

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

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

COMMITTEE: FISCAL ACCOUNTABILITY & GOVERNMENT RELATIONS

LINK TO STRATEGIC

BLUEPRINT: EFFECTIVE AND SUSTAINABLE BUSINESS PRACTICES

At its meeting of January 16, 2019, the Board approved Agenda Item E-146 (Procurement Policy), authorizing the Superintendent to initiate rulemaking 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.

The Notice of Intended Action was published in the *Miami Daily Business Review* on January 22, 2019, and posted in various places for public information and mailed to various organizations representing persons affected by the amended Policies and to individuals requesting notification. The time to request a hearing or protest the adoption of this amendment has elapsed.

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.

- RECOMMENDED:**
- 1) That The School Board of Miami-Dade County, Florida, adopt the proposed amendments to Policy 6320, *Purchasing*, and authorize the Superintendent to file the amended policy with The School Board of Miami-Dade County, Florida, to be effective March 13, 2019.
 - 2) Certify that acceptance or approval of this item recognizes that, with the exception of language added on page 12-V, the item is identical, other than format, to the one approved at the January Committee Meeting.

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.

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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 | ~~B.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 | ~~C.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".

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- 1 | ~~DE.~~ *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 | ~~EF.~~ *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 | ~~FG.~~ *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 | ~~GH.~~ *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 | ~~HI.~~ *Procurement Authority - documentation establishing that a purchase*
19 | *requisition, pcard, fund reservation or draft contract adheres 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.I.~~ *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.

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- 1 | JL. *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 | KM. *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 | LO. *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.

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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.

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- 1 C. As required by Section 1001.42(12)(j), F.S., the Board shall receive
2 and consider available prices according to the rules of the
3 Department of Management Services, Division of Purchasing. The
4 Board may use prices established by the Division of Purchasing
5 through its State purchasing agreement price schedule. If Board
6 policy provides for purchasing under this State purchasing program,
7 the conditions for 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 Section 1010.04(4)(a), F.S., 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 Section 218.391, F.S., legal services, including attorney,
28 paralegal, expert witness, court reporting, appraisal or
29 mediator services; and health services involving examination,
30 diagnosis, treatment, prevention, medical consultation or
31 administration; and

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- 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 6A-7.0411(2)(i)2, F.A.C.
- 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 Section 1010.04(4)(a), F.S., when the following
23 conditions 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.

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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 Section 120.57(3), F.S., and may negotiate
26 the best terms and conditions with the single source vendor.

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- 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 Section 282.0041(15), F.S., may make acquisitions
29 through the competitive solicitation process or by direct negotiation
30 and contract with a vendor or supplier, as fits the needs of the
31 School District as determined by the Board.

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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.

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

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- 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 handled through a tour company or travel
11 agency, tickets, and admissions to parks, registration fees for
12 competitions, and hotel accommodations
- 13 9. groceries and supplies for educational use in alternative
14 programs or academic requirements
- 15 10. insurance policies payments/reimbursements, State fees
16 (retirement, unemployment compensation, etc.), tax related
17 payments, legal settlement payments and bonds, license fees
18 and agreements, permit fees, property loss payment
- 19 11. media advertising (newspaper, radio, television, banners,
20 brochures, pamphlets, etc.)
- 21 12. grant authorized workshop reimbursements including
22 refreshments
- 23 13. petty cash replenishment
- 24 14. postage requisitions
- 25 15. toll charges for authorized District departments
- 26 16. travel reimbursement for non-employees

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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 Section
8 255.065, F.S., 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
15 V. The Professional Services Contract Committee (PSCC) may consider
16 requests for exceptions from competitive bidding. The PSCC shall be
17 comprised of representatives, as stated in the attendee requirements
18 for an evaluation committee. The PSCC may grant exceptions for
19 sole source contracts, contractors having specific expertise, or as
20 otherwise determined by the PSCC to be in the best interest of the
21 Board. The PSCC will be used in extenuating circumstances only.
22 For contracts with an annual estimated cost of more than \$50,000,
23 exceptions recommended by the PSCC must be approved by the
24 Board.

25
26
27 W. Procurement Management Services staff will provide the Board a
28 quarterly written expenditure report of purchases made using the
29 exemptions above and that exceed \$100,000.00. The report shall
30 include date of purchase, vendor, amount, funding source, and
31 purchasing authority.

