



## COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM REQUEST FORM

The Board of County Commissioners meets the 1st and 3rd Thursday of each month in the Columbia County School Board Administrative Complex Auditorium, 372 West Duval Street, Lake City, Florida 32055. The first meeting of every month is at 9:30AM while the second meeting of every month takes place at 5:30PM. All agenda items are due in the Board's office one week prior to the meeting date.

Today's Date: 5/11/2022 Meeting Date: 5/19/2022

Name: Mike Null Department: Purchasing

Division Manager's Signature:

A handwritten signature in blue ink, appearing to be "Mike Null", is written over the line for the Division Manager's Signature.

### 1. Nature and purpose of agenda item:

As part of a compliance review by the Florida Department of Economic Opportunity, the County needs to update the Purchasing Policy For Grants Using Federal Funding to add a reference to the Code of Federal Regulations Uniform Administrative Requirements for Federal Awards.

### 2. Recommended Motion/Action:

Approve Amendment to Purchasing Policy For Grants Using Federal Funding

### 3. Fiscal impact on current budget.

This item has no effect on the current budget.

District No. 1 - Ronald Williams  
District No. 2 - Rocky Ford  
District No. 3 - Robby Hollingsworth  
District No. 4 - Toby Witt  
District No. 5 - Tim Murphy



**BOARD OF COUNTY COMMISSIONERS • COLUMBIA COUNTY**

**MEMORANDUM**

DATE: May 10, 2022

TO: Board of County Commissioners

FROM: Mike Null, Purchasing Officer *PMW*

RE: May 19, 2022 Agenda—Policy Amendment:  
Approval of Proposed Amended Purchasing Policy  
For Grants Using Federal Funding

Following a review by Florida Department of Economic Opportunity (FDEO) regarding one of the County's CDBG projects, the County is directed to update its PURCHASING POLICY FOR GRANTS USING FEDERAL FUNDING, to include a requirement to meet Code of Federal Regulations (CFR) Uniform Administrative Requirements for Federal Awards. A copy of the Policy is attached which includes the proposed (highlighted) amendment.

BOARD MEETS FIRST THURSDAY AT 9:30 A.M. AND THIRD THURSDAY AT 5:30 P.M.

P.O. BOX 1529

LAKE CITY, FLORIDA 32056-1529

PHONE (386) 755-4100

**COLUMBIA COUNTY  
PURCHASING POLICY FOR GRANTS USING  
FEDERAL FUNDING**

**Section 1                      PURPOSE**

This policy is adopted to assure that commodities and services purchased using federal funds including the Community Development Block Grant Program are obtained efficiently and effectively in free and open competition and through the use of sound procurement practices. All Columbia County staff and other persons (sub-grantees or contractors) with designated responsibility for the administration of federally funded grant contracts are responsible for ensuring compliance with all applicable federal and state laws and regulations. These include but are not limited to: OMB Circular A-102, attachment O; 2 CFR-Part 200.317-.326; s. 255.0525 and 287.055, Florida Statutes, Chapter 73C-23 Florida Administrative Code and Code of Federal Regulations Uniform Administrative Requirements for Federal Awards.

**Section 2                      APPLICATION OF POLICY**

This policy shall apply to contracts or agreements for the procurement of all materials, supplies, services, construction and equipment for any federally funded grant including Community Development Block Grant Program solicited or entered into after the effective date of this policy.

**Section 3                      PURCHASING DIRECTOR**

The Columbia County Purchasing Director shall serve as the central purchasing officer (the "Purchasing Officer") of Columbia County for all contracts or agreements described in Section 2.

