

January 7, 2019

Financial Services
Mr. Ron Y. Steiger, Chief Financial Officer

**SUBJECT: INITIAL READING: PROPOSED AMENDMENT TO POLICY 6320,
 *PURCHASING***

COMMITTEE: FISCAL ACCOUNTABILITY & GOVERNMENT RELATIONS

**LINK TO STRATEGIC
BLUEPRINT: EFFECTIVE AND SUSTAINABLE BUSINESS PRACTICES**

This item requests that the Board authorize the Superintendent to initiate rulemaking proceedings to amend Policy 6320, *Purchasing*, to add the following definitions, including but not limited to: commodity codes; procurement authority; purchasing card; unauthorized purchases; vendor performance and Bid or contract close-out period. In addition, processes for Invitations to Bid (ITBs), Request for Proposals (RFPs) and Invitation to Negotiate (ITNs) have been updated, as well as the purchasing principles.

Attached are the Notice of Intended Action and the Policy amendments. Changes 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 adoption of proposed amendments to 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 Procedures Act to amend School Board Policy 6320, *Purchasing*.

E-146

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on January 16, 2019 its intention to amend Board Policy 6320, *Purchasing*, at its regular meeting on March 13, 2019.

PURPOSE AND EFFECT: Amendments are proposed to Policy 6320, *Purchasing*, to add the following definitions, including but not limited to: commodity codes; procurement authority; purchasing card; unauthorized purchases; vendor performance and Bid or contract close-out period. In addition, processes for Invitations to Bid (ITBs), Request for Proposals (RFPs) and Invitation to Negotiate (ITNs) have been updated, as well as the purchasing principles.

SUMMARY: Policy 6320, *Purchasing*, is proposed to be amended to add the following definitions, including but not limited to: commodity codes; procurement authority; purchasing card; unauthorized purchases; vendor performance and Bid or contract close-out period. In addition, processes for Invitations to Bid (ITBs), Request for Proposals (RFPs) and Invitation to Negotiate (ITNs) have been updated, as well as the purchasing principles.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1), (2); (4); 1001.43(2)F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1001.41(12), F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING of, March 13, 2019, which begins at 1:00 p.m., in the School Board Administration Building, School Board Auditorium, 1450 N. E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by February 12, 2019 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, F.S.

A COPY OF THE PROPOSED AMENDED POLICY is available at cost to the public for inspection and copying in the Citizen Information Center, Room 102, 1450 Northeast Second Avenue, Miami, Florida 33132.

policy

THE SCHOOL BOARD OF
MIAMI-DADE COUNTY

FINANCES
6320/page 1 of 41

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(s) may be the responsibility of the person
13 placing the order.

14 **Definitions**

15 A. *Commodity Code* - system of words, numbers, or both, designed to
16 identify and list goods and services by classes and subclasses.

17
18 B. *Competitive Solicitation* - purchasing made through the issuance of
19 an invitation to bid, request for proposals, and invitation to
20 negotiate.

21 C. *Construction Services* - all labor, services, and materials provided in
22 connection with the construction, alterations, repair, demolition,
23 reconstruction, or any other improvements to real property.

24 D. *Cooperative Purchasing* - action taken when two (2) or more entities
25 combine their requirements to obtain advantages of volume
26 purchases including administrative savings and other benefits.
27 Cooperative procurement efforts may result in contracts that other
28 entities may "piggyback".

policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES
6320/page 2 of 41

- 1 E. *Invitation to Bid* - a written solicitation for competitive sealed bids
2 used when the Board is capable of specifically defining the scope of
3 work for which a contractual service is required or when the Board
4 is capable of establishing precise specifications defining the actual
5 commodity or group of commodities required.
- 6 F. *Invitation to Negotiate* - a written solicitation for competitive sealed
7 replies to select one (1) or more vendors with which to negotiate for
8 the procurement of commodities or contractual services used when
9 the Board determines that negotiations may be necessary to receive
10 the best value.
- 11 G. *Originating Department* - the department requesting informal and/or
12 formal solicitations. This department is responsible for the product
13 and/or services sought and for monitoring vendor performance.
- 14 H. *Purchasing Cards (PCards)* - a payment method in which School
15 District requisitioners purchase directly from a vendor using a credit
16 card; a pre-established credit limit is generally established for each
17 card issued.
- 18 I. *Procurement Authority* - documentation establishing that a purchase
19 requisition, pcard, fund reservation or draft contract adhere to the
20 competitive bidding process or meets criteria for an exemption in
21 this Policy.
- 22
23
24 J. *Proposer* - vendors submitting bids or responses to a competitive
25 solicitation.
- 26 K. *Request for Information* - a non-binding method whereby a
27 jurisdiction publishes via newspaper, internet, or direct mail its
28 need for input from interested parties for an upcoming solicitation.
29 A procurement practice used to obtain comments, feedback, or
30 reactions from potential suppliers (contractors) prior to issuing of a
31 solicitation. Generally price or cost is not required. Feedback may
32 include best practices, industry standards, technology issues, etc.

policy

THE SCHOOL BOARD OF
MIAMI-DADE COUNTY

FINANCES
6320/page 3 of 41

- 1 L. *Request for Proposals* - a written solicitation for competitive sealed
2 proposals used when it is not practicable for the Board to
3 specifically define the scope of work for which the commodity, group
4 of commodities, or contractual service is required and when the
5 Board is requesting that a responsible vendor propose a commodity,
6 group of commodities, or contractual service to meet the
7 specifications of the solicitation document.
- 8 M. *State Appropriated Funds* - funds appropriated in the Florida
9 General Appropriations Act, excluding Federal funds; does not
10 include general obligation bond funds for capital construction or
11 funds raised through local capital outlay millage.
- 12 N. *Unauthorized Purchases* - an agreement, a commitment, or an order
13 for goods or services, construction, or changes to existing contracts,
14 by any person who does not have an approved purchase order, fund
15 reservation and/or pcard approval, and includes (1) purchases made
16 without the required competitive bidding, (2) purchases made in
17 advance of an approved purchase order, fund reservation and/or
18 pcard approval, and (3) changes under existing contracts made by a
19 person who does not have delegated procurement authority.
20
- 21 O. *Vendor File* - accumulated record of a vendor maintained by
22 Procurement Management Services, including information on the
23 vendor's relationship with the Board, application for inclusion on
24 the bidder's list, record of performance under contracts, and
25 correspondence.