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1 **Competitive Bidding Requirement**

2 A. ~~A.~~ Purchasing Thresholds for Competitive Bidding

3
4 The following provides a summary of the purchasing thresholds and
5 the corresponding procurement documents allowed to facilitate the
6 purchases:

- 7
8 1. Zero (\$0) dollars to nine hundred ninety-nine (\$999) dollars –
9 shall obtain one (1) written and dated quotation, with an
10 applicable expiration date; such as ninety (90) days;
11
12 2. One thousand (\$1,000) dollars to forty-nine thousand nine
13 hundred and ninety-nine (\$49,999) dollars – shall obtain three
14 (3) written, telephonic or electronic and dated quotation(s), which
15 may be completed using a Request for Quotes template.
16 3. Fifty thousand (\$50,000) dollars and above – shall utilize the
17 Invitation to Bid, Invitation to Negotiate or the Request for
18 Proposal template(s).

19
20 B. Development of Specifications, Determination of Quantities, and
21 Standardization of Supplies and Equipment

- 22
23 1. To achieve both quality control and the price advantages of
24 quantity purchasing, the administration shall:
25
26 a. establish specifications for goods and services as needed;
27
28 b. identify several existing, commercially available "standard
29 brands" that meet the specifications acceptable as examples; and
30
31 c. invite vendors to bid on the standard brands identified or their
32 equivalent.
33
34
35 2. All bid quantities and specifications shall be transmitted to
36 Procurement Management Services by the originating
37 department in writing. The originating department shall also
38 certify to Procurement Management Services in writing that

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the specifications for an existing bid (to be rebid) are still appropriate before issuance of the bid. Specifications originated by Procurement Management Services shall follow similar certification procedures.

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

4. All changes to specifications for an existing bid (to be rebid) or similar bid shall be identified in writing, including the reason for the change, by the originating department or Procurement Management Services if it is the originator.

5. The Chief Procurement Officer of Procurement Management Services shall identify specifications which appear to limit the bidding process to a single vendor. In the event that the Chief Procurement Officer has identified such a set of specifications, the originating department shall be required to justify in writing the specifications which appear to favor a single vendor. This documentation shall be countersigned by an administrator reporting directly to the Superintendent.

C. Written or Electronic Quotations (Request for Quotes)

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

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1 shall be made to the vendor who submitted the lowest price
2 quotation meeting the bid specifications, with no additional requests
3 from other vendors required.
4

5 Quotations obtained shall be attached to or included with the
6 purchase order by written notations or electronic reference
7 indicating quotation prices and sources, certification by signature or
8 facsimile. The requisition shall be approved for purchase as
9 authorized by the Superintendent. All internal fund purchases shall
10 comply with Policy 6610.
11

12 D.B.—Invitation to Bid

13
14 Invitation to Bid may be used when the Board is capable of
15 specifically defining the scope of work for which a contractual
16 service is required or when the Board is capable of establishing
17 precise specifications defining the actual commodity or group of
18 commodities required.
19

20 The following process shall be followed for an ITB:

21 1. —

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

23
24 a. In accordance with Board Policy 6320.02, the Goal
25 Setting Committee (GSC) shall review the summary scope of
26 work to determine Small Business Enterprise (SBE), Micro
27 Business Enterprise (MBE), M/WBE or Veteran Business
28 Enterprise (VBE) participation in the project.
29

30 b. The ITB shall be advertised to solicit maximum vendor
31 participation. To enhance M/WBE participation,
32 advertisements may be published and announced in major
33 publications that serve minority communities; however, it
34 shall be posted electronically.
35

36 2. For contracts estimated to cost less than \$50,000 annually:

37
38 a. There must be evidence that at least three (3) vendors
39 were contacted in writing, and if possible, at least one (1) of
40 these vendors shall be a M/WBE.
41
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1 b. If only one (1) potential vendor is known, an
2 advertisement shall be placed in an appropriate publication
3 that is widely distributed. If no responses are received, the
4 contract can be developed with the one (1) known vendor in
5 accordance with other established procedures.
6

7 3. The ITB shall include an implementation schedule consisting
8 of the following:
9

10 a. GSC meetings,

11 b. mailing/posting date,

12 c. pre-proposal conference (if required),

13 d. opening date and time documented by bid opening
14 minutes,

15 e. evaluation and tabulation of bid, and

16 f. recommendation of award process to the Board.

