

TOWN OF GREENVILLE, FLORIDA

Procurement Policy

I. PURPOSE

The purpose of this procurement policy is to establish guidelines for the acquisition of goods and services by the Town of Greenville. This policy aims to ensure that all purchases are made in a timely manner that promotes transparency, fairness, and fiscal responsibility while complying with applicable laws and regulations.

II. SCOPE

This policy applies to all purchases of goods and services made by the Town of Greenville, including contracts, leases, and agreements.

III. LEGAL AUTHORITY

Laws relative to the procurement process, in general, may be found in Chapter 287, *Florida Statutes*. Laws relative to municipal governments, in general, are found in Chapter 166, *Florida Statutes*. The provisions of these procurement procedures shall not be construed to conflict with or supersede the Charter of the Town of Greenville, the requirements of section 287.055, *Florida Statutes* (Consultants' Competitive Negotiation Act), section 287.057, *Florida Statutes*, 2 CFR 200.317-20.327, Chapter 73C-23 (Florida Small Cities Community Development Block Grant Program), *Florida Administrative Code*, or any other applicable state or federal laws or regulations. Future state or federal regulations applicable to procurement shall supersede and/or supplement this policy.

IV. DEFINITIONS

A. Competition: The effort of two or more vendors to secure the business of a purchaser by the offer of the most favorable terms as to price, quality, promptness of delivery or service, in accordance with the provisions of a solicitation of such offers.

B. Competitive Negotiation: A method for procurement of supplies and services in which discussions attempting to reach agreement on terms and conditions of a contract may be conducted with multiple vendors who submit proposals or replies in response to a solicitation, either a request for proposal or an invitation to bid.

C. Competitive Sealed Bid: A method for acquiring offers for procurement of goods, services, or construction in which award is made to the lowest responsive and responsible bidder based on responses to an invitation for bid received from qualified vendors.

D. Competitive Threshold: A dollar limit established by the City Commission for the purpose of determining the method of procuring a particular supply or service.

E. Conflict of Interest: A situation in which a public official or an employee has material financial relationship, close personal relationship, or family relationship with a vendor.

F. Contract: A written agreement, regardless of its title, which is signed by the Town and one or more other parties, and which sets forth specific terms and conditions for the procurement or furnishing of goods, services, or professional services.

G. Procedure: The prescribed method or specific course of action that will accomplish the requirements of a policy.

H. Procurement: Buying, leasing, renting or otherwise acquiring any materials, supplies, services, construction, and equipment, including description of specifications and requirements, selection and solicitation resources, preparation, and award of contracts.

I. Purchasing Authority: The authority to approve the acquisition of supplies or services on behalf of the Town of Greenville.

J. Services: The furnishing of labor, time, or effort by a vendor, which does not result in the delivery of a tangible product.

K. Supplies: Commodities or equipment.

L. Vendor: Any person or entity who has a pending bid proposal, an offer or request to sell goods or services, sell or lease real or personal property, or who currently sells goods or services, or sells or leases real or personal property, to the Town. For the purposes of this definition, a vendor's representative includes an owner, director, or manager.

V. GENERAL PROVISIONS

A. Ethics and Conduct:

1. All town employees involved in procurement activities must adhere to the highest standards of ethics, avoiding any conflicts of interest.

2. Employees shall not accept gifts, gratuities, or favors from vendors or potential vendors.

3. A purchaser shall not divide the solicitation of a commodity or contractual service so as to avoid the requirements of this policy.

a. This provision, however, is not to conflict with the provisions of 2 CFR 200.321(b)(3) that the Town take all necessary affirmative steps to assure that minority and/or women owned business enterprises and area labor surplus firms are offered the opportunity to participate to the maximum practicable extent.

4. To the extent practicable, all procurement transactions will be conducted in a manner providing full and open competition. The inability to obtain more than one bid, price, quote, or proposal shall not prohibit the approval of a purchase if other prospective

vendors or contractors have been given adequate notice of the procurement and an opportunity to participate and have declined to submit bids, proposals, prices, or quotes. The declination to submit need not be in writing.

B. Approval Authority:

1. All purchases must be approved by the appropriate level of authority as established by the Town's financial and administrative procedures.

C. Documentation:

1. All procurement transactions must be documented, and records must be maintained to provide a clear audit trail.

2. Any procurement of commodities or services costing more than \$3,500 shall be evidenced by a written contract embodying all provisions and conditions of the procurement. This requirement for written documentation may be met through preparation of a letter on local government or vendor letterhead, signed by the vendor and appropriate elected or appointed Town official, stating such conditions and terms, such as price, number of units purchased or product, delivery date or when service is to begin, point of delivery, specifications, etc. Any price quotes, warranties, guaranties, certifications, or contracts shall be attached and filed.

VI. PURCHASING LIMITS AND REQUIREMENTS

A. Staff Purchases Without Competition:

1. Limit: Town staff may make purchases up to \$3,500.00 without the need for competitive quotes or bids.

2. Procedure: These purchases may be made directly by authorized staff members using a purchase order or purchase requisition. The purchaser must ensure that the price is reasonable and that the vendor is reputable.

