

ORDINANCE 93-11

AN ORDINANCE AMENDING ORDINANCE 81-8, AS AMENDED, WHICH ESTABLISHED A BID LIMIT FOR THE COURT; SPECIFICALLY ADOPTING A PURCHASING POLICY FOR THE COUNTY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Nassau County, Florida, because of rising costs of all facets of County government, finds it necessary to raise the bid limit from \$2,000.00 to \$3,000.00 and

WHEREAS, it is within their authority to raise the bid limitation from \$2,000,.00 to \$3,000.00,

THEREFORE, BE IT RESOLVED that the following Ordinance is hereby enacted.

~~SECTION 1-3. MAXIMUM PURCHASES WITHOUT BIDS.~~

~~The Board of County Commissioners of Nassau County is authorized to enter into contracts and purchase goods, supplies and materials when such contracts or purchases are in amounts of three thousand dollars (\$3,000.00) or less without advertising for or taking bids under Section 128.108, Florida Statutes (Sp. Acts, Ch. 67-1740, § 1; Ord. No. 73-27, 10-23-73).~~

PURCHASING POLICY

SECTION 1 - PURPOSE

The purpose of this purchasing policy is to promote efficiency and economy in the purchase of various commodities for the Nassau County Board of County Commissioners. Further, this policy's

purpose is to provide guidance and direction to all employees involved in the purchasing process.

**SECTION 2 - FINAL RESPONSIBILITY**

The final responsibility for the carrying out of the provisions of this policy rests with the Nassau County Board of County Commissioners. The Board shall designate employees and/or officers to administer the various facets of this policy.

**SECTION 3 - DEFINITIONS**

1. BOARD - The Board is the Nassau County Board of County Commissioners.

2. CLERK - The Clerk is the Clerk of the Circuit Court who serves as Ex-Officio Clerk to the Board of County Commissioners and Chief Finance Officer of the County.

3. PURCHASING AGENTS - The Purchasing Agents are employees or officers designated by the Board of County Commissioners as having authority to make purchases.

4. DEPARTMENT HEADS - The Department Heads are those individuals who are designated by the Board to be heads of various departments of the Board.

5. PURCHASE - A purchase is defined as an acquisition by contracting in any manner, whether by rent, lease, lease/purchase, or outright purchase, with a source of supply for commodities or for both services and commodities. Within the meaning of this definition, the following are not purchases or commodities:

a. Transfer, sale or exchange of personal property between governmental agencies;

b. Utilities;

c. Public communications, i.e., telephone, telegraph, newspaper ads, etc.

d. Transportation of persons or things;

e. Educational Seminars/Workshops;

f. Overnight Lodging;

g. Professional Services (when a contract has been signed and amount is determinable, a purchase order shall be obtained and funds shall be encumbered).

6. FORMAL BID - A formal bid is defined as a sealed bid with the title, date, and hour of the public bid opening designated.

7. INFORMAL BID - An informal bid is defined as a written quotation not requiring a public opening of such bid at specific time or date.

8. COMPETITIVE BIDS - Competitive bids shall mean two or more valid responses to a bid invitation.

9. EMERGENCY PURCHASE - An emergency purchase is required when the circumstances surrounding the emergency can only be rectified by the immediate purchase of commodity or service. The immediate purchase of the commodity or service will alleviate, improve or render null and void the County's exposure to life threat, property threat or financial loss/risk. An emergency is defined as a situation in which there is threat to life, a threat to property or a situation that exposes the County to material financial loss or liability.

10. PURCHASE REQUISITION - A purchase requisition is a four-part form prepared by the requisitioning individual. The requisitioner shall complete the form and submit it to the Finance Department. Once copy of the requisition remains with the requisitioner and the remaining three copies go to the Finance Department.

11. PURCHASE ORDER - The Purchase Order portion of the purchase requisition shall be completed by the Finance Department. Upon validation, the purchase order is distributed as follows: one copy to the vendor, one copy remains in the Finance Department and one copy is returned to the requisitioner to be used as a receiving report. (Validation shall mean signature by the Clerk or an authorized Deputy Clerk).

12. SOLE SOURCE - The single or sole provider of particular goods or services.

#### **SECTION 4 - PURCHASING RULES AND REGULATIONS**

1. Purchase Requisition - Certain employees or officers, who are designated by the Board to its authorized representatives, shall have the authority to request purchases on the approved purchase requisition forms. The requisitioner shall submit the purchase requisition form to the Finance Department. Finance shall review the requisition for completeness and to ensure that the requisitioner has been authorized by the Board or its representative to make requisitions, that the appropriate fund account number has been assigned, that there are sufficient

unencumbered amounts in the fund account to cover the purchase, and that the requested purchase meets the requirements of Chapter 4(C).