17 g. Award notification is provided to all awarded bidder(s).
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23 4.
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29 The Board may accept the proposal of the lowest responsive,
30 responsible proposer. Alternatively, the Board may award
31 contracts to the lowest responsive, responsible bidder as the
32 primary awardee of a contract and to the next lowest
33 responsive, responsible bidder(s) as alternate awardee(s) from
34 whom commodities or contractual services would be
35 purchased should the primary awardee becomes unable to
36 provide all of the commodities or contractual services required
37 by the Board during the term of the contract. Multiple
38 awards to the lowest responsive and responsible bidders are
39 permitted when multiple awards are clearly allowed by the bid
40 solicitation documents. Also, awards shall be made to
41 preapproved vendor(s), where price is not an evaluation factor

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1 | and bidders are responsive to other factors noted within the
2 | solicitation document.

3 |
4 | 5. 2.—When the determination is made that a bid is appropriate, the
5 | performance specifications and standard requirements shall
6 | be stated in detail and shall be furnished to Procurement
7 | Management Services by the originating department. After
8 | review, Procurement Management Services shall issue the
9 | invitation to bids, including all general and special
10 | conditions, and evaluate the bids submitted. The
11 | requirements for solicitation and review of bids by the Goal
12 | Setting Committee (GSC) shall be followed in all cases. Board
13 | approval is required for contracts recommended for award.

14 |
15 | 6. 3.—For each purchase of more than \$50,000, bids shall be
16 | noticed publicly to ensure open competition requested from
17 | three (3) or more sources. Notices of bids shall be
18 | electronically posted or may be sent to all vendors on the
19 | active vendor mailing list(s) per commodity code(s) for that
20 | category of goods or services. This list shall include all
21 | minority/women business enterprises (M/WBE) vendors,
22 | identified by the Board in accordance with Policy 6320.02, for
23 | that particular category of goods or services, as well as
24 | organizations involved in assisting M/WBEs. Notices of bids
25 | shall be advertised in one (1) or more major local newspapers
26 | or electronically posted at least seven (7) days prior to the bid
27 | opening date. This may include, as necessary, major
28 | newspapers having circulation representative of the various
29 | relevant minority classifications or electronic posting.
30 | Tabulations of current bids shall be retained in bid files and
31 | shall be available for reference. Standard bid forms used
32 | shall be those reviewed and approved by the Superintendent
33 | and the Board attorney's office.

34 |
35 | 7. Any additional evaluation criteria, such as small or micro-
36 | business enterprise, minority and/or veteran preferences that
37 | are referenced in the solicitation document shall be reviewed
38 | and evaluated.

39 |
40 | C. Development of Specifications, Determination of Quantities, and
41 | Standardization of Supplies and Equipment
42 |

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- ~~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 the specifications for an existing bid (to be rebid) are still appropriate before issuance of the bid. Specifications originated by Procurement Management Services shall follow similar certification procedures.~~
- ~~3. All increases to quantities specified in an existing term bid requiring a supplemental bid award shall be requested in writing by the originating department, countersigned by an administrator reporting directly to the Superintendent, and identifying the reason why the increase in quantities was unavoidable. If an adequate reason cannot be identified, then the corrective action to be taken by the originating department to prevent a future underestimate of quantities shall be described. A similar procedure will be followed for term bids originated by Procurement Management Services.~~
- ~~4. All changes to specifications for an existing bid (to be rebid) or similar bid shall be identified in writing, including the reason for the change, by the originating department or Procurement Management Services if it is the originator.~~
- ~~5. The chief procurement officer of Procurement Management Services shall identify specifications which appear to limit the bidding process to a single vendor. In the event that the chief procurement officer has identified such a set of specifications, the originating department shall be required to justify in writing the specifications which appear to favor a single vendor. This documentation shall be countersigned by an administrator reporting directly to the Superintendent.~~

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1 ~~DE~~. Request for Proposals (RFP)

2 The Board may award contracts to one (1) or more responsive,
3 responsible proposers in accordance with the selection criteria
4 published in the request for proposal. The Board is not required to
5 solicit request proposals for purchases made from contracts of the
6 Department of Management Services.

7 The RFP shall be used when it is not practicable for the Board to
8 specifically define the scope of work for which the commodity, group
9 of commodities, or contractual service is required and when the
10 Board is requesting that a responsible vendor propose a commodity,
11 group of commodities, or contractual service to meet the
12 specifications of the solicitation document. the purposes and uses
13 for which the commodity, group of commodities, or contractual
14 service being sought can be specifically defined and the agency is
15 capable of identifying necessary deliverables. Various combinations
16 or versions of commodities or contractual services may be proposed
17 by a responsive vendor to meet the specifications of the solicitation
18 document. A written solicitation includes a solicitation that is
19 electronically posted.