policy

THE SCHOOL BOARD OF
MIAMI-DADE COUNTY

FINANCES
6320/page 4 of 41

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

2 Responsibilities

3 The Superintendent shall be responsible for the procurement of supplies, materials,
4 equipment, and services paid for from Board funds. The several schools,
5 departments, and agencies of the District under the jurisdiction of the Board shall
6 purchase their materials or commodities through the Procurement Management
7 Services, the Board's official purchasing agency. All purchases shall comply with
8 law, rules, regulations, and Board policies. The Superintendent may approve or
9 reject purchase requisitions when the total amount does not exceed \$50,000 or the
10 current threshold set by statute. Purchases in excess of \$50,000 or current
11 threshold set by statute shall be approved by the Board except for those delineated
12 below:

13 A. The Superintendent may be authorized to purchase commodities or
14 contractual services where the total amount does not exceed an
15 amount prescribed by the Board, and does not exceed the applicable
16 appropriation in the District budget. The Superintendent may also
17 be authorized to purchase commodities or is exempt by statute or
18 Florida Administrative Code, or contractual services under
19 Department of Management Services State term contracts. The
20 Superintendent may authorize designated staff to perform these
21 purchasing tasks.

22 B. Where the purchasing agent for any public agency is authorized by
23 law to make purchases for the benefit of other governmental
24 agencies within the county, the Board shall have the option to
25 purchase under the current contracts as established for these public
26 agencies at or below the stated unit price, if the purchase is
27 economically advantageous to the Board, and the items purchased
28 conform to the standards and specifications prescribed by the
29 Superintendent.

policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES
6320/page 5 of 41

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

policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES
6320/page 6 of 41

- 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. The purchase of food products except milk, required for the School
16 Food Service Program and other ancillary food operations are
17 exempt from the bid requirements pursuant to State Board of
18 Education Rule F.A.C. 6A-7.0411(2)(i)2.
- 19 I. Additional exemptions authorized under certain conditions:
- 20 The requirements for requesting competitive solicitations and
21 making purchases for commodities and contractual services are
22 waived pursuant to F.S. 1010.04(4)(a), when the following conditions
23 have been met by the Board:
- 24 1. competitive solicitations have been requested in the manner
25 prescribed by this rule, and
- 26 2. the Board has made a finding that no valid or acceptable firm
27 proposal has been received within the prescribed time.

policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES
6320/page 7 of 41

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

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

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

policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES
6320/page 8 of 41

- 1 K. The Board may dispense with requirements for competitive
2 solicitations for the emergency purchase of commodities or
3 contractual services when the Superintendent determines in writing
4 that an immediate danger to the public health, safety, or welfare or
5 other substantial loss to the School District requires emergency
6 action. After the Superintendent makes such a written
7 determination, the Board may procure commodities or contractual
8 services necessitated by the immediate danger, without requesting
9 competitive solicitations. However, such an emergency purchase
10 shall be made by obtaining pricing information from at least two (2)
11 prospective vendors, which must be retained in the contract file,
12 unless the Superintendent determines in writing that the time
13 required to obtain pricing information will increase the immediate
14 danger to the public health, safety, or welfare or other substantial
15 loss to the District.
- 16 L. A contract for commodities or contractual services may be awarded
17 without competitive solicitations if State or Federal law, a grant or a
18 State or Federal agency contract prescribes with whom the Board
19 must contract or if the rate of payment is established during the
20 appropriations process.
- 21 M. A contract for regulated utilities or government-franchised services
22 may be awarded without competitive solicitations.
- 23 N. As much as practicable, all purchases shall be based on contracts,
24 purchasing card systems, electronic procurements, or purchase
25 orders.
- 26 O. The Board, when acquiring, whether by purchase, lease, lease with
27 option to purchase, rental or otherwise, information technology, as
28 defined in F.S. 282.0041(15), may make acquisitions through the
29 competitive solicitation process or by direct negotiation and contract
30 with a vendor or supplier, as fits the needs of the School District as
31 determined by the Board.

policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES
6320/page 9 of 41

1 P. Except as otherwise required by statute, the Board, when
2 purchasing insurance, entering risk management programs, or
3 contracting with third party administrators, may use the competitive
4 solicitation process or direct negotiations and contract.

5 Q. Emergency purchases made and approved by the Superintendent or
6 the Superintendent's designated representative. The
7 Superintendent will report all emergency purchases to the Board, as
8 soon as possible.

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

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

18 1. Emergency Purchase Request (Form B FM-3739) estimated
19 expenditure \$50,000 and under requires the signature of the
20 initiating administrator, recommended by Director or above
21 and approval by the Assistant Superintendent or above.

