



ORDINANCE NO. 2009-01

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ORDINANCE NO. 98-26, AS AMENDED, WHICH AMENDED ORDINANCE NO. 81-8, AS AMENDED, WHICH ADOPTED A PURCHASING POLICY FOR THE UNINCORPORATED AREAS OF NASSAU COUNTY; SPECIFICALLY AMENDING SECTION 3, DEFINITIONS, TO CORRECT THE POSITION TITLE TO COUNTY COORDINATOR FROM COUNTY ADMINISTRATOR, AND AMENDING SECTION 4, PURCHASING RULES AND REGULATIONS, SPECIFICALLY AMENDING PARAGRAPH 6, SINGLE SOURCE PURCHASING EXCEPTIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Nassau County, Florida, has established a purchasing policy for the unincorporated areas of Nassau County, Florida; and

WHEREAS, the Board of County Commissioners has found it necessary to amend the single source purchases section to eliminate the specific dollar threshold to which the method of procurement defined as single source purchases is limited to.

NOW, THEREFORE, BE IT ORDAINED this 12th day of January, 2009, by the Board of County Commissioners of Nassau County, Florida, that Ordinance No. 98-26, as amended, shall be further amended as follows:

1. 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 Financial 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. COUNTY ADMINISTRATOR COORDINATOR - The individual who is designated by and is under contract to the Board of County Commissioners to fill this position.
5. DEPARTMENT HEADS - The Department Heads are those individuals who are designated by the Board to be heads of various departments of the Board.
6. 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 - Services of a professional nature, including engineering, land surveying, architectural, and landscape architectural services

controlled by Section 287.055, Florida Statutes, and medical and legal services. Other services of a professional nature, where estimated cost does not exceed Twenty Five Thousand Dollars (\$25,000) are also exempt. For landscape architects, plans may only be submitted by persons registered as landscape architects in Florida under Chapter 481, Part II, Florida Statutes. For medical and legal services, where feasible, an attempt will be made to select a contractor through competitive negotiation.

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

- h. Any rental or lease of property or buildings for less than twelve (12) calendar months with a non-renewable lease.
- 7. FORMAL BID - A Formal Bid is defined as a sealed bid within the title, date, and hour of the public bid opening designated.
- 8. INFORMAL BID - An Informal Bid is defined as a written quotation not requiring a public opening of such bid at specific time or date.
- 9. COMPETITIVE BID - Competitive Bids shall mean two or more valid responses to a bid invitation.
- 10. EMERGENCY - An Emergency is defined as a situation in which there is a threat to life, a threat to property or a

situation that exposes the county to material financial loss or liability.

11. EMERGENCY PURCHASE - An Emergency Purchase is defined as when the circumstances surrounding the emergency can only be rectified by the immediate purchase of commodities 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.
12. PURCHASE REQUISITION - A formal written or electronically transmitted request to procure commodities or services on behalf of a department. Requisitions must be signed or authorized by a properly authorized designated person, and must be filed with the Finance Department. The requisitioner shall complete the request and submit it to the Finance Department.
13. PURCHASE ORDER - The County document to formalize a purchase transaction with a vendor. The purchase orders should be numbered consecutively and contain statements regarding the quantity, description, and price of goods and services ordered; applicable terms as to payment, discount, date or performance, and transportation; and other factors or suitable references pertinent to the purchase such as

bid number or contract number and should be signed by the purchaser.

14. SOLE SOURCE - The commodity or service is available from one and only one source. Use of brand names and model numbers does not constitute sole source.
15. SINGLE SOURCE EXCEPTION - The commodity or service can be purchased from multiple sources, but in order to meet certain functional or performance requirements, there is only one economically feasible source for the purchase (i.e. compatibility, quality, warranty issues, service support, etc.)

2. SECTION 4 - PURCHASING RULES AND REGULATIONS

1. *Purchase Requisition* - Certain employees or officers, who are designated by the Board as its authorized representatives, shall have the authority to request purchases on the approved purchase requisition. **NO PURCHASE SHALL BE ALLOWED TO BE DIVIDED OR SUBDIVIDED IN ORDER TO CIRCUMVENT ANY SECTION OF THIS PURCHASING POLICY.** The requisitioner shall submit the purchase requisition to the Finance Department. Finance shall review the requisition for completeness and to ensure that the requisitioner has been authorized by the Board 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 Section 4. All specifications for bids for goods or services

greater than \$25,000.00 must be reviewed by the County Attorney and the Clerk as to form. After review, the county department shall utilize the county's class item bid list to obtain a list of vendors for particular goods or services. The Department shall send a copy of the solicitation along with verification of mailing to the Clerk's Office.

