors will be required to submit a request for reinstatement  
4 including, but not limited to, information as to their status as a responsible vendor  
5 and what steps have been taken to avoid such a situation which caused their  
6 suspension as a District vendor. Procurement Management Services will notify the  
7 Board of all vendors denied reinstatement, and the reasons for denial.

8 "Principal" is defined as an officer of a corporation, partner of a partnership, sole  
9 proprietor of a sole proprietorship, trustee of a trust, or any other person with  
10 similar supervisory functions with respect to any legally organized entity.

11 **Signatures of Superintendent and Designees**

12 The Board authorizes the use of signatures of the Superintendent and his/her  
13 designees on behalf of the Board on all contracts, agreements and documents where  
14 a signature of the Chair is not required by law or regulation of the Department of  
15 Education. All contracts, agreements and documents must be based upon  
16 approvals previously adopted and spread upon the minutes of the Board, unless  
17 exempted by Board policy.

18 **Purchasing Principles**

19 Employees shall be guided by the following principles and standards adopted by the  
20 National Association of Purchasing Management:

- 21           A. Consider, first, the interest of his/her company (the Board) in all  
22           transactions and to carry out and believe in its established policies.
- 23           B. Be receptive to competent counsel from his/her colleagues and to be  
24           guided by such counsel without impairing the dignity and  
25           responsibility of his/her office.
- 26           C. Buy without prejudice, seeking to obtain the maximum ultimate  
27           value for each dollar of expenditure.
- 28           D. Strive consistently for knowledge of the materials and processes of  
29           manufacture, and to establish practical methods for the conduct of  
30           his/her office.

- 1 E. Subscribe to and work for honesty and truth in buying and selling,  
2 and to denounce all forms and manifestations of commercial  
3 bribery.
- 4 F. Accord a prompt and courteous reception, so far as conditions will  
5 permit, to all who call on a legitimate business mission.
- 6 G. Respect his/her obligations and to require that obligations to  
7 him/her and to his/her concern be respected, consistent with good  
8 business practice.
- 9 H. Avoid sharp practice.
- 10 I. Counsel and assist fellow purchasing agents in the performance of  
11 their duties, whenever occasion permits.
- 12 J. Cooperate with all organizations and individuals engaged in  
13 activities designed to enhance the development and standing of  
14 purchasing.

15 **COMMERCIAL NONDISCRIMINATION PROGRAM**

- 16
- 17 A. Policy Statement: It is the policy of the School Board of Miami-Dade County to  
18 promote full and equal business opportunities for all persons doing business  
19 with the District by increasing the purchase of goods and services from small  
20 businesses within the area of Miami-Dade County.
- 21
- 22 B. Promotion of Equal Opportunity: Discrimination against businesses based on  
23 sex, race, color, ethnic or national origin, religion, marital status, disability,  
24 genetic information, age, political beliefs, sexual orientation, gender, gender  
25 identification, social and family background, linguistic preference, pregnancy,  
26 and any other legally prohibited basis, is strictly prohibited. No person shall be  
27 denied the benefit of, or otherwise discriminated against, on the grounds of sex,  
28 race, color, ethnic or national origin, religion, marital status, disability, genetic  
29 information, age, political beliefs, sexual orientation, gender, gender  
30 identification, social and family background, linguistic preference, pregnancy,  
31 and any other legally prohibited basis, in connection with the award and/or  
32 performance of contracts or modification of a contract between a vendor or  
33 contractor and the School Board of Miami-Dade County which contract is paid  
34 for, in whole or in part, with monetary appropriations by the School Board.  
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**THE SCHOOL BOARD OF  
MIAMI-DADE COUNTY**

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C. Program Objectives: The objective of the Commercial Nondiscrimination Program ("the Program") is to promote and encourage full and open competition in Miami-Dade County Public Schools (MDCPS), procurement and purchasing; encourage all MDCPS personnel involved with procurement and contracting activities to maintain good faith efforts and appropriate purchasing procedures; to protect the Board from becoming a passive participant in any unlawful discrimination; and to otherwise spur economic development in the public and private sectors of the local economy.

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- 4 F.S. 119.07, 120.569, 120.57, 120.57(3), 255.0516, 255.25(3)(c), 282.041(15)  
5 F.S. 287.017, 287.042(2)(c), 287.056, 1001.41(1)(2), 1001.42(12)(j), 1001.42(26)  
6 F.S. 1001.43(10), 1006.27, 1010.04(4)(a)  
7 F.A.C. 6A-1.012, 6A-1.091, 6A-7.0411(2)(i), 28-110.005(2)