**Section 4                      PURCHASING AND CONTRACT AWARD**

**PROCEDURES Section 4.01      PURCHASING CATEGORIES; THRESHOLD**

**AMOUNTS**

Except as to Sole Source Purchases (Section 4.06) and Cooperative Purchasing (Section 4.07), all purchases and contract awards are to be made subject to the provisions of the appropriate Section according to the following threshold amounts:

- A.      Small Purchases.....\$1.00 to \$2500
- B.      Purchasing Quotes .....\$2500.01 to \$25,000.00
- C.      Competitive Sealed Bids/Proposals .....\$25,000.01 and above.

**Section 4.02                      SMALL PURCHASES**

The purchase of commodities, equipment and services which cost less than the threshold authorized in Section 4 does not require solicitation of quotes or bids. Small purchases shall be authorized by the Purchasing Officer or his/her designees.

**Section 4.03                      PURCHASING QUOTES**

The purchase of goods and services which cost within the range authorized for purchasing quotes in Section 4 shall require competitive quotations from three or more vendors.

When requesting quotations for items costing from \$2501 to \$10,000, three verbal quotations shall be sufficient; however, a supplier may be required to provide a written quote depending on the complexity of the requirement.

Quotations for items in excess of \$10,001 and up to \$25,000 must be in writing and appear on the bidders letterhead or company invoice stating that it is a quote.

All requests for purchases or contracts except as provided below, when the sum is in excess of the bid limit (\$25,000.00) shall advertise for competitive sealed bids. The Board of County Commissioners approval is required for Sealed Bid awards.

Section 4.04                      COMPETITIVE SEALED BIDDING

1.     Conditions. All contracts for purchases of a single item, services or aggregate in excess of the established base amount for Competitive Sealed Bids/Proposals in Section 4, where price, not qualifications, is the basis for contract award, shall be awarded by competitive sealed bidding. Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible and responsive bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest price.
  
2.     Invitation to Bid. An invitation to bid shall be issued and shall include specifications, all contractual terms and conditions, and the place, date, and time for opening or submittal. No later than five working days prior to the date for receipts of bids, a vendor shall make a written request to the County for interpretations or corrections of any ambiguity, inconsistency or error which the vendor may discover. All interpretations or corrections will be issued as addenda. The County will not be responsible for oral clarifications. No negotiations, decisions or actions shall be initiated or executed by the proposer as a result of any discussions with any County employee prior to the opening of proposals. Only those communications which are in writing from the County may be considered as a duly authorized expression on the behalf of the Board. Also, only communications from firms or individuals which are in writing and signed will be recognized by the Board as duly authorized expressions on behalf of proposers.
  - (1)     Alternate(s). Alternate bids will not be considered unless authorized by and defined in the Special Conditions of the bid specifications.
  
  - (2) Approved Equivalents. The County reserves the right to determine acceptance of item(s) as an approved equivalent. Bids which do not comply with stated requirements for equivalents in the bid conditions are subject to rejection. The procedure for acceptance of equivalents shall be included in the general conditions of the bid.
  
3.     Public Notice. Under Section 255.0525(2), F.S. and Rule 73-23.00521(2)(a), F.A.C., a notice for Request for Proposals must be advertised for proposals that are projected to cost more than \$200,000.00 shall be published in at least one daily newspaper of general circulation in Columbia County as well as a nearby federal Office of Management and Budget (OMB) designated metropolitan statistical area (MSA) at least 21 days prior to the

established bid opening and at least 5 days prior to any scheduled pre-bid conference.

An invitation to bid for construction projects that are projected to cost more than \$500,000.00 shall be publicly advertised at least once in a newspaper of general circulation in Columbia County at least 30 days prior to the established bid opening and at least 5 days prior to any scheduled pre-bid conference.

Additionally, notice shall be sent to those vendors and contractors on the County's MBE/WBE solicitation list.