2. *Purchase Orders* - If the conditions in Section 4(1) above are met and upon validation, the Finance Department shall notify the department of the issuance of the purchase order and shall distribute the Purchase Order to the vendor in a timely manner.

3. *Purchase Rules* -

a. Any purchase for \$750.00 or less, need not be made with the purchase requisition/purchase order as described in Sections 1 and 2. Each purchase for \$750.00 or less must, however, be signed for as being received by the department head or his/her authorized representative. A receiving report must be filed with the Finance Department prior to payment. For all purchases over \$750.00 a purchase order must be issued in accordance with Section 4(1) and (2). The invoice and receiving report shall be forwarded to the Finance Department immediately upon receipt of the goods or services for payment. For purchases of \$750.00 or less (including all applicable freight or costs) the invoice and receiving report shall be immediately forwarded to the Finance Department upon receipt of the goods or services for payment. In all circumstances, the receiving report shall be signed and dated by the authorized individual indicating receipt,

inspection and acceptance of the goods or services as specified on the purchase order. The Clerk of Circuit Court as Chief Financial Officer shall have the authority to lower the amounts in SubSection (3)(a) as to what he deems reasonable for any department that is found to abuse this section of the policy. The Clerk of Circuit Court as Chief Financial Officer shall conduct internal audits to determine if the purchasing policy is being adhered to by all departments as deemed necessary by the Clerk.

b. All purchases greater than \$750.00 but equal to or less than \$5,000.00 shall follow the purchase requisition/purchase order regulations as described in Section 4. Purchases of less than \$2,500.00 for the purchase of items necessary for the repair of equipment for the Road and Bridge Department, the Solid Waste Department, Fire and Rescue, and Nassau Amelia Utilities only shall not be required to obtain a purchase order.

c. All purchases that are greater than \$5,000.00 but less than \$25,000.00 shall require the purchasing agent to obtain at least three (3) informal bids or quotations. All requests for bids and vendor quotes must be in either written or e-mail format to insure uniformity throughout the process. Evidence of these three informal bids or quotations must be submitted to the Finance Department prior to the issuance of the Purchase Order. If three bids cannot be obtained, the agent must provide the Finance Department with a written explanation as to why three

bids or quotations cannot be obtained. Finance shall attach the bids or quotations to the signed copy of the Purchase Order.

d. For all purchases equal to or greater than \$25,000.00, the Department shall attempt to obtain a minimum of three (3) sealed bids or quotations delivered to the Clerk's Office. All bids or purchases made under this category shall utilize the county's class item bid list, however bids may be solicited from other vendors. All purchases must be advertised at least once in a newspaper of general or regional circulation at least two weeks or 14 calendar days prior to bid opening. The vendor shall be given a minimum of fourteen (14) calendar days from the date of mailing to respond. Department heads shall mail request for bids on or before the date of the advertisement to ensure vendors are given a minimum of fourteen calendar days from the date of mailing to respond. The department head must certify to the Clerk's Office the date of mailing and the expected date of receipt of the bids or quotations. If less than three (3) responses are obtained, the Department Head should have a written explanation as to why three responses were not obtained.

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. The Board reserves the right to

reject any and all bids and such reservation should be indicated in all advertising and bid invitations.

4. *State Contract Purchases* - The three bid requirements may be waived if the purchase is procured under current state contract. If the goods or services can be made locally or within Nassau County boundaries at a rate less than State contract the department head may utilize the local vendor. 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. This procedure **may not** be utilized for any purchase greater than \$50,000.00.

5. *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 requested action. Purchases of commodities or services from a sole source may be exempted from formal competition provided both of the following conditions are met:

a. The item(s) or service(s) is (are) the only one available that can properly perform or complete the intended function; and

b. The recommended vendor/contractor is the only source available to meet the County's requirement.

Such written explanation shall be submitted with the purchase requisition to the Financial Services Department. The Clerk as Chief Financial Officer can approve the purchase requisition if the written explanation is sufficient, in his opinion, for

purchases up to \$25,000.00. If the Clerk does not have sufficient written explanation or the written explanation, in his opinion, does not support the sole source procurement, the approval shall lie with the Board of County Commissioners. For purchases of \$25,000.00 and above, the Clerk must review and submit the same to the Board of County Commissioners for final approval.