22 2. Emergency Purchase Request (Form A FM-2333) estimated
23 expenditure over \$50,000 requires the signature of the
24 initiating administrator, recommended by the Assistant
25 Superintendent or above, or his/her designee(s) and approval
26 by Superintendent or designee. Emergency purchases over
27 \$50,000 shall be reported to the Board.

policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES
6320/page 10 of 41

- 1 R. Competitive bidding is waived for purchases of maintenance and/or
2 service contracts, on various types of technical equipment, that are
3 offered and/or supplied only by the original manufacturer or its
4 representative, or that are required to maintain the integrity of the
5 manufacturer's warranty, or that are part of the manufacturer's
6 rental/lease/lease purchase agreements terms and conditions.
- 7 S. Non-Purchase Order Invoice Funds Reservation Purchases/Check
8 Requests are purchases for goods and services, expenditures, fund
9 transfers, etc., that are not appropriate for normal competitive
10 purchasing procedures. Periodically, these purchases shall be
11 reviewed by procurement staff to ensure compliance with this Board
12 Policy. Only the expenditures listed below will be authorized and
13 processed as Non-Purchase Order Invoice Funds Reservation/Check
14 Requests Purchases. Non-Purchase Order Invoice Funds
15 Reservation/Check Requests purchases require the same financial
16 authorization and approval process as purchase requisitions and
17 shopping carts. Those purchases for goods and services,
18 expenditures, fund transfers, etc., that are authorized for Non-
19 Purchase Order Invoice Funds Reservation/Check Requests
20 Purchases are limited to include various types of fund advances,
21 services, reimbursements and purchases, and/or payment for goods
22 and services, which are not appropriate for normal competitive
23 purchasing procedures:
- 24 1. additional services where a professional service contract is
25 not required or there is no bid in place (polygraph,
26 transcribing, etc.)
- 27 2. employee related admission/registration fees to workshops
28 and conferences that are not expensed to out-of-county travel
29 (all out-of-county travel must be entered through and
30 approved by the travel system process)
- 31 3. association fees, professional association dues, academy
32 certification requirements and District membership to
33 organizations

policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES
6320/page 11 of 41

- 1 4. internal distribution of funds to school athletic programs,
2 vending machine commissions, diplomas, and savings
3 programs
- 4 5. District rental/lease of facilities
- 5 6. all utility service, connection charges, and fees
- 6 7. graduation program fees (non-employees, union charges,
7 etc.), including facility rental, equipment requirements,
8 foliage rental, non-employees, and union charges
- 9 8. student related field trips, that are not quoted from a District
10 bid or contract , tickets, and admissions to parks, registration
11 fees for competitions, and hotel accommodations
- 12 9. groceries and supplies for educational use in alternative
13 programs or academic requirements
- 14 10. insurance policies payments/reimbursements, State fees
15 (retirement, unemployment compensation, etc.), tax related
16 payments, legal settlement payments and bonds, license fees
17 and agreements, permit fees, property loss payment
- 18 11. media advertising (newspaper, radio, television, banners,
19 brochures, pamphlets, etc.)
- 20 12. grant authorized workshop reimbursements including
21 refreshments
- 22 13. petty cash replenishment
- 23 14. postage requisitions
- 24 15. toll charges for authorized District departments
- 25 16. travel reimbursement for non-employees

policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES
6320/page 12 of 41

- 1 T. In accordance with State law and Policy 6327, Public-Private
2 Partnerships and Unsolicited Proposals, the Superintendent may
3 submit proposed public-private partnership agreements for
4 qualifying projects, including those resulting from unsolicited
5 proposals, to the Board for consideration. The Superintendent and
6 Board shall evaluate and consider all proposed public-private
7 partnership agreements according to the guidelines in F.S. 255.065
8 and Policy 6327.
- 9 U. Contracts for legal services by the Board attorney and the attorneys
10 supervised by the Board attorney, contracted third party claims
11 administration, nonpublic school placements and other
12 services/goods for which selection procedures are provided by State
13 statute, State Board rule, or other Board policy.
- 14 V. The Professional Services Contract Committee (PSCC) may consider
15 requests for exceptions from competitive bidding. The PSCC shall be
16 comprised of representatives, as stated in the attendee requirements
17 for an evaluation committee. The PSCC may grant exceptions for
18 sole source contracts, contractors having specific expertise, or as
19 otherwise determined by the PSCC to be in the best interest of the
20 Board. For contracts with an annual estimated cost of more than
21 \$50,000, exceptions recommended by the PSCC must be approved
22 by the Board.
- 23 W. Procurement Management Services staff will provide the Board a
24 quarterly written expenditure report of purchases made using the
25 exemptions above and that exceed \$100,000.00. The report shall
26 include date of purchase, vendor, amount, funding source, and
27 purchasing authority.
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policy

THE SCHOOL BOARD OF
MIAMI-DADE COUNTY

FINANCES
6320/page 13 of 41

1 **Competitive Bidding Requirement**

2 A. Purchasing Thresholds for Competitive Bidding

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The following provides a summary of the purchasing thresholds and the corresponding procurement documents allowed to facilitate the purchases:

1. Zero (\$0) dollars to nine hundred ninety-nine (\$999) dollars – shall obtain one (1) written and dated quotation, with an applicable expiration date such as ninety (90) days;
2. One thousand (\$1,000) dollars to forty-nine thousand nine hundred and ninety-nine (\$49,999) dollars – shall obtain three (3) written, telephonic or electronic and dated quotation(s), which may be completed using a Request for Quotes template.
3. Fifty thousand (\$50,000) dollars and above – shall utilize the Invitation to Bid, Invitation to Negotiate or the Request for Proposal template(s).

