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PROCUREMENT POLICY

# CHILDREN'S SERVICES COUNCIL OF PALM BEACH COUNTY

## PROCUREMENT POLICY

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## PROCUREMENT POLICY

### Purpose

The purpose of the Procurement Policy ("Policy") is to ensure that all disbursements of Children's Services Council of Palm Beach County (CSC or Council) funds are made in a fiscally sound manner and in compliance with applicable Council policies, as well as state and federal laws. The focus of the Procurement Policy is:

- To provide user departments with quality goods and services as ordered, and in a timely manner;
- To ensure that all goods and services are purchased in accordance with the annual budget approved by the Council;
- To ensure that appropriate authorization is received prior to making a purchase based on various approval thresholds established through this Policy; and
- To ensure that impartial and equal treatment is afforded to all vendors who desire to do business with the Council.

This policy will apply to all purchases of the Council regardless of the source of funding.

Exception – Funding agreements may contain provisions or requirements related to procurement policies that differ from Council policy. In the event that there is a conflict between a funding agreement provision or requirement and a Council policy, the funding agreement provision or requirement will take precedence over the Council policy.

All purchasing-related documents are public records, unless exempted from Chapter 119 F.S., and will be made available to citizens, vendors, or the media upon a request made to the Public Information Officer or another staff person who will refer the request to the Public Information Officer.

### Code of Conduct

In an effort to fulfill CSC's fiduciary responsibility to the taxpayers of Palm Beach County, all interaction with vendors and contractors must be handled in an ethical manner. CSC staff will:

- A. Afford equal opportunity to all qualified suppliers in the competition for business.
- B. Promote positive supplier relations through professional courtesy and good faith dealing in all phases of the procurement cycle.
- C. Respect the supplier's proprietary information/property from an ethical standpoint, in addition to potential legal ramifications, subject to the requirements of Chapter 119, Florida Statutes.
- D. Enhance CSC's purchasing and overall business reputation by acquiring and maintaining current market knowledge, and adopting and applying sound business practices at a professional level.
- E. Avoid any behavior that may be perceived as unethical or compromising in the award of business. Purchasing standards at CSC prohibit the acceptance of gifts, personal discounts, entertainment, favors, personal services, participation in supplier sponsored promotions/contests, or any other activity that could be perceived to compromise the integrity of CSC's purchasing.

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- F. Refrain from any private business or professional activity that would create a conflict between personal interests and the interests of CSC. However, when certain affiliations cannot be avoided, the employee shall disclose the relationship to his/her supervisor and recuse himself/herself from the decision making process.

## Doing Business with Children's Services Council of Palm Beach County

- A. CSC's conflict of interest policy prohibits staff from accepting gifts, gratuities, or other favors from vendors/contractors.
- B. CSC allows the use of and acceptance of "electronic signatures", as defined in Chapter 668.50, Florida Statutes for agreements or any modification to agreements.
- C. CSC's procurement process provides equal opportunity to all participants and bids are awarded based on best service and maximum value offered. Vendors/contractors will be notified of awards by CSC Operations or the bid coordinator.
- D. CSC may conduct vendor/contractor performance review for vendors/contractors holding long-term contracts with CSC.
- E. Vendor performance issues/concerns should be directed to CSC's Operations/Purchasing department along with any questions or concerns related to the procurement process. Unresolved issues should be presented to the Director of Operations. Performance issues relating to the contractors within the CSC Early Childhood System of Care (ECSOC) will be addressed by the Program Division.
- F. CSC's bidding policies prohibit proposers from contacting CSC personnel or board members regarding the solicitation, other than the person identified in the bid document. If not designated, the proposer/vendor should contact the Director of Operations or CSC General Counsel. Any occurrence of a violation may result in the disqualification of the proposer/vendor. During the open bid period, proposers must not submit any forms of marketing or promotional materials that would raise the proposer/vendor's profile or give the proposer/vendor an advantage or benefit not enjoyed by other perspective proposers/vendors.
- G. Non-profit agencies providing programmatic services must comply with the following CSC Nepotism Policy:

"No individual shall be employed, serve as a member of the Board of Directors, or be hired as a consultant, vendor or contractor by any agency, with respect to any Children's Services Council of Palm Beach County (CSC) funded program, which will (i) result in the existence of a subordinate-superior relationship between such individual and any family member of such through a direct line of authority or (ii) result in multiple family members serving as members of the Board of Directors.

The Executive Director, or other person authorized to bind the organization, will present certification of compliance to CSC as part of all Requests for Proposals ([www.cscpbcc.org/funding-opportunities](http://www.cscpbcc.org/funding-opportunities)). Agency must continue to be in compliance throughout the course of the Contract.