4. Alternatively, the County may substitute the above notice with any solicitation procedure, which generates at least three responsible and responsive bids or proposals, which can be considered. However; if three responsible and responsive bids or proposals are not received, the procurement will be invalid.
5. Bid Opening. Bids shall be opened publicly. The Purchasing Officer or his/her designee shall open bids in the presence of one or more witnesses at the time and place designated in the Invitation to Bid. The amount of each bid, and other such relevant information as may be deemed appropriate by the Purchasing Officer together with the name of each bidder, and all witnesses shall be recorded. The record (Bid Report) and each bid shall be open to public inspection.
6. Bid Acceptance and Evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this policy. Bids shall be evaluated based on the requirements set forth in the Invitation to Bid, which may include, but not be limited to criteria to determine acceptability such as; inspection, testing, quality, recycled or degradable material content, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measured, such as discounts, transportation costs, and total or life cycle costs. No criteria may be used in bid evaluation that are not set forth in the Invitation to Bid, in regulations, or in this policy. Any or all bids may be rejected if there is a sound documented reason.
7. Bid Agenda Item. After evaluation, the Purchasing Officer will prepare a recommendation and shall place the item on the agenda of the Board of County Commissioners.
8. Correction or Withdrawal of Bids; Cancellation of Awards. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such bids mistakes, shall be permitted where appropriate. Mistakes discovered before bid opening may be modified or withdrawn by written or telegraphic notice received in the office designated in the Invitation to Bid prior to the time set for bid opening. After bid opening, corrections in bids shall be permitted only to the extent that the bidder can show by clear and convincing evidence that a mistake, of non-judgemental character was made, the nature of the mistake, and the bid price actually intended. After bid opening, no changes in the bid price or other provisions of bids prejudicial to the interest of the County or fair competition shall be permitted. In lieu of bid correction, a low bidder alleging a material



mistake of fact may be permitted to withdraw his bid if:

- (1) the mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or
  - (2) the bidder submits evidence which clearly and convincingly demonstrates that a mistake was made. All decisions to permit the correction or withdrawal of bids or to cancel awards or contracts based on bid mistakes shall be supported by a written determination made by the Purchasing Officer.
9. Multi-Step Sealed Bidding. When it is considered impractical to initially prepare a purchase description to support an award based on price, an Invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been determined to be technically acceptable under the criteria set forth in the first solicitation.
10. Award. The contract shall be awarded with reasonable promptness to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the Invitation to Bid.

The County reserves the right to waive any informality in bids and to make an award in whole or in part when both conditions are in the best interest of Columbia County. Any requirement which is waived must be documented and kept in the file.

- (1) Notice of Intended Award. The contract shall be awarded by written notice. Every procurement of contractual services shall be evidenced by a written agreement. Notice of intended award, including rejection of some or all of bids received, may be given by posting the bid tabulations where the bids were opened, by telephone, by first class mail, or by certified United States mail, return receipt requested, whichever is specified in bid solicitation. A vendor may request, in their bid submittal, a copy of the tabulation sheet to be mailed in a vendor provided, self-addressed envelope for their records.
  - (2) Notice of Right to Protest. All notices of decision or intended decisions shall contain the statement: "Failure to file a protest within the time prescribed in Section 4.08 of the CDBG Purchasing Policy of Columbia County shall constitute a waiver of Proceedings under that section of this policy".
11. Cancellation of Invitations for Bids. An Invitation for bids or other solicitation may be canceled, or any or all bids may be rejected in whole or in part when it is in the best interests of the County, as determined by the Board. Notice of cancellation shall be sent to all businesses solicited. The notice shall identify the solicitation, explain the reason for cancellation and, where appropriate, explain that an opportunity will be given to compete on any re-solicitation or any future procurement of similar items.