B. Development of Specifications, Determination of Quantities, and Standardization of Supplies and Equipment

1. To achieve both quality control and the price advantages of quantity purchasing, the administration shall:
 - a. establish specifications for goods and services as needed;
 - b. identify several existing, commercially available "standard brands" that meet the specifications acceptable as examples; and
 - c. invite vendors to bid on the standard brands identified or their equivalent.
2. All bid quantities and specifications shall be transmitted to Procurement Management Services by the originating department in writing. The originating department shall also certify to Procurement Management Services in writing that

policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES

6320/page 14 of 41

- 1 the specifications for an existing bid (to be rebid) are still
2 appropriate before issuance of the bid. Specifications
3 originated by Procurement Management Services shall follow
4 similar certification procedures.
5
- 6 3. All increases to quantities specified in an existing term bid requiring
7 a supplemental bid award shall be requested in writing by the
8 originating department, countersigned by an administrator reporting
9 directly to the Superintendent, and identifying the reason why the
10 increase in quantities was unavoidable. If an adequate reason
11 cannot be identified, then the corrective action to be taken by the
12 originating department to prevent a future underestimate of
13 quantities shall be described. A similar procedure will be followed
14 for term bids originated by Procurement Management Services.
15
- 16 4. All changes to specifications for an existing bid (to be rebid) or
17 similar bid shall be identified in writing, including the reason for the
18 change, by the originating department or Procurement Management
19 Services if it is the originator.
20
- 21 5. The Chief Procurement Officer of Procurement Management Services
22 shall identify specifications which appear to limit the bidding
23 process to a single vendor. In the event that the Chief Procurement
24 Officer has identified such a set of specifications, the originating
25 department shall be required to justify in writing the specifications
26 which appear to favor a single vendor. This documentation shall be
27 countersigned by an administrator reporting directly to the
28 Superintendent.
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policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES
6320/page 15 of 41

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C. Written or Electronic Quotations (Request for Quotes)

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For each purchase of \$50,000 or less and over the minimum quotation threshold established by Procurement Management Services, staff shall obtain written, telephone, or electronic quotations from three (3) or more sources. If possible, vendors contacted shall include M/WBE vendor participation. If only one (1) of those sources respond with prices, two (2) 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 vendor who submitted the lowest and best price quotation. If all three (3) of the vendors first contacted for prices respond with valid price quotations, the award shall be made to the vendor who submitted the lowest price quotation meeting the bid specifications, with no additional requests from other vendors required.

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Quotations obtained shall be attached to or included with the purchase order by written notations or electronic reference indicating quotation prices and sources, certification by signature or facsimile. The requisition shall be approved for purchase as authorized by the Superintendent. All internal fund purchases shall comply with Policy 6610.

policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES
6320/page 16 of 41

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D.Invitation to Bid

Invitation to Bid may be used when the Board is capable of specifically defining the scope of work for which a contractual service is required or when the Board is capable of establishing precise specifications defining the actual commodity or group of commodities required.

The following process shall be followed for an ITB:

policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES
6320/page 17 of 41

- 1
2 1. For contracts estimated to be more than \$50,000 annually:
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4 a. In accordance with Board Policy 6320.02, the Goal
5 Setting Committee (GSC) shall review the summary scope of
6 work to determine Small Business Enterprise (SBE), Micro
7 Business Enterprise (MBE), M/WBE or Veteran Business
8 Enterprise (VBE) participation in the project.
9
 - 10 b. The ITB shall be advertised to solicit maximum vendor
11 participation. To enhance M/WBE participation,
12 advertisements may be published and announced in major
13 publications that serve minority communities; however, it
14 shall be posted electronically.
- 15
16 2. For contracts estimated to cost less than \$50,000 annually:
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18 a. There must be evidence that at least three (3) vendors
19 were contacted in writing, and if possible, at least one (1) of
20 these vendors shall be a M/WBE.
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23 b. If only one (1) potential vendor is known, an
24 advertisement shall be placed in an appropriate publication
25 that is widely distributed. If no responses are received, the
26 contract can be developed with the one (1) known vendor in
27 accordance with other established procedures.
28
- 29 3. The ITB shall include an implementation schedule consisting
30 of the following:
 - 31
32 a. GSC meetings,
 - 33
34 b. mailing/posting date,
 - 35
36 c. pre-proposal conference (if required),
 - 37
38 d. opening date and time documented by bid opening
39 minutes,
 - 40
41 e. evaluation and tabulation of bid, and
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policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES

6320/page 18 of 41

- 1 f. recommendation of award process to the Board.
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- 3 g. Award notification is provided to all awarded bidder(s).
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- 5 4. The Board may accept the proposal of the lowest responsive,
6 responsible proposer. Alternatively, the Board may award
7 contracts to the lowest responsive, responsible bidder as the
8 primary awardee of a contract and to the next lowest
9 responsive, responsible bidder(s) as alternate awardee(s) from
10 whom commodities or contractual services would be
11 purchased should the primary awardee becomes unable to
12 provide all of the commodities or contractual services
13 required by the Board during the term of the contract.
14 Multiple awards to the lowest responsive and responsible
15 bidders are permitted when multiple awards are clearly
16 allowed by the bid solicitation documents. Also, awards shall
17 be made to preapproved vendor(s), where price is not an
18 evaluation factor and bidders are responsive to other factors
19 noted within the solicitation document.
20
21
- 22 5. When the determination is made that a bid is appropriate, the
23 performance specifications and standard requirements shall
24 be stated in detail and shall be furnished to Procurement
25 Management Services by the originating department. After
26 review, Procurement Management Services shall issue the
27 invitation to bids, including all general and special
28 conditions, and evaluate the bids submitted. The
29 requirements for solicitation and review of bids by the Goal
30 Setting Committee (GSC) shall be followed in all cases. Board
31 approval is required for contracts recommended for award.
- 32 6. For each purchase of more than \$50,000, bids shall be noticed
33 publicly to ensure open competition . Notices of bids shall be
34 electronically posted or may be sent to all vendors on the
35 active vendor mailing list(s) per commodity code(s). This list
36 shall include all minority/women business enterprises

policy

THE SCHOOL BOARD OF MIAMI-DADE COUNTY

FINANCES
6320/page 19 of 41

1 (M/WBE) vendors, identified by the Board in accordance with
2 Policy 6320.02, for that particular category of goods or
3 services, as well as organizations involved in assisting
4 M/WBEs. Notices of bids shall be advertised in one (1) or
5 more major local newspapers or electronically posted at least
6 seven (7) days prior to the bid opening date. This may
7 include, as necessary, major newspapers having circulation
8 representative of the various relevant minority classifications
9 or electronic posting. Tabulations of current bids shall be
10 retained in bid files and shall be available for reference.
11 Standard bid forms used shall be those reviewed and
12 approved by the Board attorney's office.
13

- 14 7. Any additional evaluation criteria, such as small or micro-
15 business enterprise, minority and/or veteran preferences that
16 are referenced in the solicitation document shall be reviewed
17 and evaluated.
18

19
20 E. Request for Proposals (RFP)

21 The Board may award contracts to one (1) or more responsive,
22 responsible proposers in accordance with the selection criteria
23 published in the request for proposal. The Board is not required to
24 solicit request proposals for purchases made from contracts of the
25 Department of Management Services.