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### Definitions

The following words, terms, or phrases as used in this policy, shall be defined as follows:

- A. Competitive bids or competitive offers is the solicitation of three or more bids or offers submitted by responsive and qualified bidders or proposers. For providers in the ECSOC responding to an RFQ or RFP, there may be fewer than 3 proposals submitted.
- B. Competitive shopping is the practice of obtaining quotes from vendors based upon providing like goods or services.
- C. Contract refers to all types of binding agreements, including purchase orders, of the Council, for the procurement of supplies and contractual services.
- D. Contractor is any person or business entity having a contract with the Council.
- E. Contractual services refer to work performed by an independent contractor who has specialized knowledge, experience, expertise or similar capabilities wherein the service rendered does not consist primarily of acquisition by CSC of equipment or materials.
- F. Cooperative Purchases provide governmental entities the option to participate in, sponsor, conduct, or administer a cooperative purchase with other governmental entities for the procurement of goods or services. In this instance, CSC would join one or more entities that share the same requirement and combine their estimates usages with a common goal to achieve the best price based on economies of scale.
- G. Designee is a duly authorized representative chosen based on capacity and skill set.
- H. Emergency Purchase is a procurement made in response to a need when the delay necessary to comply with all procurement rules, regulations or procedures would be detrimental to the interests, health, safety, or welfare of CSC.
- I. Independent Contractor is a person who contracts to do work with CSC according to his or her own processes and methods; the contractor is not subject to another's control except for what is specified in a mutually binding agreement for a specific job.
- J. Piggyback Purchases provide governmental entities the option to purchase goods or services off an existing contract between a vendor and the federal government; a state or municipal government; another governmental agency; or a government related association. Purchases made through these contracts meet the requirements of competitive bidding.
- K. Qualified is used to describe an individual or business entity that has a recognized certificate, degree or professional standing and/or has demonstrated the ability to handle and successfully complete tasks.
- L. Request for Proposals (RFP) is a written solicitation for confidential proposals with the title, date and hour of the public opening designated. A request for proposal shall include, but is not limited to, general information, functional or general specifications, a statement or scope of work, proposal instructions and evaluation criteria. The Council may engage in competitive negotiations with qualified proposers for the purpose of clarification to assure full understanding of conformance to the solicitation requirements.
- M. Sole Source is an award of contract to the only known source for the required goods or services, occasioned by the unique nature of the requirement, the vendor, and the impracticality of obtaining competition or market conditions. Examples of sole source procurement include, but are not limited to, the following:
  - Certain curriculum or training, or equipment that is available only through the developer or manufacturer or consultant with specific expertise;

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- Items that are available from one source because of patents, copyrights, secret processes, or natural monopolies;
- Films, manuscripts, or books published and available from only one source;
- Electricity, gas, water and other utility services;
- Captive replacement parts or components for equipment;
- Books, papers and other library materials for a public library that are available only from the person holding exclusive distribution rights to the materials;
- Maintenance services required to maintain warranty coverage.

### Procurement Approval Levels

All procurement must be approved. The table below illustrates the required approvals based upon the dollar value of the transaction.

Authorization	≤\$5,000 <sup>1</sup>	>\$5,000 and <\$35,000 <sup>2</sup>	≥\$35,000 and ≤\$50,000 <sup>3</sup>	>\$50,000
Council				X
CEO or designee: <input type="checkbox"/> Chief Financial Officer <input type="checkbox"/> Director of Operations	X X	X X	X X	
Chief or Director	X			
CSC General Counsel or designee <sup>4</sup> : <input type="checkbox"/> Director of Operations		Contract review	Contract review	Contract review

<sup>1</sup>For supervised area; comparison shopping encouraged; procured with purchase order; paid by invoice

<sup>2</sup>Requires an informal written bid process, sole source, or CEO/designee waiver

<sup>3</sup>Requires a formal written bid process, identification as sole source, or CEO/designee waiver

<sup>4</sup>Reviews contracts for legal sufficiency and compliance with CSC's Procurement Policy & Procedures

CEO or designee shall have the authority to authorize contracts for different scopes of work, per vendor, up to an annual (fiscal year) cumulative total of \$100,000. After meeting the annual threshold, any additional contract with the vendor during the same fiscal year, must be approved by the Council.

Purchase amounts shall not be artificially divided to circumvent the approval requirements. Willful violation of these rules will result in termination of purchasing authority for the individual and/or department and may result in disciplinary action against the individual committing the violation.

CSC General Counsel or designee shall review all contracts with a dollar value greater than \$5,000 for legal sufficiency and compliance with CSC Procurement Policy and procedures. Programmatic agreements must be created with the assistance of the General Counsel and, if in excess of \$50,000, authorized by the Council by annual or special resolution. All other contracts must be processed utilizing the Contract Request form and process.

### Planning & Budget Restrictions

Planning for purchases is to be done on both a short-term and long-term basis by Council staff. The CSC

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Operations cannot always guarantee the timely processing of small orders and last minute, unplanned purchases.