2. Purchase Orders - If the conditions in Section 4(1) above are met, the Finance Department shall complete the purchase order portion of the purchase requisition form within four (4) days of receipt. The form, upon validation shall become the purchase order and shall be distributed in accordance with Section 3(11).

3. Purchase Rules -

a. Any purchase for \$100.00 or less (see note A) need not be made with the purchase requisition/purchase order as described in Sections 1 and 2. Each purchase for \$100.00 or less must, however be signed for as being received by the department head or his authorized representative.<sup>1</sup> The date of receipt shall be indicated on the receiving report. A receiving report must be filed with the Finance Department prior to payment. for purchases obtained with a purchase order, the pink copy of the purchase order shall serve as the receiving report. For purchases obtained without a purchase order, the invoice shall serve as the receiving report. In both events, the receiving report shall be signed and dated by the authorized individual indicating receipt and acceptance of goods. No purchase shall be divided or subdivided in order to circumvent Section 4(3)(b). The Clerk of Circuit Court as Chief Financial Officer shall have the authority to lower the amounts in Sub-Section (3)(a) to what he deems reasonable for any department that is found to abuse this section of the policy.

<sup>1</sup> \$200.00 or less for parts and/or service for the repair of all heavy equipment at the Road and Bridge Department

b. All purchases greater than \$100.00 but equal to or less than \$1,000 and purchases for parts and/or service of the repair of all heavy equipment at the Road and Bridge Department greater than \$200 but equal to or less than \$1,500 shall follow the purchase requisition/purchase order regulations as described in Section 4(1) and (2). No purchase shall be divided or subdivided in order to circumvent Section 4(3)(b).

c. All purchases that are greater than the amounts listed in (3)(b) above, but less than \$5,000 shall also follow the purchase requisition/purchase order regulations as described in Section 4(1) and (2). The purchasing agent must, however, obtain at least three informal bids. Evidence of these three informal bids must be attached to the purchase requisition which is to be sent to the Finance Department. If three bids cannot be obtained, the agent must provide the Finance Department with an explanation why three bids cannot be obtained.

i. State Contract Purchases - The three bid requirements may be waived if the purchase is procured under current State Contract. The purchase requisition must reference the State Contract List, Contract Title, current contract number and contract expiration date. The purchasing agent shall be responsible for making sure that the best and most economical purchase is made.

ii. Sole Source Purchases - If the required goods or services can only be procured from a sole source, the purchasing agent must provide a written explanation supporting the requisition of a sole source procurement. Such written explanation shall be submitted with the purchase requisition to the Finance Department. The Finance Department can approve the purchase requisition if the written explanation is sufficient and in their opinion supports the sole source procurement. If the Finance Department does not have sufficient written explanation or the written explanation, in their opinion does not support the sole source procurement, the Board must approve the requisition. The Finance Department will return the requisition to the requisitioning department and that department will present the requisition to the Board for their approval. Such approval shall be recorded in the Board's minutes. Upon approval from either the Finance Department or the Board, a purchase order will be issued and distributed in accordance with Section 3(11).

d. All purchases equal to or greater than \$5,000, require formal and competitive bids and shall be made pursuant to the provisions of Nassau County's bid ordinance. All purchases shall be advertised at least once in a newspaper of general circulation and at least ten (10) days prior to the bid opening.

e. When only one bid is received for the purchase of an item or group of items, the Board shall review the bid in order to determine the reasons why, if any, only one bid was received. The Board may accept the only bid or it may request that a second call for bids be issued. If the only bid is accepted, then the reason why, if any, only one bid was received shall be included in the minutes of the Board.

No purchase shall be divided or subdivided in order to circumvent Nassau County's competitive bid requirements.

The Board shall reserve the right to reject any and all bids and such reservation should be indicated in all advertising and bid invitations.

f. Form PUR 7068 shall be required for all purchases equal to or greater than \$3,000 and must be attached to the purchase requisition form prior to submission to Finance Department. The Finance Department should be contacted if assistance is needed to complete Form PUR 7068 or if blank forms are needed.

#### **SECTION 5 - EMERGENCY PURCHASES**

Emergency purchases can be made without having to conform with the purchase requisition/purchase order regulations as outlined in Section 4 provided that the emergency purchase falls within the meaning of emergency purchase as defined in Section 3. The procedures for emergency purchases are as follows:

1. Emergency purchases for all dollar amounts:

a. The department head shall obtain verbal authorization prior to the emergency purchase from the



Chairman or Vice-Chairman of the Board of County Commissioners.

b. The department head is responsible for obtaining the best price possible given the emergency time constraints. Three informal bids shall be obtained prior to the emergency procurement if the procurement is for \$1,000 or more<sup>2</sup>. If three informal bids can not be obtained, the department head must provide a detailed written explanation why three bids can not be obtained. The detailed written explanation shall be submitted to the Finance Department within five (5) business days from the date of issuance of the purchase order. If the detailed written explanation is not received by the Finance Department within a five (5) business day timeframe, the Clerk shall notify the Board of County Commissioners.