26 The RFP shall be used when it is not practicable for the Board to
27 specifically define the scope of work for which the commodity, group
28 of commodities, or contractual service is required and when the
29 Board is requesting that a responsible vendor propose a commodity,
30 group of commodities, or contractual service to meet the
31 specifications of the solicitation document.

32 The following process shall be followed for an RFP:

- 33 1. For contracts estimated to be more than \$50,000 annually:

policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES

6320/page 20 of 41

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- a. In accordance with Board Policy 6320.02, the GSC shall review the RFP to determine Small Business Enterprise (SBE), Micro Business Enterprise (MBE), M/WBE or VBE participation in the project.
 - b. The RFP shall be advertised to solicit maximum vendor participation. To enhance M/WBE participation, advertisements may be published and announced in major publications that serve minority communities and it shall be posted electronically.
2. For contracts estimated to cost less than \$50,000 annually:
- a. There must be evidence that at least three (3) vendors were contacted in writing, and if possible, at least one (1) of these vendors shall be a M/WBE.

policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES
6320/page 21 of 41

- 1 b. If only one (1) potential vendor is known, an
2 advertisement shall be placed in an appropriate
3 publication that is widely distributed. If no responses
4 are received, the contract can be developed with the
5 one (1) known vendor in accordance with other
6 established procedures.
- 7 3. The RFP shall include an implementation schedule consisting
8 of the following:
- 9 a. GSC meetings,
10 b. mailing/posting date,
11 c. pre-proposal conference (if required),
12 d. opening date and time documented by bid opening
13 minutes,
14 e. oral presentations (if required),
15 f. recommendation of award process, and to the Board.
16 g. award notification is provided to all awarded bidder(s).
17 h. award notification is provided to all awarded bidder(s).
- 18
- 19 4. The evaluation criteria shall include, but are not limited to:
- 20 a. technical qualifications and conformance to the
21 proposal requirements experience,
22 b. past performance,
23 c. price considerations,
24 d. small or micro-business, minority, and/or veteran
25 business participation, and
26 e. other instructions specific to RFP.

policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES
6320/page 22 of 41

1 F. Invitation to Negotiate

2 The Invitation to Negotiate (ITN) shall be used when a written
3 solicitation obtains competitive sealed proposals and the evaluation
4 committee recommends selecting one (1) or more vendors with
5 which to negotiate for the procurement of commodities or
6 contractual services and when the Board determines that
7 negotiations may be necessary to receive the best value.

8 Invitations to Negotiate shall follow the process noted above for
9 RFPs.

10 G. Evaluation Committee Meetings For RFPs and ITNs only

11 1. The committee shall consist of at least: 1) two (2) individuals
12 from the originating department; however, not more than
13 one (1) of these individuals can be from the requesting
14 department bureau; 2) two (2) individuals from outside the
15 requesting department; 3) one (1) individual from the Office of
16 Economic Opportunity; and 4) one (1) individual from
17 Procurement Management Services (non-voting). Additional
18 members may be appointed at the discretion of the Chief
19 Procurement Officer . The committee shall to the extent
20 possible, be ethnically and gender representative.

21 2. These meetings are subject to F.S. Chapter 286 except for
22 meetings in which the vendors will be making oral
23 presentations and answering questions as part of the
24 solicitation process, which shall be closed to the public in
25 accordance with F.S. 286.0113(2)(b)(1).

26 3. When committees are established to evaluate a RFP or ITN,
27 the Procurement Management Services staff will conduct the
28 meetings, and ensure that: 1) minutes are recorded, and
29 2) proper documentation and records of committee actions
30 are maintained.

policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES
6320/page 23 of 41

- 1 4. The evaluation committee's written recommendation must
2 include the following for inclusion in the master bid file
3 within Procurement Management Services:
- 4 a. clear objective of the RFP,
- 5 b. identification of the committee members,
- 6 c. committee meeting dates and brief synopsis of the
7 general discussion,
- 8 d. dates of any or all oral presentations ,
- 9 e. name and location of the offeror(s),
- 10 f. evaluation criteria,
- 11 g. explanation of the basis for selection,
- 12 h. recommendation of acceptance of the offeror(s)
13 proposal,
- 14 i. committee member votes or tabulation results.
- 15 H. When the committee evaluation process is complete, the
16 Superintendent will forward the recommendations to the Board for
17 approval before any contract will be issued.
- 18 I.
- 19 J.

20 **Purchase Requisitions**

21 District schools, departments, and agencies shall initiate a properly executed
22 purchase requisition, containing authorized approvals of the originating
23 administrator, principal, department or agency head, for the purchase of any and all
24 items desired, except where small purchases, transactions not in excess of

policy

THE SCHOOL BOARD OF MIAMI-DADE COUNTY

FINANCES
6320/page 24 of 41

1 \$3,000.00 per requisition, and market difficulties, make the cost of some purchases
2 in this manner economically unsound. In those instances, administrative directives
3 or operating manuals may be issued, when deemed necessary, containing the
4 procedures to economically perform the purchasing function within the controls
5 required and authority provided by Florida statute, Florida Board of Education
6 Administrative Rules and Board policies.
7 Split requisitions, to bypass the approval requirements and/or the bidding process,
8 are specifically forbidden.

