DATE: October 5, 2018

TO: Board of County Commissioners

FROM: Mitchell O. Palmer, County Attorney

RE: Administrative Purchasing Authority

Per instruction of the Board of County Commissioners near the end of yesterday’s land use meeting, I am providing information as to the purchasing authority of the County Administrator. Please be informed as follows.

The County Administrator has the authority to authorize the purchase of goods or services up to the sum of $1,000,000, without action by the Board.

This authority is found in Resolutions R-08-298 and R-09-177, and in Ordinance No. 11-43.

The Administrator has, in turn, delegated this authority to the Purchasing Official as set forth in Section VIII of the Manatee County Purchasing Division Administrative Standards & Procedures Manual.

Copies of the codified section of the Ordinance, the Resolutions and Section VIII of the Manual, are attached.

If I can assist in any other ways, please advise.

Attachments
Copies to:
Ed Hunzeker, County Administrator
Dan Schlandt, Deputy County Administrator
Cheri Coryea, Deputy County Administrator
Theresa Webb, Purchasing Official, Financial Management Department
Anne M. Morris, Assistant County Attorney
§ 2-26-8 MANATEE COUNTY CODE

administrator and purchasing official shall make efforts, within authorized budget limits, to ensure those activities address and embrace the goals of preservation of natural resources, reduction of environmental impact, and increasing energy efficiency. Where relevant, vendors will be asked to state their reuse and recycling policies and practices in their bids or proposals, and when so stated in the solicitation, where all other evaluative factors, including local preference policies, are otherwise equal, such policies and practices will be a determinative factor in the award decision.

(Ord. No. 08-43, § 1, 8-26-08; Ord. No. 09-52, §§ 4, 5, 7-28-09; Ord. No. 14-32, § 3, 9-23-14)

Sec. 2-26-9. Business relations.

To foster strong, positive relations between the county and its local business community, the purchasing official is authorized and encouraged to develop programs and procedures which will assist businesses in understanding how to do business with the county, and to learn about opportunities to do business with the county. Such efforts should include outreach to women and minority-owned businesses and the small business community.

(Ord. No. 11-43, § 2, 11-21-11)

Sec. 2-26-10. Purchasing categories.

From time to time, the county commission will establish, by resolution, various purchasing category levels. The county administrator is authorized to approve purchases of goods or services which do not exceed the category four level without further action of the commission. However, all such purchases shall be subject to the terms and conditions of this code, and shall comply with the established and published procedural guidelines adopted pursuant to section 2-26-40 of this code. In the event the county administrator approves of the purchase of goods or services in excess of category four to respond to an emergency, the administrator shall place the agreement on the agenda of the next scheduled meeting of the county commission to allow the commission to ratify the administrator's action.

(Ord. No. 11-43, § 3, 11-21-11; Ord. No. 14-32, § 4, 9-23-14)

Sec. 2-26-11. Public records compliance.

Pursuant to Florida Statutes, Section 119.0701, in any agreement entered into by the county wherein the contractor is acting on behalf of the county, the contractor must:

(a) Keep and maintain public records that ordinarily and necessarily would be required by the county in order to perform the service.

(b) Provide the public with access to public records on the same terms and conditions that the county would provide the records and at a cost that does not exceed the cost provided in Florida Statutes, Chapter 119 or as otherwise provided by law.

(c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.

(d) Meet all requirements for retaining public records and transfer, at no cost, to the county all public records in possession of contractor upon termination of this agree-
RESOLUTION R-08-298

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY FLORIDA, PROVIDING POLICIES TO BE KNOWN AS THE LOCAL ECONOMIC STIMULUS ACTION; MODIFYING SECTION FOUR B OF RESOLUTION R-01-36, PURCHASING POLICIES; CHANGING THE AMOUNTS FOR THE PURCHASING CATEGORIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners adopted Resolution R-01-36 on February 6, 2001, providing the Manatee County Purchasing Policies; and

WHEREAS, the Board of County Commissioners has determined that it is appropriate to amend and revise the Purchasing Policies to provide Local Economic Stimulus; and

WHEREAS, the Board of County Commissioners; addressed certain legal issues related to purchasing by ordinance and certain policies by resolution and the delegation of authority under the Procurement Code; and

WHEREAS, this Resolution has been prepared to expedite the purchase of transactions of less than Two Hundred Fifty Thousand Dollars in a Local Business Friendly process and to eliminate certain outdated and unnecessary practices in the announcement, selection, and awarding of this level of transactions; and

WHEREAS, this Resolution is anticipated to provide a stimulus for the local economy and to benefit Manatee County vendors and taxpayers by expediting the completion of smaller capital improvement projects and other purchasing activities.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

SECTION 4, B. of Resolution R-01-36, Category or Purchasing Category is hereby amended to read:

B. Category or Purchasing Category means purchases not exceeding the amount established for the specific category. The following categories are hereby redefined:

- **Category One:** Under $5,000.00
- **Category Two:** $5,000.01 to $25,000.00
- **Category Three:** $25,000.01 to $250,000.00
- **Category Four:** $250,000.01 to $1,000,000.00
- **Category Five:** Over $1,000,000.01
Effective Date: This Resolution R-08-298 shall take effect immediately upon adoption.

PASSED AND DULY ADOPTED, in open session, with a quorum present and voting, this 16th day of December, 2008.