No purchases will be authorized or processed unless there are budgeted funds available.

### Vendor Selection

Quality buying is the buying of goods or services that will meet, but not necessarily exceed, the requirements for which they are intended. In some instances, the primary quality consideration will be durability. With other purchases, it may be a question of immediate availability, ease of installation, frequency of repair, or efficiency of operation that must be given primary consideration. It is the responsibility of both the requesting department and CSC Operations to secure the best quality for the intended purpose.

#### Local & Minority Vendor

CSC shall make a concerted effort to solicit bids from local and minority business owners in Palm Beach County. Bids and quotations received from all vendors will be evaluated based on the following criteria:

1. Lowest qualified prices; and
2. Best quality of goods or services

#### Sole Source Vendors

In the event there is only one vendor (sole source) capable of providing a particular good or service, the Chief Executive Officer may approve all sole source purchases without competitive bidding for goods and services valued less than or equal to \$50,000. Procurement of sole source goods or services over \$50,000 without competitive bidding requires approval by the Council.

#### Government Procurement Programs

Wherever cost beneficial, the Council shall make purchases through piggyback contracts or cooperative purchasing programs sponsored by the federal government, a state or municipal government, another governmental agency, or a government related association. Piggyback contracting and cooperative purchasing can prove advantageous to CSC by taking advantage of the large quantity purchases made by governmental entities. Purchases made through these programs meet the requirements of competitive shopping.

#### Procurement Waivers

The Chief Executive Officer or designee is authorized to waive this Policy and, specifically, the requirement that: 1) three written quotes be obtained for all purchases greater than \$5,000 and less than \$35,000; and 2) formal competitive bids be obtained for all purchases equal or greater than \$35,000 and equal or less than \$50,000 where conditions, circumstances, and the public interest do warrant an exception. Waiving the competitive bid process for purchases greater than \$50,000 requires the approval of the Council. All waivers must be obtained in advance and documented prior to the purchase of goods or services.

Circumstances that may permit the CEO/or designee to waive procurement policies include, but are not limited to, the following:

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- Where a valid emergency exists such that any further delay in procuring the goods or services is detrimental to CSC;
- Where standardization or compatibility is the overriding consideration (i.e. existing furniture, computer systems/equipment)
- Where a grantor or donation predicates the source of supply and such a condition is specifically defined in the award document (i.e. research grant or contract) but the grantor or donor is not the source;
- Where additional commodities or services are essential to the completion of an ongoing job or task under which any substitution will negatively affect the desired outcome;
- Where a particular commodity or service is required for recognized experimental, developmental, or research work;
- Where the requirement is for an authorized collaborative project with other governmental unit(s) or non-profit organization(s);
- Where a recent competitively bid purchase provides a satisfactory price and can be reasonably extended to the instant requirement. Note that "recent" is generally defined as within the past six (6) months or 180 days.

### Emergency Purchases

In the event of a declared state of emergency by the President of the United States, the Governor of the State of Florida or by the Palm Beach County government; the CEO or designee is authorized to enter into agreements necessary for the continuation of CSC operations (provided such actions are within the most recently approved Council budget). In situations posing immediate danger to the health, safety, or welfare or other substantial loss (i.e. disaster response, facility repairs, equipment purchases, etc.), the CEO or designee may enter into agreement(s) with pre-approved vendors or following an informal bid process and consultation by the CEO, or designee, with the Council Chair (Council Vice-Chair in the event Chair is unavailable). Staff will report all emergency contract expenses to the Council at its next regularly scheduled business meeting.

### Sales Tax Exemption

The Council is exempt from all local sales taxes, state sales taxes, and Federal excise taxes.

### Indirect Cost Limits for Universities

When contracting with universities or other academic institutions, the indirect cost rate allowed by CSC will not exceed the then-current maximum indirect cost rate approved for other CSC providers.

### Sustainable Purchasing Policy

A Sustainable Purchasing Policy has been adopted in an effort to encourage and increase the use of environmentally preferable consumable products and services. By including environmental considerations in purchasing decisions, the Council can promote practices that improve employee and public health, conserve natural resources and reward environmentally conscious manufacturers, while remaining fiscally responsible. Please refer to the Facilities Manual for more information on this policy.

### Formal Purchasing Procedures and Processes

Staff is not permitted to purchase items or services directly from vendors, bypassing the internal



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purchasing process. The CEO or designee reserves the right to reject said purchases and assumes no liability for such activities.

### Formal Competitive Bid Guidelines

Formal confidential bids are to be solicited when goods or services to be purchased are estimated to be greater than or equal to \$35,000. This process is to be coordinated through CSC's Director of Operations and General Counsel, to ensure compliance with all Council policies.