12. Disqualification of Vendors. For any specific bid, vendors may be disqualified for the following reasons:

- (1) Failure to respond to bid invitation three consecutive times within the last eighteen (18) month period.
- (2) Failure to update the information on file including address, project or service, or business description.
- (3) Failure to perform according to contract provisions.
- (4) Conviction in a court of law of any criminal offense in connection with the conduct of business.
- (5) Clear and convincing evidence of a violation of any federal or state anti-trust law based on the submission of bids or proposals, or the awarding of contracts.
- (6) Clear and convincing evidence that the vendor has attempted to give a County employee a gratuity of any kind for the purpose of influencing a recommendation or decision in connection with any part of the County's purchasing activity.
- (7) Failure to execute a Public Entity Crimes Statement as required by Florida Statutes Chapter 287.133 (3) (a).
- (8) Other reasons deemed appropriate by the County.

Section 4.05 COMPETITIVE SEALED PROPOSALS

All contracts for purchases of a single item or services or aggregate in excess of the established base amount for Competitive Sealed Bids/Proposals in Section 4, where qualifications, not price, is the basis for contract award, shall be awarded by competitive sealed proposals.

Section 4.051 PROFESSIONAL ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURAL AND LAND SURVEYING SERVICES

All contracts for the procurement of professional architectural, engineering, landscape architectural, and land surveying services will be awarded according to the provisions of Section 307 of the Board of County Commissioners Columbia County, Florida Purchasing Policies and Procedures.

All other contracts required to be awarded by competitive sealed proposals will be awarded according to the provisions of Section 4.052.

Section 4.052 OTHER COMPETITIVE SEALED PROPOSALS (non-287.255 services)

1. Conditions for Use. All contracts required by Section 4.05 to be awarded by competitive sealed proposals that are not for the procurement of professional architectural, engineering, landscape architectural, and land surveying services, will be awarded according to the provisions of this section.
2. Consultant's Competitive Negotiation Act. Professional services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered

land surveying, as defined under the Consultant's Competitive Negotiation Act (Section 287.055, Florida Statutes), shall be secured under the provisions of Section 4.051.

3. Board Approval. Proposals anticipated to exceed the threshold established in Section 4 for Competitive sealed Proposals shall be approved by the Columbia County Board prior to solicitation.
4. Public Notice. Public Notice shall be by publication in a newspaper of general circulation at least twelve (12) working days prior to proposal opening. Notice of the Request for Proposals shall give date, time, and place set forth for the submittal of proposals and opening.
5. Evaluation Factors. The Request for Proposals shall state the relative importance of criteria outlined in the scope of services, fee proposal, and other evaluation.
6. Proposal Cancellation or Postponement. The Purchasing Officer may, prior to a proposal opening, elect to cancel or postpone the date and/or time for proposal opening or submission.
7. Revisions and Discussions with Responsible Offerors. As provided in the Request for Proposals, and under regulations promulgated by the Columbia County Board, discussions may be conducted with responsible offerors who submit proposals determined to be qualified of being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted after submission and prior to award for the purpose of obtaining the best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors. The Purchasing Officer shall prepare a written summary of the proposals and make written recommendation of award to the Board. As a part of the recommendation, the Purchasing Officer shall conduct a cost analysis, including evaluation of profit, based on a cost breakout by the firm of its proposed price.

Award. Award shall be made by the Board to the lowest responsible offer or whose proposal is determined in writing to be the most advantageous to the Columbia Board, taking into consideration the evaluation factors set forth in the Request for Proposals. No other factors or criteria shall be used in the evaluation criteria that is not included in the Request for Proposal.

#### Section 4.06

#### SOLE SOURCE PURCHASES

Sole Source Certification. The procurement for all professional services and any contract resulting from a non-competitive procurement process must meet the requirements of 2 CFR Part 200 and Section 287.055 of the Florida Statutes. The County's Purchasing Officer must conduct a cost or price analysis of all proposed prices on sole source purchases, analysis shall include a review of profit as a separate element.



Additional Purchases from Certified Sole Source The Purchasing Officer may be authorized, after initial sole source certification and DEO approval, to make additional purchases from a sole source vendor for not less than one year or until such time a contrary evidence is presented regarding sole source eligibility, whichever period is less.