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

By: Gwendolyn Y. Brown
Dr. Gwendolyn Y. Brown, Chairman

Attest:

R.B. SHORE
CLERK OF THE CIRCUIT COURT

By: [Signature]
RESOLUTION R - 09-177

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RESCINDING THE PURCHASING RULES AND INSTRUCTION MANUAL ADOPTED BY RESOLUTION 01-36; PRESERVING OTHER BOARD ACTIONS; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Manatee County’s purchasing code has historically contemplated that the Board of County Commissioners would adopt purchasing regulations by resolution in addition to its purchasing policies as established in the purchasing code; and

WHEREAS, pursuant to this historical process the County Commission adopted Resolution 01-36, adopting a Purchasing Rules and Instruction Manual; and

WHEREAS, with the passage of time, the adoption of administrative procedures related to purchasing by the County Administrator, and the adoption of amendments to the purchasing code since then, this manual has become redundant, outdated and inconsistent with these other sources of Manatee County purchasing law and practice; and

WHEREAS, the Manatee County Commission finds that simplification of the regulatory scheme is in the County’s best interests, as well as the best interests of the business community which must interact with the County and understand its policies and rules; and

WHEREAS, pursuant to this finding, the County Commission concludes that there shall be only two main areas of regulatory authority with respect to purchasing, the primary being the County’s purchasing code, as adopted and amended by the County Commission, along with a detailed set of administrative procedures and forms adopted and regularly updated by the County Administrator and Purchasing Official.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, that:

1. The Manatee County Purchasing Rules and Instruction Manual, previously adopted by Resolution 01-36, is hereby repealed, and the County Administrator shall ensure any procedures, implementing regulations or forms shall be developed, maintained and updated by administrative action, as authorized by the purchasing code.

2. Nothing herein shall be deemed to have repealed or otherwise altered the procurement categories and delegated authority provided to the administration by the Commission in Resolutions 08-298 and 09-73, and such category levels and authority shall remain in effect until further action by the County Commission.

BE IT FURTHER RESOLVED that this Resolution shall be effective upon adoption.
BE IT FURTHER RESOLVED that any existing Resolution or portion thereof of the Board of County Commissioners which contains terms or provisions which are in direct conflict with and cannot be harmonized with the provisions of this Resolution shall, as to such terms or provisions, be deemed as superseded by this Resolution.

BE IT FURTHER RESOLVED that the provisions of this Resolution are severable such that the invalidity of any one provision shall not operate to invalidate any other provision.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting, this 28th day of July, 2009.

ATTEST:
R.B. SHORE
CLERK OF THE CIRCUIT COURT

By: [Signature]
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

By: [Signature]
Donna Hayes
Second Vice-Chairman
VIII. CATEGORY FOUR: PURCHASES $250,000.01 - $1,000,000

1. Preparation of specifications is the responsibility of the requesting department in coordination with the Purchasing Division. The Purchasing Division may recommend modifications or alterations to a specification to facilitate competitive bidding. The requesting department shall review and approve or may explain why the recommended changes are not acceptable.

2. Purchases in Category Four shall be solicited by written Invitations for Bids (IFB) or Requests for Proposals (RFP).

3. All Bids or Proposals in Category Four shall be publicly announced and documents shall be placed on the Manatee County website under the Purchasing Division tab for all public to obtain electronic copies, and on the Manatee County Chamber of Commerce website. In addition, those documents shall be made available to other local business organizations whose purpose is to further business opportunities for Manatee County businesses.

4. Additional distribution of Bids or Proposals may be undertaken—on a third party Internet service or with other local business organizations whose purpose is to further business opportunities for Manatee County businesses.

5. Limited Competition or Non-Competitive (Sole Source) Purchases. A source selection may be made with limited or no competition when the Purchasing Official determines in writing, after conducting a good faith review of available sources, that: 1) There is only one available source for the required commodity or service or; 2) there are insufficient sources to provide the required number of price quotations; or 3) the purchase is based on cooperative contracts or solicitations with other governmental agencies, entities, or associations acting on behalf of another governmental entity which provide reasonable competition.

6. Purchases may be divided into smaller individual purchase amounts to encourage Local Economic Stimulus, unless otherwise prohibited by law.

7. Form of Contract: The purchase of goods and services in Category Four shall be engaged by the use of a standard purchase order or a contract using terms and conditions developed and reviewed by the Purchasing Official and County Attorney.

8. The Purchasing Official is hereby delegated the authority to make purchases and to sign contracts on behalf of the County for purchases not exceeding the maximum amount established for Category Four.

9. Announcement Period: No contract shall be signed or transaction authorized for this category or for any purchase pursuant to an RFP or IFB until the source selected has been announced and the time for filing an appeal has run (seven calendar days).
MANATEE COUNTY PURCHASING DIVISION
ADMINISTRATIVE STANDARDS & PROCEDURES MANUAL

VIII. CATEGORY FOUR: PURCHASES $250,000.01 - $1,000,000

10. Withdrawal of Offers  Vendors may withdraw offers as follows:

   a. Mistakes discovered before the opening of a solicitation may be withdrawn by written notice from the vendor submitting the offer. This request must be received in the office designated for receipt of offers in the solicitation document prior to the time set for delivery and opening of the offers. A copy of the request shall be retained and the unopened offer returned to that vendor.

   b. After the responses to a solicitation are opened or a selection has been determined, but before a contract is signed, a vendor alleging a material mistake of fact may be permitted to withdraw their offer if: (1) the mistake is clearly evident on the solicitation document; or (2) the vendor submits evidence which clearly and convincingly demonstrates that a mistake was made. Request to withdraw an offer must be in writing and approved by the Purchasing Official.