20 The following process shall be followed for an RFP:

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

22 a. ~~Prior to issuing the RFP and i~~n accordance with Board
23 Policy 6320.02, the GSC shall review the RFP to
24 determine Small Business Enterprise (SBE), Micro
25 Business Enterprise (MBE), M/WBE or VBE
26 participation in the project.

27 b. The RFP shall be advertised to solicit maximum vendor
28 participation. To enhance M/WBE participation,
29 advertisements may must be published and
30 announced in major publications that serve minority
31 communities and it shall be posted electronically.

32 2. For contracts estimated to cost less than \$50,000 annually:

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- 1 a. There must be evidence that at least three (3) vendors
2 were contacted in writing, and if possible, at least
3 one (1) of these vendors shall be a M/WBE.

- 4 b. If only one (1) potential vendor is known, an
5 advertisement shall be placed in an appropriate
6 publication that is widely distributed. If no responses
7 are received, the contract can be developed with the
8 one (1) known vendor in accordance with other
9 established procedures.

- 10 3. The RFP shall include an implementation schedule consisting
11 of the following:
 - 12 a. GSC meetings,
 - 13 b. mailing/posting date,
 - 14 c. pre-proposal conference (if required),
 - 15 d. opening date and time documented by bid opening
16 minutesevaluation criteria,
 - 17 e. oral presentationsinterview schedule (if required),
 - 18 f. recommendation of award process, and to the Board.
 - 19
 - 20 h. award notification is provided to all awarded bidder(s).
 - 21

- 22 4. The evaluation criteria shall include, but are not limited to:
 - 23 a. technical qualifications and conformance to the
24 proposal requirements experience,
 - 25 b. past performance,
 - 26 c. price considerations,
 - 27 d. small or micro-business, minority, and/or veteran
28 business M/WBE participation, and

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1 | e. other instructions specific to RFP.

2 | **EF.** Invitation to Negotiate

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

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

11 | **FG.** Evaluation Committee Meetings for RFPs and ITNs only

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

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

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

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- 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 interviews,
- 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 | GH. 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 | HI. ~~The following exceptions to this rule apply:~~
- 19 | ~~1. Contracts for legal services by the Board attorney and the attorneys~~
20 | ~~supervised by the Board attorney, contracted third party claims~~
21 | ~~administration, nonpublic school placements and other~~
22 | ~~services/goods for which selection procedures are provided by State~~
23 | ~~statute, State Board rule, or other Board policy.~~
24 |
25 |

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~~2. The Professional Services Contract Committee (PSCC) may consider requests for exceptions. The committee shall be comprised of three (3) representatives from senior staff, two (2) representatives from education and curriculum, one (1) representative from the GSC, one (1) representative from the Office of Economic Opportunity (OEO), and nonvoting representatives, from Procurement Management Services, Board attorney's office, and Management and Compliance Audits. Exceptions may be granted for sole source contracts, contractors having specific expertise, or as otherwise determined by the committee to be in the best interest of the Board. For contracts with an annual estimated cost of more than \$50,000, exceptions recommended by the committee must be approved by the Board.~~

U. RFP and Professional Service Contracts:

~~Professional service is any type of personal service to the District which requires as a condition precedent to the rendering of such service:~~

- ~~1. the obtaining of a license or other legal authorization; or~~
- ~~2. work which can only be performed by one (1) who has achieved a high level of training and proficiency in the work to be performed.~~

~~Where the contract is estimated to cost less than \$50,000, but more than the threshold established for quotations, and an exception for the procedure outlined above is sought, the contract is not required to be submitted to the Board for approval if the committee has granted an exception pursuant to this policy.~~

~~The Board may make further exceptions on a case by case basis upon recommendation of the Superintendent.~~

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Purchase Requisitions

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

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

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

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Unauthorized Purchases

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

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34 Unauthorized purchases are not binding on the District. Payment for any
35 unauthorized purchase may be the responsibility of the staff person placing the
36 order. Additional disciplinary action may be taken against the responsible staff
37 person.

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39

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

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2 **Protests**

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

5 **Protest of Specifications**

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

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

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1 **Posting the Bond**

2 The protesting party shall post a bond in a form consistent with Rule 28-110.005(2),
3 F.A.C. A notice of decision or intended decision shall contain this statement:
4 “Failure to file a protest within the time prescribed in Section 120.57(3), F.S., 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 Chapter 120, F.S.”

