



PURCHASING GUIDELINES

July 2019

STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES

TABLE OF CONTENTS

Definitions.....	4
Section I-General Purchasing.....	11
A. Purpose.....	11
B. State and Federal Procurement Laws.....	11
C. Principles and Responsibilities.....	11
D. Ethics and Standards of Conduct in Procurement.....	14
E. Disallowed Purchases/Prohibited Expenditures.....	15
Section II-Purchasing System Controls.....	16
A. Procurement Document.....	16
B. Fixed Capital Outlay (FCO).....	16
C. Operating Capital Outlay (OCO).....	17
D. NonConforming Request for Purchase Order.....	17
E. Personal Preference.....	17
F. Vendor Relations and Selection.....	17
G. Exempt Administrative Purchases.....	17
H. Federal Approvers.....	18
I. Key Dates.....	18
Section III-Procurement Instruments.....	18
A. State PCard.....	18
B. Purchase Order via MFMP.....	18
Section IV-Types of Procurement.....	21
A. Discretionary/Informal Purchases.....	21
B. Informal/Non-Competitive Solicitations.....	22
C. Request for Information.....	28
D. Formal Competitive Solicitations.....	28
Section V-Procurement Matrix (Thresholds/Descriptions/Specifics.....	31
Section VI-Solicitation Documents.....	32
A. Solicitation Document Contents.....	32
B. Solicitation Development.....	35
C. Evaluation and Negotiation Team Appointments.....	36
D. Potential Conflicts of Interest.....	36
E. Business Case to Outsource.....	37
F. Scope of Work Development.....	37
G. Issuing the Solicitation.....	40
H. Posting Notifications of Public Meetings.....	41
I. Pre-Response Conference.....	41
J. Technical Questions and Answers.....	42
K. Receipt/Opening of Responses.....	42
L. Evaluation of Proposals or Replies.....	43
M. Receipt of Fewer Than Two Responsive Bids, Proposals, or Replies.....	43
N. Identical Tie Responses.....	43
O. Award.....	44
P. Protests.....	44
Section VII-Receipt and Inspection of Goods.....	46

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

Section VIII-Equity in Contracting.....	46
A. Minority, Women, and Veteran Owned Business Enterprise.....	46
B. Minority, Women, and Veteran Owned Business Enterprise Participation.....	47
Section IX-Fraud Procedures.....	47
A. What is Fraud?.....	47
B. Responsibilities.....	47
Section X-Specific Procurements.....	48
A. Construction Procurements-Chapter 255, F.S.....	48
B. Routine Purchases.....	51
Appendix A.....	59

- Remainder of Page Intentionally Left Blank -

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

DEFINITIONS

1. **Addendum** – A document used to expand or more fully explain the terms of an Invitation to Bid (ITB), Request for Proposal (RFP), or Invitation to Negotiate (ITN) that is incorporated as part of the ITB, ITN, or RFP. This modification becomes a legal part of the document it supplements.
2. **Advanced Payments** – A payment mechanism where, under certain circumstances, DEO makes funds available to a Contractor prior to the delivery of services. Advanced payments may be used only when expressly authorized by law or rule.
3. **Alternate Contract Source** – Contract let by a federal, state, or local government that has been approved by the Department of Management Services (DMS), based on a determination that the contract is cost-effective and in the best interest of the state, for use by one or all Florida agencies for purchases, without the requirement of competitive procurement. Alternate contract sources are authorized by subsection 287.042(16), Florida Statutes (F.S.), as implemented by Rule 60A-1.045, Florida Administrative Code (F.A.C.).
4. **Amendment** – A document that makes substantial changes to the terms of an executed contract. Changes requiring an amendment include, but are not limited to, adjustments in costs, services, time period, and method of payment. The amendment is incorporated as part of the original contract.
5. **Best Value** – has the meaning ascribed in section 287.012(4), F.S.
6. **Bid** – The offer extended to DEO in response to an Invitation to Bid.
7. **Bidder** – Person or entity submitting a bid to an Invitation to Bid.
8. **Blanket/Term Purchase Order** – An electronic agreement that encumbers funds and prescribes the term and amount of money which may be spent. It allows DEO to order specified commodity or contractual services on an as-needed basis until the term has lapsed or the maximum dollar amount has been reached.
9. **Calendar of Events** – A document listing dates and times of all relevant events and deadlines for ITBs, RFPs, and ITNs.
10. **Certified Minority and Women-Owned Business Enterprise (CMWBE)** – A business which has been certified by the Florida Office of Supplier Diversity.
11. **Commodity** – has the meaning ascribed in section 287.012(5), F.S.
12. **Competitive Solicitation** – has the meaning ascribed in section 287.012(6), F.S.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