Formal quotes are required for commodities and trade services, professional services, and construction contracts as follows:

Amount	Authorization Process
- ≤\$5,000	Chief or Director discretion
- >\$5,000 and <\$35,000	Three written quotes required; or CEO/designee waiver
- ≥\$35,000 and ≤\$50,000	Formal competitive process; or CEO/designee waiver
- >\$50,000	Formal competitive process and Council approval or waiver of formal competitive process; CEO executes documents

The quotation levels identified above are for individual items with the following exceptions:

1. If two or more items are purchased of the same kind the combined purchase amount must be used to determine the appropriate quotation level.

### Specifications

When goods or services are to be bought under the formal competitive bidding process, specifications are to be prepared by the requesting department.

### Formal Contracts

Formal contracts detail obligations for the purchase of goods or services and the payment arrangements between the Council and the contracting party. The Council's General Counsel or designee will review contracts in excess of \$5,000 prior to execution to ensure that all applicable Council policies are adhered to. The Chief Executive Officer or designee is authorized to execute contracts with a value of less than or equal to \$50,000. The Council must approve all contracts in excess of \$50,000 and authorize the Chief Executive Officer to execute such contracts. The CEO and/or designee are authorized to execute contracts on behalf of the Council.

In the event that Council staff wishes to recommend the renewal of an existing contract, the recommendation will be placed on the Council's consent agenda for approval when the contract exceeds \$50,000. If the contract being recommended for renewal is less than, or equal to \$50,000, it may be executed by the Chief Executive Officer.

### Exceptions to the Formal Purchasing Process

The following purchasing activities are by their nature, exempt from the formal competitive bidding process:

- Certain curriculum or training, or equipment that is available only through the developer or manufacturer or consultants with specific expertise

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- Items that are available from one source because of patents, copyrights, secret processes, or natural monopolies
- Electricity, gas, water and other utility services
- Captive replacement parts or components for equipment
- Books, papers and other library materials that are available only from the person holding exclusive distribution rights to the materials
- Maintenance services required to maintain warranty coverage
- Advertising, radio, newspaper, television and other media, if exclusive area of coverage or other factor(s) preclude competition
- Perishable goods used in the preparation of meals
- Professional services such as architects, engineers, and others, who in keeping within the standards of their discipline, or pursuant to applicable law, will not enter into a competitive bidding process (RFQs may be available)
- Purchases from governmental entities (i.e. County, State, Federal) or vendors identified through governmental cooperative purchasing contracts
- Postage
- Membership dues and sponsorships
- Publications (including subscriptions) from publishers or exclusive distributors of such publications
- Processed media movies, slides, video, software, etc. from an exclusive processor, producer or exclusive distributor
- Conference, training, travel, and educational expenses
- Licenses (payable to governmental entities or for proprietary software)
- Permits (payable to governmental entities)
- Emergency purchases

## Types of Bid Documents

### Informal Written Quotes

CSC will accept informal written quotes for all purchases with a dollar value greater than \$5,000 and less than \$35,000. Vendor provides quotes for pricing or services information in writing for commodities or contractual services.

### Invitation for Bid (IFB)

The IFB shall be used when the Council is capable of specifically defining the scope of work for which contractual service is required or when the Council is capable of establishing precise specifications defining the actual commodities required. The award will be to the responsible respondent who can provide the specified goods or services at the lowest qualified price.

### Request for Proposals (RFP)

The RFP shall be used to provide potential respondent latitude to develop and recommend items or services that satisfy the need as stated in the RFP. In securing goods or professional services, it is the primary goal of the Council to obtain these items from a vendor who has a proven record of providing, in a professional manner, the goods or services required. The award will be based upon several factors, including, but not limited to, creativity, innovation, and thoroughness of solution of need. Price is an

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important factor, but only when the function offered satisfies the need. The Council may engage in competitive negotiations with responsible proposers for the purpose of clarification to ensure full understanding of conformance to the solicitation requirements. A contract will be negotiated by staff and approved with the respondent deemed to best meet the Council's need.

All IFBs and RFPs will contain, as a minimum, the following details:

- Vendor qualifications and experience
- Scope of work or specifications of the goods or services sought
- Notices and deadlines
- Modifications and notifications
- Methods of billing and payments
- Applicable insurance requirements

### Request for Information (RFI)

The Request for Information shall be used to request from vendors' information or specifications concerning commodities or contractual services. Responses to these requests are not offers and may not be accepted by the agency to form a binding contract. Information obtained through an RFI will be used to define the scope of work or develop specifications for a formal bid document.

### Request for Qualifications (RFQ)

The Request for Qualifications shall be used to obtain a statement of qualifications from proposers. CSC may request the proposer submit a fee schedule in addition to their qualifications in an effort to secure fixed and firm fees. The purpose of the RFQ process may also be used to identify one or more qualified certified vendors. CSC, at its option, may issue a subsequent bid document to those determined to be qualified.

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