7 A. Bond: Commodities (Other than Lease of Space) and Contractual
8 Services (Including Professional Services and Insurance) – Pursuant
9 to Section 287.042(2)(c), F.S., any person who files an action
10 protesting a decision or intended decision pertaining to a solicitation
11 or contract award shall post with the Board, at the time of filing the
12 formal written protest, a bond secured by an acceptable surety
13 company in Florida, payable to The School Board of Miami-Dade
14 County, Florida, in an amount equal to one percent (1%) of the
15 District’s 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 Section 120.57(3), F.S. In lieu of
22 a bond, the Board may accept a cashier’s check or money
23 order in the 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.

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- 1 | 3. Pursuant to F.S.Section 287.042(2)(c), F.S., if, the Board
2 | prevails in the administrative hearing process and any
3 | appellate court proceedings, it shall be entitled to recover all
4 | costs and charges which are included in the final order or
5 | judgment, excluding attorneys' fees. Upon payment of such
6 | costs and charges by the person protesting the decision or
7 | intended decision or contract award, the bond, cashier's
8 | check, or money order shall be returned to the protestor. If
9 | the protestor prevails, the protestor may recover from the
10 | Board the costs and charges which are included in the final
11 | order or judgment, excluding attorneys' fees.
- 12 | B. Bond: Competitive Bids for Lease of Space -- Pursuant to
13 | F.S.Section 255.25(3)(c), F.S., any person who files an action
14 | protesting a decision or intended decision pertaining to a
15 | competitive bid for space to be leased by the Board shall post with
16 | the Board, at the time of filing the formal written protest, a bond
17 | payable to the Board in an amount equal to one percent (1%) of the
18 | estimated total rental of the basic lease period or \$5,000, whichever
19 | is greater. The bond shall be conditioned upon the payment of all
20 | costs which may be levied against him/her in the administrative
21 | hearing in which the action is brought and in any subsequent
22 | appellate court proceeding. If the Board prevails in the
23 | administrative hearing process and any appellate court proceedings,
24 | it shall recover all costs and charges, which are included in the final
25 | order or judgment, excluding attorneys' fees. Upon payment of such
26 | costs and charges by the person protesting the award, the bond
27 | shall be returned to him/her. If the person protesting the award
28 | prevails, the bond shall be returned to that person and s/he shall
29 | recover from the Board the costs and charges which are included in
30 | the final order or judgment, excluding attorneys' fees.

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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
5 Section 255.0516, F.S., which also governs recovery of fees and
6 costs including attorneys’ 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, F.S. The formal written protest shall state
25 with 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.

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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. Sections 120.569 and 120.57, F.S. Petitions for
5 hearing on protests pursuant to F.S. Sections 120.569 and 120.57, F.S., must be
6 filed in accordance with Board 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
20 A. Bids are to be submitted to Procurement Management Services
21 or electronically up to the time and on the date specified in
22 the bid documents. Bids received after the date and hour
23 specified in the Bid ~~documents der- Qualification Form~~ will not
24 be considered.

25
26 B. ~~At least two (2) Procurement Management Services staff will be~~
27 ~~assigned to facilitate the public bid opening. The following persons~~
28 ~~shall participate in the bid opening function:~~

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

33
34 ~~2. A person designated by the District Director, Procurement~~
35 ~~Management, to record the minutes of the bid opening, and such~~

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- 1 | ~~minutes shall be reported to the Board at the next regularly~~
2 | ~~scheduled Board meeting.~~
- 3 |
- 4 | ~~3. The Executive Director, Project and Contract Management, or an~~
5 | ~~administrator designated by the Executive Director.~~
- 6 |
- 7 | ~~4. Those additional administrators and support staff required for the~~
8 | ~~efficient handling of this procedure.~~
- 9 |
- 10 | ~~C. All construction bids shall be opened and tabulated prior to bids~~
~~being released by the recording secretary.~~
- 11 | C.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. Notification of timely~~
15 | ~~receipt shall be confirmed by the bid opening minutes and~~
16 | ~~submitted to the Board at the next regularly scheduled Board~~
17 | ~~meeting.~~

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

20 | **The Recording or Tabulation of Purchasing Bids**

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

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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.

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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 Rule 6A-1.012(6), F.A.C., 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. Section 287.087, F.S.](#);
- 23 B. Local vendor as defined by Board Policy 6320.05;
- 24 C. Certified service-disabled Veteran business;

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- 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 Aa staff member from the Office Division of Procurement Management will preside
29 over the coin toss and a member from Internal Audits will observe.

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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. Section](#)
7 [295.187, F.S.](#), and Policy 6320.02. In the event there are two (2) or more certified-
8 disabled veteran business enterprises entitled to the preference, then the award
9 shall be given to the 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.