13. **Conflict of Interest Certification** – The certification is completed by those individuals taking part in the development, evaluation, recommendation or award of a Request for Quote (RFQ), Single Source, ITB, RFP, ITN, or resulting contract, where such persons attest that they have no conflict of interest with the procurement.
14. **Conflict of Interest Questionnaire** – The questionnaire is completed by those individuals taking part in the development, evaluation, recommendation or award of a RFQ, Single Source, ITB, RFP, ITN, or contract, where such persons determine whether or not a conflict of interest exists with either the procurement or contract.
15. **Contract** – has the meaning ascribed in Rule 60A-1.001(1), F.A.C.
16. **Contract Manager** – A person designated by each program area within DEO who is charged with monitoring a contract through the term of the agreement and who is specifically responsible for enforcing performance of the contract terms and conditions, and maintaining all financial information (i.e., payment history, payment method, payment tracking, etc.) The Contract Manager serves as a liaison between DEO and the Contractor regarding performance issues contained in the contract.
17. **Contract Number** – A unique number assigned to each two-party written agreement and MyFloridaMarketPlace (MFMP) purchase order for contractual service procurement in special categories (10xxxx) will be assigned a 5-alpha numeric FLAIR contract number by the DEO Bureau of Financial Management.
18. **Contract Term** – The original term or life of the contract; the period of time from the contract effective date through the contract ending date, which includes renewals, amendments and extensions.
19. **Contract Termination** – Refers to the pre-mature ending of a contract prior to the published date in the Contract. Contracts may be terminated for convenience by DEO by providing written notice within the timeframes established by the contract terms. Contracts may be terminated due to Contractor non-performance issues, discontinuance of contract funding, or other reasons. Expiration refers to a contract successfully completing the term of the agreement.
20. **Contractor** – has the meaning ascribed in section 287.012(7), F.S.
21. **Contractual Service** – has the meaning ascribed in section 287.012(8), F.S.
22. **Cost Analysis** – DEO’s documented review in accordance with section 216.3475, F.S., of a provider’s detailed budget to determine that all costs are reasonable, necessary and allowable by state or federal law.
23. **Design Professional** – For construction procurements, refers to the architect, engineer or other consultant under contract with DEO for professional services.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

24. **Discretionary Purchase** – Purchases of less than \$2,500.00, which requires at least one written quote.
25. **Electronic Posting or Electronically Post** – has the meaning ascribed in section 287.012(10), F.S.
26. **Eligible User** – has the meaning ascribed in Rule 60A-1.001(2), F.A.C.
27. **Emergency Purchase** – A purchase that is exempt from open competitive procurement, by either an Executive Order of the Governor or the agency head determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the state requires emergency action.
28. **Encumbrance** – A form of budget control to ensure that funds are available before a commitment is entered into with a vendor.
29. **eQuote** – An electronic sourcing event in MFMP requesting submission of electronic quotes.
30. **Exceptional Purchase** – has the meaning ascribed in section 287.012(12), F.S.
31. **Expenditure** – The creation or incurring of a legal obligation to disburse funds.
32. **Evaluation Team** – A group of at least three persons appointed by the agency head or delegated authority that collectively have knowledge and experience in the program area and service requirements for which commodities or contractual services are sought via RFP or ITN.
33. **Fixed Capital Outlay (FCO)** – has the meaning ascribed in section 216.011(p), F.S.
34. **FLAIR** – The Florida Accounting Information Resource System. FLAIR is the system utilized by the State of Florida that serves as the statewide accounting system.
35. **Formal Procurement** – Purchases with a dollar value of Category Two or more procured by an ITB, RFP, or ITN.
36. **Formal Written Protest** – A formal objection by any person or firm who believes they have been adversely affected by a decision or intended decision regarding a solicitation or notice of contract award or who contests the solicitation specifications. Formal Written Protest must be submitted in writing within the time frame prescribed by Chapter 120, F.S.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