9 Requisitions must contain the appropriate authorized approvals as prescribed by
10 administrative procedures for the SAP system, as well as documented procurement
11 authority. Fully approved requisitions will be reviewed and approved by procurement
12 staff to ensure proper application of this Policy and will be converted to approved
13 purchase orders for release to the vendors.

14 15 Unauthorized Purchases

16
17 As defined, unauthorized purchases are agreements, commitments, or an order for
18 goods or services or construction, or changes to existing contracts by any District
19 staff and/or school site staff who does not have an approved purchase order, fund
20 reservation and/or pcard approval. Also unauthorized are (1) purchases made
21 without the required competitive bidding, (2) purchases made in advance of an
22 approved purchase order, fund reservation and/or pcard approval, and (3) changes
23 under existing contracts made by a person who does not have delegated
24 procurement authority.

25
26 Unauthorized purchases are not binding on the District. Payment for any
27 unauthorized purchase may be the responsibility of the staff person placing the
28 order. Additional disciplinary action may be taken against the responsible staff
29 person.

30
31 For each suspected incident of an unauthorized purchase, procurement staff will
32 notify the staff person(s) involved and request appropriate documentation to
33 authorize or cancel the purchase and to ensure future compliance with this Policy.

34

35 **Protests**

36 A bidder, who wishes to file a bid protest, must file such notice and follow
37 procedures prescribed by F.S. 120.57(3) and Bylaw 0133, for resolution.

38 **Protest of Specifications**

policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES
6320/page 25 of 41

1 Any notice of protest of the specifications contained in an Invitation to Bid (ITB) or
2 Request for Proposal (RFP) or Invitation to Negotiate (ITN) shall be filed accordance
3 with Board Bylaw 0133.

4 For a protest of the specifications contained in an Invitation to Bid (ITB) or in a
5 Request for Proposals (RFP) or Invitation to Negotiate (ITN), the Notice of Protest
6 shall be filed in writing within seventy-two (72) hours after the posting of a
7 solicitation. The Formal Written Protest shall be filed within ten (10) calendar days
8 after the date the notice of protest is filed. Failure to file a Notice of Protest or failure
9 to file a Formal Written Protest shall constitute a waiver of proceedings under this
10 rule. The Formal Written Protest shall state with particularity the facts and law
11 upon which the protest is based. Saturdays, Sundays, and legal holidays shall be
12 excluded in the computation of the seventy-two (72) hour time period provided by
13 this paragraph.

policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES
6320/page 26 of 41

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,
14 Florida, in an amount equal to one percent (1%) of the District's
15 estimate of 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.

policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES
6320/page 27 of 41

1 3. Pursuant to F.S. 287.042(2)(c), if, the Board prevails in the
2 administrative hearing process and any appellate court
3 proceedings, it shall be entitled to recover all costs and
4 charges which are included in the final order or judgment,
5 excluding attorneys' fees. Upon payment of such costs and
6 charges by the person protesting the decision or intended
7 decision or contract award, the bond, cashier's check, or
8 money order shall be returned to the protestor. If the
9 protestor prevails, the protestor may recover from the Board
10 the costs and charges which are included in the final order or
11 judgment, excluding attorneys' fees.

12 B. Bond: Competitive Bids for Lease of Space -- Pursuant to
13 F.S. 255.25(3)(c), any person who files an action protesting a
14 decision or intended decision pertaining to a competitive bid for
15 space to be leased by the Board shall post with the Board, at the
16 time of filing the formal written protest, a bond payable to the Board
17 in an amount equal to one percent (1%) of the estimated total rental
18 of the basic lease period or \$5,000, whichever is greater. The bond
19 shall be conditioned upon the payment of all costs which may be
20 levied against him/her in the administrative hearing in which the
21 action is brought and in any subsequent appellate court proceeding.
22 If the Board prevails in the administrative hearing process and any
23 appellate court proceedings, it shall recover all costs and charges,
24 which are included in the final order or judgment, excluding
25 attorneys' fees. Upon payment of such costs and charges by the
26 person protesting the award, the bond shall be returned to him/her.
27 If the person protesting the award prevails, the bond shall be
28 returned to that person and s/he shall recover from the Board the
29 costs and charges which are included in the final order or judgment,
30 excluding attorneys' fees.

policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES
6320/page 28 of 41

1 C. Bond: Construction Purchasing – Construction purchasing is
2 separately governed by Board policy, and persons protesting
3 competitive procurement related to educational facilities shall be
4 required to post a bond in the amount specified in F.S. 255.0516,
5 which also governs recovery of fees and costs including attorneys’
6 fees.

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

15 **Protest of Bid Award**

16 Any person who is adversely affected by the Board's decision or intended decision,
17 shall file a Notice of Protest in writing with the Clerk of the Board, who shall
18 maintain an office in the Board Administration building, within seventy-two (72)
19 hours after the posting of the bid tabulation or after receipt of the notice of the
20 Board's decision or intended decision and shall file a Formal Written Protest within
21 ten (10) calendar days after filing the Notice of Protest. The protesting bidder shall
22 also be required to post a bond, consistent with this rule. Failure to file a Notice of
23 Protest or failure to file a Formal Written Protest shall constitute a waiver of
24 proceedings under F.S. Chapter 120.57. The formal written protest shall state with
25 particularity the facts and law upon which the protest is based. Saturdays,
26 Sundays, and legal holidays shall be excluded in the computation of the
27 seventy-two (72) hour time period provided by this paragraph.

policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES
6320/page 29 of 41

1 The Formal Written Protest will be reviewed by Procurement Management Services,
2 who will offer the protesting bidder the opportunity to meet and discuss the merits
3 of the protest. If the protest is not resolved, the matter may be referred for
4 proceedings, pursuant to F.S. 120.569 and 120.57. Petitions for hearing on protests
5 pursuant to F.S. 120.569 and 120.57 must be filed in accordance with Board
6 Bylaw 0133 on quasi-judicial proceedings.