Section 4.07 COOPERATIVE PURCHASING

1. State Contracts. The Purchasing Officer is authorized to purchase goods or services for any dollar amount from authorized vendors listed on the respective state contracts of the Department of Management Services, subject otherwise to the requirements of this policy.
2. Other Governmental Units. The Purchasing Officer shall have the authority to join other units of government in cooperative purchasing ventures when the best interest of the County would be served thereby, and the same is in accordance with this policy and with the County and State Law.

Section 4.08 BID PROTEST

All Bid Protest procedures shall be conducted according to the provisions of Section 304.8 of the Board of County Commissioners Columbia County, Florida Purchasing Policies and Procedures.

1. Right to Protest. Any actual prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of contract may protest to the Columbia County Board of County Commissioners. Protestors shall seek resolution of their complaints initially with the Purchasing Officer and secondly with the County Manager prior to protesting to the Board.
2. Filing a Protest. Any bidder opposed to an intended decision on any bid award must file with the Purchasing Director a written notice of intent to file a protest, **no later than seventy-two (72) hours (excluding Saturdays, Sundays and legal HOLIDAYS), after the posting of the bid tabulation.** The initial notice of protest shall clearly state it is a bid protest; shall include the name, contact address, and contact phone number of the bidder; shall include the bid number; shall state the basis of the protest; and shall be signed by the bidder. **Failure to state the basis of the protest shall be just cause for the protest to be rejected according to the bid protest procedures.** The written notice of intent to file a protest shall be filed with the Purchasing Director no later than four-thirty (4:30) P.M. of the second working day following the day of the bid opening. Failure to file a notice of protest or failure to file a formal written protest shall constitute a waiver of proceedings under this Section.
3. Following the filing of the Protest Notice, the bidder must submit a formal written bid protest within five (5) Columbia County workdays. Allotted time may be reduced, if necessary, to protect the health, safety and welfare, or other such interest of Columbia County, with consideration given to the affected party. No changes or amendments to the formal written protest will be allowed after the five (5) workday expiration date.

The formal written protest shall contain the following:

Columbia County bid number and description as advertised.

Name and address of company or person filing the protest.

Name and title of person submitting the protest. If other than the bidder, a letter from the bidder authorizing him/her to act on the bidder's behalf.

A statement of disputed material facts. If there are no disputed material facts, the written formal protest must so state.

A precise statement of the facts, rules, regulations, statutes, and constitutional provisions entitling the affected party to relief.

A statement indicating the relief requested.

Any other information material to the protest.

The protestant shall mail a copy of the notice of protest and the formal written protest to any person with whom he/she is in dispute.

4. Settlement and Resolution. The Purchasing Officer shall; within 14 calendar days of the formal written protest, attempt to resolve the protest prior to any proceedings arising from the position. Provided, however, if such settlement will have the effect of determining a substantial interest of another party or business, such settlement must be reached in the course of the proceedings provided herein.
5. Protest Proceedings. If the protest cannot be resolved by mutual agreement, the Purchasing Officer shall conduct or designate another to conduct a protest proceeding pursuant to the following procedures:
  - (1) Protest Proceeding Procedures.
    - (a) The presiding officer shall give reasonable notice to all substantially affected persons or businesses. Otherwise petitions to intervene will be considered on their merits as received.
    - (b) At or prior to the protest proceeding, the protestant may submit any written or physical materials, objects, statements, or affidavits, and arguments which he/she deems relevant to the issues raised.
    - (c) In the proceeding, the protestant, or his/her representative or counsel, may also make an oral presentation of his evidence and arguments. However, neither

direct nor cross-examination of witnesses shall be permitted, although the presiding officer may make whatever inquiries he/she deems pertinent to a determination of the protest.