37. **General Services Administration (GSA) Cooperative Purchasing Program** – Program under an independent agency of the United States Government which allows state, local, and tribal governments to purchase IT, security, and law enforcement products and services offered through specific Schedule contracts. The Cooperative Purchasing program allows eligible entities to purchase from approved industry partners, at any time, for any reason, using any funds available.
38. **Industry** – As it relates to construction procurements, there are four categories: commodities, contractual services, architectural/engineering, and construction.
39. **Informal Quote** – A written quote or eQuote when making purchases with a dollar value of \$2,500 but less than Category Two (\$35,000) on the basis of two or more competitive quotes.
40. **Information Technology (IT)** – has the meaning ascribed in section 282.0041(11), F.S.
41. **Inspection** – The close and critical examination of commodities or services delivered to DEO pursuant to authorized purchase orders or contracts, for the purpose of determining that the quantity and quality ordered were received.
42. **Intent to Award** – An electronically posted notice of intended award on the Florida Vendor Bid System (VBS). The Notice of Intent to Award is posted by the Purchasing Office for a period of 72 hours (three business days excluding weekends and holidays).
43. **Intent to Protest** – Communication informing DEO of a respondent’s intention to contest solicitation specifications or other DEO decisions or intended decisions. The notice of Intent to Protest is filed prior to receipt of a formal written protest and bond.
44. **Invitation to Bid (ITB)** – has the meaning ascribed in section 287.012(16), F.S.
45. **Invitation to Negotiate (ITN)** – has the meaning ascribed in section 287.012(17), F.S.
46. **Invoice** – Vendor’s itemized document stating prices and quantities of goods or services delivered, and sent to buyer for verification and payment.
47. **Method of Payment** – The specified manner in which contractors will submit their invoices (fixed unit rate, fixed price, cost reimbursement, etc.), the frequency with which invoices will be submitted, and any conditions pertaining to the payment of invoices.
48. **Minority and Women-Owned Business Enterprise (MWBE)** – Any small business entity that is organized to engage in commercial transactions, is domiciled in Florida, and is at least 51 percent owned by minority persons, and whose management and daily operations are controlled by such persons. (See Certified Minority and Women-Owned Business Enterprise (CMWBE)).

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

49. **MyFloridaMarketPlace (MFMP)** – The State of Florida’s electronic procurement system.
50. **Negotiations** – The formal process of seeking agreement between DEO and a vendor (or several vendors) on the cost, levels, and types of services and terms and conditions of a contract.
51. **Negotiation Team** – means the DEO employees appointed to conduct Negotiations for any contract over \$195,000, pursuant to section 287.057(16)(a), F.S.
52. **Office of Supplier Diversity (OSD)** – A specialized team established within DMS to assist in improving business opportunities for Florida-based woman-, veteran- and minority-owned small businesses.
53. **Operating Capital Outlay (OCO)** – has the meaning ascribed in section 216.011(1)(bb), F.S.
54. **Outsource** – has the meaning ascribed in section 287.012(20), F.S.
55. **Prison Rehabilitative Industries and Diversified Enterprises (PRIDE)** – The nonprofit corporation authorized by Chapter 946, F.S., to lease and manage the correctional work programs of the Florida Department of Corrections, and to sell commodities and services.
56. **Procurement/Purchase** – An acquisition made by contracting in any manner for goods or services.
57. **Procurement Checklist** – The checklist utilized by the Purchasing Office and program areas to ensure that all steps of the procurement process are followed and that all required documentation is maintained.
58. **Procurement Officer** – Employee within the Purchasing Office assigned to facilitate all related public procurement responsibilities.
59. **Project Manager** – Individual assigned by the program area to facilitate the program area’s procurement responsibilities. This individual may also be assigned as the program area Contract Manager.
60. **Public Meeting** – All meetings of the evaluation or negotiation teams, except as otherwise provided in section 286.0113, F.S., and the Constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting and must provide reasonable notice (seven (7) calendar days) of all such meetings.
61. **Purchasing Card (PCard)** – The charge card utilized by state agencies for informal procurements, emergency purchases, and travel.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