7 Upon receipt, the Board Clerk shall forward a copy of any Notice of Protest to the
8 Board. After a Notice of Protest is filed, the Clerk shall notify the Board upon receipt
9 of a Formal Written Protest, and shall also notify the Board if no Formal Written
10 Protest is submitted after the statutory time period for filing a Formal Written
11 Protest has elapsed. The Clerk will inform the Board of the final resolution of any
12 Formal Written Protest, regardless of whether the resolution involved a formal
13 administrative hearing. If the resolution involved a formal administrative hearing,
14 the Board will be informed of the results in accordance with Policy 0133, Quasi-
15 Judicial Proceedings.

16 **Receiving and Opening of Bids**

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

19 A. Bids are to be submitted to Procurement Management Services or
20 electronically up to the time and on the date specified in the bid
21 documents. Bids received after the date and hour specified in the
22 Bid documents will not be considered.

23 B. At least two (2) Procurement Management Services staff will be
24 assigned to facilitate the public bid opening.

25 ~~C.~~

26 C. All bids will be recorded at the time they are received, showing the
27 bid number, bid title, and the names of the bidders submitting bid
28 forms. Notification of timely receipt shall be confirmed by the bid
29 opening minutes and submitted to the Board at the next regularly
30 scheduled Board meeting.

policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES
6320/page 30 of 41

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

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

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

policy

THE SCHOOL BOARD OF
MIAMI-DADE COUNTY

FINANCES
6320/page 31 of 41

1 **Rejection of Bids**

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

10 **Irregular or Deviating Bids**

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

17 **Award Recommendation**

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

21 **Official Award Date**

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

policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES
6320/page 32 of 41

1 **Contract Renewals**

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

6 **Legal Basis for Procedures**

7 The procedures for the purchase of commodities and services, and construction of
8 facilities for the District shall comply with the Florida statutes and the Florida
9 Administrative Code.

10 **Bidding**

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

16 **Identical Prices/Points--Priorities for Award**

17 When identical prices/points are received from two (2) or more vendors/firms and all
18 other factors are equal, priority for award shall be given to vendors/firms in the
19 following sequence:

- 20 A. A business that certifies that it has implemented a drug-free work
21 place program shall be given preference in accordance with the
22 provisions of F.S. 287.087;
- 23 B. Local vendor as defined by Board Policy 6320.05;
- 24 C. Certified service-disabled Veteran business;

policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES
6320/page 33 of 41

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

17 In accordance with Florida law, local preference shall not be applied to competitive
18 solicitations for construction services in which fifty percent (50%) or more of the cost
19 will be paid from state-appropriated funds which have been appropriated at the time
20 of the competitive solicitation. The solicitation documents for construction services
21 in this event must disclose that no local preference consideration will be applied.

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

policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES
6320/page 34 of 41

1 **Vendor Preference for Certified Service-Disabled Veteran Business Enterprises**

2 The Board provides a vendor preference for certified service disabled veteran
3 businesses in accordance with Board Policy 6320.02 and State law.

4 In assessing priorities for award, when identical prices are received from two (2) or
5 more vendors and all other factors are equal, priority for award shall be given to a
6 certified service-disabled veteran business enterprise as defined by F.S. 295.187 and
7 Policy 6320.02. In the event there are two (2) or more certified-disabled veteran
8 business enterprises entitled to the preference, then the award shall be given to the
9 business having the smallest net worth.

10 The vendor preference for certified service-disabled veteran businesses shall be
11 subordinate only to the vendor preference for businesses implementing a drug-free
12 workplace.

13 The Board's goal for participation by service disabled veteran business enterprises
14 shall be established at three percent (3%) of the total value of all prime
15 contract/subcontract awards for each fiscal year.

16 **Performance and Payment Security, Default and Bonding Company**
17 **Qualifications**

18 A. Performance Security on Construction Bids and Awards

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

21 2. In order to encourage participation in construction,
22 remodeling, and renovation projects by small, woman owned,
23 and minority owned businesses, at the option of the Board,
24 no bid security or performance or payment bond shall be
25 required for bids in an amount less than \$200,000.

policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES
6320/page 35 of 41

1 3. Bid awards exceeding \$200,000 require a 100% performance
2 and payment security of the award amount. For construction
3 projects costing \$200,000 or more, the accepted bidder must
4 deliver performance and payment bonds equal to the contract
5 price, no later than twenty (20) days after the date of award of
6 the contract or Approval of the Guaranteed Maximum Price
7 (GMP) Amendment by the Board. Bonds must be issued by
8 surety companies admitted to do business in the State of
9 Florida and listed in the Federal Register of the U.S.
10 Department of Treasury for Surety Companies Acceptable on
11 Federal Bonds.

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

15 Should the accepted bidder fail to furnish performance and
16 materials and payment bonds, the amount of the bid security
17 may be forfeited to the District.

18 B. Performance Security on Awards Other than Construction

19 1. Bid awards of \$200,000 or less shall be exempt from
20 performance and payment security.