6. *Single Source Purchase Exceptions* - Such purchases are exceptions to the competitive process and are to be used only when it has been determined to be in the public interest. If the commodity or service is available from multiple sources, but in order to meet certain functional or performance requirements, there is only one economically feasible source for the procurement, the purchasing agent must provide a written explanation supporting the requested action. Purchases of commodities or services from a single source may be exempted from formal competition provided the purchasing agent clearly demonstrates that there is only one practical and reasonable source where competitive bidding is not feasible and the action results in the "highest value" possible to the public (i.e. added function, price, efficiency, effectiveness or avoidance of potential financial damage). Such written explanation shall be submitted for review and determination as to validity to the Purchasing Manager, ~~Administrative Services~~ Office of Management and Budget Director, County ~~Administrator~~ Coordinator, and the Clerk along with the purchase requisition. A completed package with recommended action and pertinent comments shall be forwarded

to the Board of County Commissioners for approval. It is understood that this method of procurement will be used sparingly, ~~and be limited to purchases less than or equal to \$25,000.00.~~ An annual review will be conducted to insure that this policy exception is not being abused.

7. All solicitations must contain the statement that the prices obtained must be honored by the vendor for equal goods or services for any governmental entity or Constitutional Officer of the State of Florida for the remainder of the fiscal year.

8. Piggy Backing Off of Other Local Governmental Entity's Competitive Bids

a. **DEFINITION**

"Piggybacking" refers to using competitive bids obtained by other County and Municipal governmental entities. The County may utilize a competitive bid solicited by any other municipal or county governmental agency or any combination of such agencies. By piggybacking off of other bids the County can avoid the time consuming process of soliciting bids for the same commodity or service.

b. **GENERAL**

The Piggybacked purchase should be utilized during the term of the entity's contract. The County should be cautious when piggybacking off of any other entity's bid. The awards will be in accordance with all the terms and conditions, prices, time frames and other criteria as included in the Invitation to Bid. Changes to terms and conditions, etc., are not allowable.

Additional options may be included unless the total dollar value of the options is in excess of the County's bid limit. It is recommended that the department contact the user department/division of the other entity to determine that the item is exactly what is needed by the County. Additionally, to determine if they would recommend piggybacking of the award (i.e., Did the vendor perform appropriately?)

c. **PROCEDURE**

Buyers should have all piggybacks pre-approved by the County Administrator or his/her designee prior to performing the following due diligence, to assure that piggybacking for the purchase in question will be appropriate. Prior to using another local governmental entity's bid procedure the County representative should review and including the due diligence for piggybacking the following:

1. A review of the competitive bidding or proposal process used by the other local governmental entity's Purchasing Ordinance to ensure that it is, at the least, similar to that required by the County's purchasing policy.
2. The Invitation to Bid or RFP;
3. The number of responses submitted;
4. The selected vendor's response;
5. The resultant Contract, Purchasing Agreement, Purchase Order, etc., as the County's purchase must be pursuant to identical terms;

6. A statement from the vendor offering to honor for Nassau County the same prices under the same terms and conditions as indicated in the resultant Contract, Purchasing Agreement, purchase Order, etc.

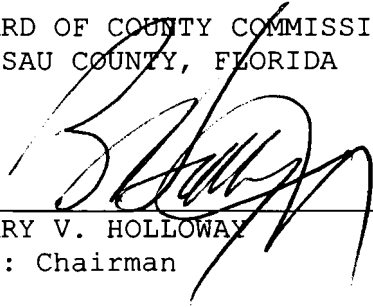
d. **AWARD**

The Award shall be in accordance with the express authority as delegated for purchases in the Nassau County purchasing policies.

3. **EFFECTIVE DATE**

This ordinance shall become effective upon its being filed in the office of the Secretary of State.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



BARRY V. HOLLOWAY
Its: Chairman

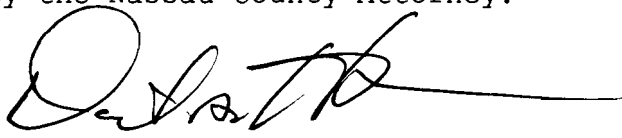
ATTEST As to Chairman's Signature:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

2016 11/21/09

Approved as to form and legality
By the Nassau County Attorney:



DAVID A. HALLMAN