62. **Purchasing Categories/Thresholds** – have the meanings as established in section 287.017, F.S.
63. **Purchasing Forms** – means the following forms:
- PUR 1000 – General Contract Conditions
 - PUR 1001 – General Instructions to Respondents
 - PUR 7102 – Department Request for Review of Alternate Contract Source
 - PUR 7662 – Attestation of No Conflict of Interest
 - PUR 7776 – Description of Intended Single Source Purchase
 - PUR 7778 – Notice of Intended Decision to Enter into a Single Source Contract
 - PUR 7800 – Notice of Emergency Purchase
64. **Purchasing Gatekeeper** – A purchasing employee assigned the responsibility of receiving all DEO requisitions as they are submitted in MFMP for the purpose of initial Purchasing Office review.
65. **Purchasing Manager** – Individual within the Purchasing Office that is tasked with overseeing all related public procurement activities for DEO.
66. **Purchase Order (PO)** – has the meaning ascribed in Rule 60A-1.001(3), F.A.C. A PO is created when a purchase requisition completes the workflow approval process in MFMP. MFMP sends POs to the chosen supplier by email or through the vendor’s ASN account.
67. **Purchase Requisition (PR)** – An electronic request issued via MFMP to procure commodities or services on behalf of program areas or divisions. The PR is used by all offices to identify commodity and service requirements, and notify/authorize the Purchasing Office to make a purchase. All PRs are processed in accordance with all applicable rules, procedures and statutes.
68. **Receipt** – The electronic process used by the recipient of a commodity or services ordered on a Purchase Order to acknowledge the receipt and acceptance.
69. **Renewal** – has the meaning ascribed in section 287.012(21), F.S.
70. **Request for Information (RFI)** – has the meaning ascribed in section 287.012(22), F.S.
71. **Request for Proposal (RFP)** – has the meaning ascribed in section 287.012(23), F.S.
72. **Request for Quote (RFQ)** – has the meaning ascribed in section 287.012(24), F.S.
73. **Requestor** – The individual within the program area who initiates purchase requisition details through the MyFloridaMarketPlace e-procurement system. This person also works directly with the Purchasing Office as needed.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