- (d) The judicial rules of evidence shall not apply and the presiding officer shall base his/her decision on such information given in the course of the proceeding upon which reasonable prudent persons rely in the conduct of their affairs.
  - (e) Within seven (7) working days of the conclusion of the proceeding, the presiding officer shall render a decision which sets forth the terms and conditions of any settlement reached. Such decision of the presiding officer shall be conclusive as to the recommendation to the Columbia Board.
  - (f) Any party may arrange for the proceedings to be stenographically recorded and shall bear the expense of such recording.
- (2) Intervenor. The participation of intervenors shall be governed by the terms of the order issued in response to a petition to intervene.
  - (3) Time Limits. The time limits in which protests must be filed as provided herein may be altered by specific provisions in invitation for bids or request for proposal
  - (4) Entitlement to Costs. In no case will the protesting bidder or offeror be entitled to any costs incurred with the solicitation, including bid preparation costs and attorney's fees.
6. Stay of Procurement During Protests. In the event of a timely protest under Subsection A of this Section, the Purchasing Officer shall not proceed further with the solicitation or award of the contract until all administrative remedies have been exhausted or unless the Columbia Board makes a determination that the award of a contract without delay is necessary to protect the substantial interest of the Columbia .

#### Section 4.09

#### BONDING

For all construction or facility improvement contracts, Columbia County shall, at a minimum, require:

- 1. A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified;
- 2. A performance bond on the part of the contractor for 100 percent of the contract price; and
- 3. A payment bond of the part of the contractor for 100 percent of the contract price.

#### Section 4.10 MBE/WBE and Section 3 under CDBG.

Any purchasing activities occurring under the Community Development Block Grant must, as a supplemental condition, comply with MBE/WBE and Section 3 requirements. In summary, the County and all contractors shall document efforts to utilize MBE/WBE firms, including identifying what firms were solicited as suppliers and/or subcontractors, as applicable. Additionally, if a contractor hires new employees for work performed under the Community Development Block Grant, they will need to document efforts to comply with Section 3 hiring practices and report this participation to the County in a form acceptable to the County.

Minority Business Enterprise (MBE) as used herein, means a business that is owned and controlled at least 51% by one or more minority persons (MBE) or by one or more women (WBE) and whose management and daily operations are controlled by one or more such persons.

##### COUNTY'S PRE-BID ACTIVITY

- (1) Language regarding the Minority Business Enterprise and Section 3 Programs will be inserted into bid specifications to assure that prospective bidders are aware of a requirement to make good faith efforts to utilize MBE/WBEs.
- (2) Registered MBE/WBEs will be notified in writing regarding the bid and pre-bid conferences.
- (3) Majority (prime) contractors on the bid list will be sent a letter outlining the Minority Business Enterprise Program procedures, the supportive documentation required for submittal with their bid, and a list of MBE/WBE contractors on the bid list.
- (4) MBE/WBE and Section 3 participation for a CDBG project and the contractor commitment to carry out the program will become a part of the contract awarded by the County. Failure to keep these commitments will be deemed noncompliance with the contract and may result in a breach of contract.

##### CONTRACTORS RESPONSIBILITY

1. Contractors must document all MBE/WBEs contracted for quotes regarding a particular scope of work to submit to the County not less than quarterly.
2. A contractor's MBE/WBE plan will utilize MBE/WBEs to perform commercially useful functions in the work bid.
3. Contractors are required to make good faith efforts to obtain MBE/WBE participation. If these efforts are unsuccessful, the contractor will submit notice to the County of non-availability or refusal to participate.



4. The contractor who is the successful bidder will attend pre-construction conferences with appropriate County representatives to review the project scope and the MBE/WBE utilization plan.
5. The contractor who is the successful bidder must request a change order for any modification to the MBE/WBE plan. Change orders require Board approval and are contingent on contractor documentation of MBE/WBE involvement in the change requested and documentation of cause for these changes.
6. If a contractor hires new employees for work performed under the Community Development Block Grant, they will document efforts to comply with Section 3 hiring practices and report this participation to the County in a form acceptable to the County