21 2. Performance security shall not be required unless otherwise
22 defined in the bid specification. Performance security shall
23 equal 100% of the award amount.

policy

THE SCHOOL BOARD OF
MIAMI-DADE COUNTY

FINANCES
6320/page 36 of 41

1 C. Bonding Company Qualifications

2 Bonds shall be written through a reputable and responsible surety
3 bond agency licensed to do business in the State of Florida and with
4 a surety company or corporation meeting both of the following
5 specifications:

6 1. Awards Greater than \$500,000

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

9	Contract Amount	Minimum Rating by
10		A.M. Best
11	\$200,000.00 to	
12	\$5,000,000	A, No Minimum Class
13	\$5,000,000.01 to	
14	\$10,000,000	A, Class IV
15	\$10,000,000.01 or more	A, Class V

16 b. Current certificate of authority as acceptable surety on
17 Federal Bonds in accordance with the latest edition of
18 the United States Treasury Department Circular 570
19 entitled "Companies Holding Certificates of Authority
20 as Acceptable Sureties on Federal Bonds and as
21 Acceptable Reinsuring Companies" and shall be
22 accepted for an amount not exceeding the underwriting
23 limitation thereon.

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

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

policy

THE SCHOOL BOARD OF
MIAMI-DADE COUNTY

FINANCES
6320/page 37 of 41

1 **Vendor Performance**
2
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4 Upon award of all bids and contracts, vendor performance shall be documented by
5 the originating department. Periodically, procurement staff and the originating
6 department shall review and discuss awarded vendors' performance, per the terms
7 and conditions of the bid or contract, including the spend analysis.
8

9 Should the vendor be identified with poor performance, procurement staff and the
10 originating department shall notify the vendor to cure the bid or contract deficiency,
11 within a stated timeframe.
12
13

14 **Suspension or Default by Vendor**

15 Board Policy 6320.04, *Contractor Discipline*, governs debarment, suspension, and
16 other disciplinary action that may be taken by the School Board against contractors
17 that violate law and Board policies.
18

19 Contractors may be suspended and/or debarred from doing business with the Board
20 or otherwise disciplined. Suspension and debarment are serious sanctions that may
21 only be imposed when it is in the best interest of the Board and to protect the
22 public.
23

24 The Superintendent is authorized to develop and implement disciplinary procedures
25 that comply with State and Federal laws, ordinances, codes, regulations, and the
26 above-referenced policy 6320.04.
27

28 Bid or Contract Close-out Period
29

30 Procurement staff and the originating department shall notify the vendor of the
31 termination of the bid or contract services, within a reasonable time, requesting any
32 pending reports, documents, data or property generated using district funds during
33 the contract period or invoices to be submitted.
34
35

policy

THE SCHOOL BOARD OF
MIAMI-DADE COUNTY

FINANCES
6320/page 38 of 41

1 **Signatures of Superintendent and Designees on Contracts**

2 The Board authorizes the use of signatures of the Superintendent and his/her
3 designees on behalf of the Board on all contracts, agreements, and documents where
4 a signature of the Chair is not required by law or regulation of the Department of
5 Education. All contracts, agreements, and documents must be based upon
6 approvals previously adopted and spread upon the minutes of the Board, unless
7 exempted by Board policy. Each contract shall demonstrate its procurement
8 authority.

9 **Purchasing cards (Pcards)**

10
11 Pursuant to Board Policy 6424, purchasing cards may be used to make small dollar
12 purchases and acquire materials and supplies as needed for operations.

13
14 Purchasing cards shall not be used to circumvent the general purchasing
15 procedures established by State law and Board policy. Purchasing cards shall only
16 be used for expenses in connection with Board-approved or school-related activities,
17 that benefit the District and serve a valid and proper public purpose. Periodically,
18 procurement staff shall review the pcard expenditures to ensure compliance with
19 Board policies and the purchasing threshold requirements.

20
21

22 **Purchasing Principles**

23 Employees shall be guided by the following principles and standards adopted by the
24 National Institute of Governmental Purchasing (NIGP) :

25 A. Accountability: taking ownership and being responsible to
26 stakeholders for our actions, essential to preserve the public trust
27 and protect the public interest.

28 B. Ethics: acting in a manner true to these values, essential to preserve
29 the public's trust.

30 C. Impartiality: unbiased decision-making and action, essential to
31 ensure fairness for the public good.

policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES

6320/page 39 of 41

- 1 D. Professionalism: upholding high standards of job performance and
2 ethical behavior, essential to balance diverse public interests.
- 3 E. Service: obligation to assist stakeholders, essential to support the
4 public good.
- 5
6 F. Transparency: easily accessible and understandable policies and
7 processes, essential to demonstrate responsible use of public funds.

policy

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES
6320/page 40 of 41

1

2 Ethics training on ethical standards that are no lower than those prescribed by the
3 State shall be provided to all employees involved in procurement activities for the
4 Board.

policy

THE SCHOOL BOARD OF MIAMI-DADE COUNTY

FINANCES
6320/page 41 of 41

1 Complaints alleging discrimination against any commercial enterprise doing
2 business with the Board must be filed and will be investigated and addressed in
3 accordance with Board Policy 6465.

- 4 F.S. 119.07
- 5 F.S. 120.569
- 6 F.S. 120.57
- 7 F.S. 120.57(3)
- 8 F.S. 255.0516
- 9 F.S. 255.065
- 10 F.S. 255.099
- 11 F.S. 255.0991
- 12 F.S. 255.25(3)(c)
- 13 F.S. 282.041(15)
- 14 F.S. 286.0113(2)(b)(1)
- 15 F.S. 287.017
- 16 F.S. 287.042(2)(c)
- 17 F.S. 287.056
- 18 F.S. 1001.41(1)(2)
- 19 F.S. 1001.42(12)(j)
- 20 F.S. 1001.42(26)
- 21 F.S. 1001.43(10)
- 22 F.S. 1006.27
- 23 F.S. 1010.04(2)
- 24 F.S. 1010.04(4)(a)
- 25 F.A.C. 6A-1.012
- 26 F.A.C. 6A-1.091
- 27 F.A.C. 6A-7.0411(2)(i)
- 28 F.A.C. 28-110.005(2)

- 29 Revised 8/7/13
- 30 Revised 11/19/14
- 31 Revised 3/9/16
- 32 Revised 1/25/17
- 33 Revised 4/25/18
- 34 Revised 10/10/18

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