74. **RESPECT** – A non-profit organization designated by the Florida DMS to administer Florida’s State Use Program. The organization helps employ Floridians with disabilities throughout the state by producing commodities and providing contractual services that are sold to government entities.
75. **Respondent** – Individual or organization submitting a proposal or reply in response to a ITB, RFP, or ITN.
76. **Responsible Vendor** – has the meaning ascribed in section 287.012(25), F.S.
77. **Responsive Bid, Responsive Proposal, or Responsive Reply** – has the meaning ascribed in section 287.012(26), F.S.
78. **Responsive Vendor** – has the meaning ascribed in section 287.012(27), F.S.
79. **Service-Disabled Veteran Business Enterprise** – An independently owned and operated business that: 1) Employs 200 or fewer permanent full-time employees; 2) Together with its affiliates has a net worth of \$5 million or less or, if a sole proprietorship, has a net worth of \$5 million or less including both personal and business investments; 3) Is organized to engage in commercial transactions; 4) Is domiciled in this state; 5) Is at least 51 percent owned by one or more service-disabled veterans; and 6) The management and daily business operations of which are controlled by one or more service-disabled veterans or, for a service-disabled veteran with a permanent and total disability, by the spouse or permanent caregiver of the veteran.
80. **Single Source** – A purchase of a commodity or contractual service that is available from only one source.
81. **Small Business** – An independently owned and operated business that employs 200 or fewer permanent full-time employees and that, together with affiliates, has a net worth of not more than \$5 million or any firm based in Florida, which has a Small Business Administration (SBA) 8(a) certification. As applicable to sole-proprietorships, the \$5 million net worth requirement shall include both personal and business investments.
82. **Solicitation** – A request for bids, proposals, quotes, replies, to provide commodities, contractual services, or construction items.
83. **State of Florida Initiatives** – A bidder’s or respondent’s written State Project Plan addressing the State’s four (4) objectives. The State supports and encourages initiatives to protect and preserve our environment; initiatives to keep the workplace of Florida’s suppliers and Contractors drug free; the gainful employment of citizens with disabilities; and the use of Florida Correctional work programs.
84. **State Term Contract** – has the meaning ascribed in section 287.012(28), F.S.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

85. **Statement/Scope of Work** – A narrative attached to the solicitation document and contract that details the commodities or services to be provided, specific eligibility requirements, concrete objectives that are to be accomplished, and any other requirements that affect how the commodities or services will be delivered as well as specifying any benchmarks for performance.
86. **Term Contract** – has the meaning ascribed in section 287.012(29), F.S.
87. **Unauthorized Purchase** – A purchase made without prior approval. Unauthorized purchases may result in the purchaser being held responsible for payment or subject to disciplinary action.
88. **Vendor** – has the meaning ascribed in Rule 60A-1.001(4), F.A.C.
89. **Vendor Bid System (VBS)** – The state’s centralized procurement website for electronic posting of agency solicitations, decisions or intended decisions.

I. GENERAL PURCHASING

A. PURPOSE

This document sets forth DEO’s purchasing guidelines. All of DEO’s procurement activities will be accomplished according to these guidelines. The procedures contained herein are intended to comply with applicable state and federal laws, rules, and regulations. In the event of a conflict between this document and any applicable and controlling state or federal law, rule, or regulation, the law, rule, or regulation will control.

B. STATE AND FEDERAL PROCUREMENT LAWS

Any questions regarding the applicability of law or determination as to whether laws conflict must be referred to the DEO Office of General Counsel.

C. PRINCIPLES AND RESPONSIBILITIES

Principles: The purpose of the procurement function at the DEO is to ensure the availability of those required resources that are not provided by DEO employees, and to achieve the best value for the State of Florida. DEO has a centralized Purchasing Office which adheres to the following principles:

- **Legality and Ethics:** Strict adherence to the requirements of the law, unaffected by personal gain or personal relationships;
- **Effective Service:** Providing DEO users what they need when they need it;
- **Efficiency:** Achieving maximum value with minimum resources and time;
- **Economy:** Obtaining maximum benefit for the dollars expended;

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

- **Fairness:** Offering competitive opportunities to the maximum number of contacts and suppliers; and
- **Diversity:** Consider supplier diversity with every purchase.

Responsibilities: It is the policy of DEO's Purchasing Office to provide procurement services that are responsive to the needs of the programs and facilities they support. These procurement responsibilities will be accomplished within the framework of all applicable state and federal laws, rules and regulations, and DEO policies.