B. Purchases Requiring Three Written Quotes:

1. Limit: For purchases between \$3,500.00 and \$15,000.00, Town staff must obtain at least three written quotes.

2. Procedure:

a. The purchaser must solicit quotes from a minimum of three vendors.

b. The quotes must be in writing and should include a detailed description of the goods or services, the price, and any relevant terms and conditions.

c. The purchaser must select the vendor offering the lowest price, provided that the goods or services meet the required specifications and that the purchase is advantageous to the Town.

d. All quotes, along with any related documentation, must be filed with the purchase records.

e. All purchases made under this section must be submitted to the Town Council at the next scheduled meeting.

C. Sealed Competitive Bids:

1. Limit: For purchases exceeding \$15,000.00, staff must follow the sealed competitive solicitation process.

2. Procedure:

a. The procurement opportunity must be advertised publicly, providing sufficient time for potential vendors to prepare and submit bids, proposals, or replies.

b. Sealed bids, proposals, or replies must be submitted confidentially by the deadline specified in the advertisement.

c. The bids, proposals, or replies will be opened at a publicly advertised meeting, and the contract will be awarded as provided in this policy.

d. All bids, proposals, or replies and related documentation must be filed with the procurement records.

D. Emergency Purchases:

1. Limit: In the event of an emergency, the Town Manager may make an emergency purchase up to \$15,000.00 without the need for competitive quotes or bids. The Town Council shall authorize emergency purchases without the need for competitive quotes or bids in excess of \$15,000.00 at an emergency meeting called by the Mayor or Town Manager.

2. Procedure:

a. The Town Manager must make a written finding that an emergency exists and that an immediate purchase is necessary to protect the public's health, safety, or welfare.

b. The Town Manager must consult with the Town Attorney before proceeding with the purchase to ensure the purchase complies with all applicable laws, ordinances, policies, and procedures.

c. A report of the emergency purchase, including the justification and total cost, must be submitted to the Town Council at the next scheduled meeting.

VII. COMPETITIVE SOLICITATION

A. Invitation to Bid:

1. The invitation to bid shall be used when the Town is capable of specifically defining the scope of work for which a contractual service is required or when the Town can establish precise specifications defining the actual commodity or group of commodities required.

a. All invitations to bid must include:

i. A detailed description of the commodities or contractual services sought; and

ii. If the Town contemplates renewal of the contract, a statement to that effect.

b. Bids submitted in response to an invitation to bid in which the Town contemplates renewal of the contract must include the price for each year for which the contract may be renewed.

c. Evaluation of bids must include consideration of the total cost for each year of the contract, including renewal years, as submitted by the vendor.

d. The contract shall be awarded to the responsible and responsive vendor who submits the lowest responsive bid, or as permitted by law, to the purchase that is the most advantageous to the Town.

B. Request for Proposals:

1. The Town shall use a request for proposals when the purposes and uses for which the commodity, group of commodities, or contractual service being sought can be specifically defined and the Town can identify necessary deliverables. A responsive vendor may propose various combinations or versions of commodities or contractual services to meet the specifications of the solicitation document.

a. Before issuing a request for proposals for commodities or services valued in excess of \$35,000.00, the Town Manager must determine and specify in writing the reasons that procurement by invitation to bid is not practicable.

b. All requests for proposals must include:

i. A statement describing the commodities or contractual services sought;

ii. The relative importance of price and other evaluation criteria; and

iii. If the Town contemplates renewal of the contract, a statement to that effect.

c. Criteria that will be used for evaluation of proposals must include but are not limited to.

i. Price, which must be specified in the proposal;

ii. If the Town contemplates renewal of the contract, the price for each year for which the contract may be renewed;

iii. Consideration of the total cost for each year of the contract, including renewal years, as submitted by the vendor; and

iv. Consideration of prior relevant experience of the vendor.

d. The contract shall be awarded by written notice to the responsible and responsive vendor whose proposal is determined in writing to be the most advantageous to the Town, taking into consideration the price and other criteria set forth in the request for proposals. The contract file shall contain documentation supporting the basis on which the award is made.