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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 Section 287.0935, F.S.

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1 **Vendor Performance**
2
3

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 [Policy](#)
26 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
36 ~~A bidder who declines an award shall either 1) pay liquidated damages of five~~

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1 ~~percent (5%) of the unit price bid times the quantity, or \$10, whichever is greater, or~~
2 ~~2) lose eligibility to transact new business with the Board for a period of~~
3 ~~fourteen (14) months from the date the Board acts on the withdrawn bid.~~

4 ~~A bidder who accepts an award but fails to perform shall either (1) pay liquidated~~
5 ~~damages of ten percent (10%) of the unit price of the item(s) awarded times the~~
6 ~~quantity when no purchase order has been issued, ten percent (10%) of the~~
7 ~~purchase order when a purchase order has been issued or \$100, whichever is~~
8 ~~greater, or (2) lose eligibility to transact new business with the Board for a period of~~
9 ~~fourteen (14) months from date of termination of award by the Board. The~~
10 ~~ineligibility shall be applicable to the principals individually and the entity, as well~~
11 ~~as any other firm in which a principal of a defaulting firm is a principal. If an~~
12 ~~awardee fails to pay the liquidated damages within fifteen (15) days after it is~~
13 ~~invoked, the awardee shall lose eligibility to transact new business with the Board~~
14 ~~for a period of fourteen (14) months from the date of termination of award by the~~
15 ~~Board. Bidders that are determined ineligible may request a hearing pursuant to~~
16 ~~F.S. 120.57, Board Bylaw 0133. The Board reserves the right to waive liquidated~~
17 ~~damages/loss of eligibility.~~

18 ~~Reinstatement of vendors losing eligibility to transact new business with the Board~~
19 ~~will not be automatic and will be subject to review by the Contractor Disciplinary~~
20 ~~Review Committee (CDRC) as defined in Board Policy 6320.04. Vendors will be~~
21 ~~required to submit a request for reinstatement including, but not limited to,~~
22 ~~information as to their status as a responsible vendor and what steps have been~~
23 ~~taken to avoid such a situation which caused their suspension as a District vendor.~~
24 ~~The CDRC will notify the Board of all vendors denied reinstatement, and the reasons~~
25 ~~for denial.~~

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

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1 | ~~Vendor suspension shall be governed by and accordance with Board Policy 6320.04.~~

2 | **Signatures of Superintendent and Designees on Contracts**

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

10 | **Purchasing cards (Pcards)**

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

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

21 |
22 |
23 | **Purchasing Principles**

24 | Employees shall be guided by the following principles and standards adopted by the
25 | National Institute of Governmental Purchasing (NIGP) Association of Purchasing
26 | Management:

27 | A. Accountability: taking ownership and being responsible to
28 | stakeholders for our actions, essential to preserve the public trust
29 | and protect the public interest. Consider, first, the interest of
30 | his/her company (the Board) in all transactions and to carry out
31 | and believe in its established policies.

32 | B. Ethics: acting in a manner true to these values, essential to preserve
33 | the public's trust. Be receptive to competent counsel from his/her

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~~colleagues and to be guided by such counsel without impairing the
dignity and responsibility of his/her office.~~

C. ~~Impartiality: unbiased decision-making and action, essential to
ensure fairness for the public good. Buy without prejudice, seeking
to obtain the maximum ultimate value for each dollar of
expenditure.~~

D. ~~Professionalism: upholding high standards of job performance and
ethical behavior, essential to balance diverse public interests. Strive
consistently for knowledge of the materials and processes of
manufacture, and to establish practical methods for the conduct of
his/her office.~~

E. ~~Service: obligation to assist stakeholders, essential to support the
public good. Subscribe to and work for honesty and truth in buying
and selling, and to denounce all forms and manifestations of
commercial bribery.~~

F. ~~Transparency: easily accessible and understandable policies and
processes, essential to demonstrate responsible use of public funds.~~

~~F. Accord a prompt and courteous reception, so far as conditions will
permit, to all who call on a legitimate business mission.~~

~~G. Respect his/her obligations and to require that obligations to
him/her and to his/her concern be respected, consistent with good
business practice.~~

~~H. Avoid sharp practice.~~

~~I. Counsel and assist fellow purchasing agents in the performance of
their duties, whenever occasion permits.~~

~~J. Cooperate with all organizations and individuals engaged in
activities designed to enhance the development and standing of
purchasing.~~

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

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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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