#### **SECTION 6 - PURCHASING AGENTS**

The Board shall appoint employees and/or officers who shall have the authority to make purchases in accordance with the provisions of this manual. These employees and/or officers shall be designated as purchasing agents.

The purchasing agents shall submit requisitions and make purchases in accordance with the provisions of this policy. The purchasing agents shall also be responsible for making sure that the best and most economical purchase is made.

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<sup>2</sup>\$1,500 or more for parts and/or service for the repair of all heavy equipment at the Road and Bridge Department.

**SECTION 7 - PROCESSING OF INVOICES FOR PAYMENT**

1. The Clerk in his capacity as pre-auditor of the Board shall be responsible for the processing of invoices for payment. The Clerk of his authorized representatives shall process invoices for payment only if they are in accordance with the Board's purchasing policies. All invoices that do not comply with the board's purchasing policies shall be submitted, to the Board. The Board, if it so chooses, can approve payment of these invoices. Such approval shall be recorded in the Board's minutes. The Clerk shall then pay these invoices provided that payment of such invoices does not conflict with his constitutional responsibilities as per-auditor of the Board.

2. The Clerk shall process all invoices that do not fall within the meaning of a purchase, Section 3(5), according to his best judgment.

3. The Clerk shall process all invoices for purchases of \$100 or less in accordance with Board policy<sup>3</sup>. The original invoice must be signed and dated by the Board approved authorized personnel and must be submitted to the Finance Department for payment.

4. All invoices for purchases that are greater than \$100 but equal to or less than \$1,000, and purchases for parts and/or service for the repair of all heavy equipment at the Road and Bridge Department greater than \$200 and less than or equal to

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<sup>3</sup>\$200.00 or less for parts and/or services for the repair of all heavy equipment at the Road and Bridge Department.

\$1,500 shall be processed only if the following documents are on hand in the Finance Department:

a. A properly validated purchase requisition/purchase order.

b. A properly signed and dated receiving report. The pink copy of the purchase order shall serve as the receiving report. The receiving report shall be signed and dated by an authorized individual indicating receipt and acceptance of goods in the quantities ordered.

c. An original invoice. The invoice must be as complete as possible. It must clearly indicate the name, address, and any other information pertaining to the vendor. It must also clearly indicate the commodities sold and cost of such commodities. Monthly or other statements may be submitted; however, such statements shall not be used in place of an original invoice. If the invoice is received by the requisitioning department, it must be signed and dated by Board approved authorized personnel prior to delivery to the Finance Department. Unless otherwise impracticable, all invoices shall be submitted directly from the vendor to the Finance Department.

5. All invoices for purchases that are in excess of the amounts listed in subsection 4 of this Section shall be processed only if the documents listed in subsection (3) above are on hand at the Finance Department, Form PUR 7068 has been properly completed as specified in Section 4(3)((f), and the applicable Sections of Section 4(3)(c-f) were adhered to.

6. All invoices for purchases that require formal and competitive bids shall be processed only if the documents listed in Section 4 are on hand in the Finance Department, Form PUR 7068 has been properly completed as specified in Section 4(3)(f), and evidence exists in the Board minutes indicating the bid award and the bid amount.

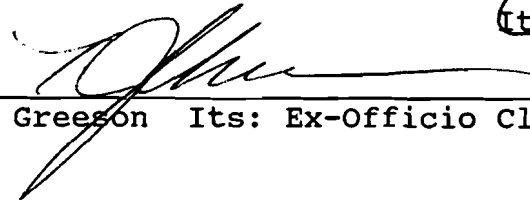
**EFFECTIVE DATE**

This ordinance takes effect immediately upon receipt of the official acknowledgement from the Office of the Secretary of the

State of Florida that this Ordinance has been filed with said office.

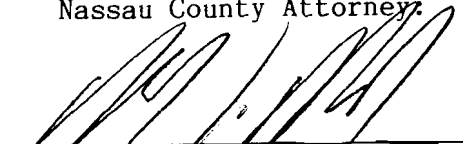
DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS  
OF NASSAU COUNTY, THIS 10th DAY OF May, 1993.

  
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JAMES E. TESTONE  
Its: Chairman

  
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T.J. Greeson Its: Ex-Officio Clerk

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Approved as to form by the  
Nassau County Attorney.

  
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Michael S. Mullin