C. Invitation to Negotiate:

1. The invitation to negotiate is a solicitation used by the Town which is intended to determine the best method for achieving a specific goal or solving a particular problem and identifies one or more responsive vendors with which the Town may negotiate in order to receive the best value.

a. Before issuing an invitation to negotiate for commodities or services valued in excess of \$35,000.00, the Town Manager must determine and specify in writing the reasons that procurement by an invitation to bid or a request for proposal is not practicable.

b. The invitation to negotiate must describe the questions being explored, the facts being sought, and the specific goals or problems that are the subject of the solicitation.

c. The criteria that will be used for determining the acceptability of the reply and guiding the selection of the vendors with which the Town will negotiate must be specified. The evaluation criteria must include consideration of prior relevant experience of the vendor.

d. The Town shall evaluate replies against all evaluation criteria set forth in the invitation to negotiate to establish a competitive range of replies reasonably susceptible of award. The Town Council may select one or more vendors within the competitive range with which to commence negotiations. After negotiations are conducted, the Town Council shall award the contract to the responsible and responsive vendor that the Town Council determines will provide the best value to the Town, based on the selection criteria.

e. The contract file for a vendor selected through an invitation to negotiate must contain a short plain statement that explains the basis for the selection of the vendor and that sets forth the vendor's deliverables and price, pursuant to the contract, along with an explanation of how these deliverables and price provide the best value to the Town.

D. Advertising:

1. The advertisement must be written in a clear, concise manner and in a way that would invite competitive bidding or proposals. The advertisement shall contain at least the following minimum information:

- a. Time, date, and location for receiving and opening bids or proposals;
- b. General description of the commodity or service being requested;
- c. Where and how detailed specifications and bid forms (if applicable) may be obtained;
- d. Terms and conditions of the contract to be awarded;
- e. Criteria for selection of the vendor or contractor, including the relative weight to be given to the different criteria;
- f. Other information relevant to evaluation and award including those factors found in section 287.055, *Florida Statutes*, section 287.057, *Florida Statutes*, and 2 CFR 200.317-200.327.

2. The competitive solicitation may be advertised in a local newspaper. The date for receiving bids or proposals shall not be less than seven (7) days from the date the

final advertisement is published. However, for certain state and federally funded projects, the competitive solicitation shall be advertised in a newspaper of wide circulation in the geographical region (Standard Metropolitan Statistical Area). In these instances, the date for receiving bids or proposals shall not be less than twelve (12) days from the date the final advertisement is published.

3. Sealed bids or sealed proposals will be received at any time during normal business hours prior to the time and date specified in the advertisement. Each sealed proposal shall be annotated with the time and date received. The unopened bids or proposals shall be placed in the applicable file and publicly opened and read aloud at the time and place designated for the bid opening.

VIII. EXCEPTIONS

A. Sole Source Purchases:

1. When goods or services are available from only one source, competitive quotes, bids, or proposals are not required. The department requesting the purchase must provide written justification for the sole-source procurement, which must be approved by the Town Manager and must be submitted to the Town Council at the next scheduled meeting.

B. Public Exigency or Emergency:

1. When a public exigency or emergency exists that threatens the health, safety, or welfare of the community and the urgency makes a competitive method of procurement infeasible, competitive quotes, bids, or proposals are not required.

C. Federal and State Grants:

1. When federal or state grant funds are being used and the applicable grantor agency authorizes noncompetitive negotiations or sole source procurement, competitive quotes, bids, or proposals are not required.

D. Inadequate Competition Determination:

1. If after a solicitation of several sources, competition is determined inadequate, then competitive quotes, bids, or proposals are not required.

E. Cooperative Purchasing:

1. Competitive quotes, bids, or proposals are not required when the Town participates in cooperative purchasing agreements with other government entities or purchasing cooperatives, provided that the underlying agreement complies with the requirements of this policy.

F. Piggy Backing:

1. Competitive quotes, bids, or proposals are not required when the contract item is available by “piggy backing” from another government source, subject to approval of the vendor and other government source.

IX. PROTESTS

Vendors who wish to object to the rejection of their proposal must file a notice of intent to protest within five (5) business days after the award recommendation has been posted. The vendor then has five (5) additional business days to file a formal written protest. The written protest must include a detailed explanation of the grounds for the objection and provide supporting documentation.

The Town’s charter officers and two councilmembers, sitting as a panel, shall conduct a hearing, review the protest, and issue a final decision within ten (10) business days of the receipt of the written protest. The Town Manager shall select the two councilmembers based on their experience, expertise, and availability.

X. COMPLIANCE AND REVIEW

A. Compliance:

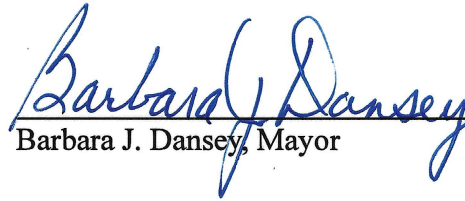
1. All purchases must comply with this policy and applicable federal, state, and local laws and regulations. Any deviation from this policy must be approved in writing by the Town Manager.


B. Review:

1. This policy shall be reviewed annually by the Town Manager and updated as necessary to reflect changes in laws, regulations, or best practices.

XI. EFFECTIVE DATE

This policy shall become effective immediately upon its passage and shall remain in effect until amended or repealed.


Barbara J. Dansey, Mayor


Kimberly M. Reams
Custodian of Records

<u>ACTION</u>	<u>SECTION(S) AMENDED</u>	<u>RESOLUTION #</u>	<u>DATE</u>
Adoption	n/a	2024-12	09/09/2024