1. Purchasing Office Responsibilities

- Developing and implementing rules, operating procedures, and standards for DEO purchasing functions.
- Facilitate purchasing functions in all DEO program areas to ensure compliance with DEO's purchasing policy and statutes and rules that govern public procurement.
- Providing technical assistance to all DEO program areas in order to support the purchasing function.
- Coordinating purchasing activities with other state and federal agencies.
- Coordinating audit and management review responses and corrective actions regarding purchasing functions.
- Reviewing proposed purchasing related legislation and its impact on DEO.
- Representing DEO before other agencies on statewide purchasing issues.
- Developing and implementing automated purchasing systems for DEO whenever feasible and economical.
- Facilitating DEO solicitation processes.
- Conducting special studies and projects relating to purchasing.
- Ensuring MFMP requisitions are properly completed, to include adequate descriptions of items requested, justification, and special approval documentation as necessary.
- Developing and administering DEO's supplier diversity program.
- Managing vendor information and complaints related to purchasing activities within DEO.
- Planning and coordinating purchases to ensure that quality products and services are obtained in a timely manner from responsible vendors on a competitive basis.
- Reporting any violations of state, federal or DEO purchasing policies and procedures to the Chief Financial Officer, the Office of the Inspector General, and the Office of the General Counsel; and recommending corrective actions necessary to preclude the recurrence of such violations.
- Ensuring that all vendors doing business with DEO are treated equally and fairly in the awarding of solicitations.
- Maintaining original DEO solicitation files.
- Evaluating new or alternative products delivered to or under consideration for use within DEO.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

- Providing administrative guidance to the Local Workforce Development Boards as may be needed.
- Serving as a DEO liaison to vendor community and point of contact for the dissemination of product information to appropriate staff within DEO.
- Serving as DEO's MFMP System Administrator. The MFMP System Administrator acts as the custodian and facilitator of all activities related to updating and maintaining user's roles within the system, including, but not limited to:
 - Assist with monitoring confidential data;
 - Ensure proper training for individuals with access;
 - Create new MFMP user accounts;
 - Assign only necessary groups/roles for each customer;
 - Monitor, update and inactivate customer accounts;
 - Reset account passwords;
 - Establish and maintain DEO Ship To and Bill To addresses;
 - Maintain DEO requisition approval flow;
 - Assist with maintenance of MFMP DEO's distribution lists; and
 - Distribute MFMP communications to all DEO customers;
- Setting up and maintaining the list of active and inactive users and their assigned roles.
- Providing MFMP Training to DEO end users, on an "as needed basis".
- Acting as the first point of contact for the reporting, tracking, and resolution of MFMP related issues.
- Facilitating meetings as needed with the DMS MFMP Team and DEO Purchasing and Accounting representatives for issue follow up and resolution.
- Attending periodic MFMP meetings and reporting results to the Purchasing Manager.
- Facilitating communication of pertinent MFMP related issues to DEO MFMP users (i.e., e-mail communications from DMS MFMP Team, DMS MFMP Training Opportunities, etc.).
- Confirming that identified vendors are registered to do business with the state in the MyFloridaMarketPlace (MFMP) system or provide information to assist vendors in becoming registered.
- Ensuring that DEO personnel make no obligations against DEO until the purchasing staff has completed all required activities.
- Monitor purchasing activity to ensure procurements are in accordance with Chapter 287, F.S.

2. Program Area Responsibilities

- Ensuring that all requisitions are completed in their entirety, attaching supplemental quotes, justifications, and approvals prior to submitting the requisition to the 4000: Purchasing Gatekeeper approver.
- Ensuring that adequate time is provided for approval and purchasing activities to be accomplished.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

- Following state and federal rules and regulations regarding procurement activities.
- Staying abreast of and monitoring the implementation of purchasing policies and procedures for compliance with state law and DEO's purchasing policy by attending training offered by the Purchasing Office.
- Developing competitive solicitations in conjunction with the Purchasing Office.
- Initiating purchase requests through the Purchasing Office.
- Making purchasing/business recommendations to DEO's Purchasing Manager.
- Managing vendor information and complaints by:
 - Facilitating solutions to vendor complaints;
 - Documenting vendor complaints and actions taken;
 - Addressing vendor complaints regarding state contracts to the Purchasing Office;

- Assigning a Project Manager or Contract Manager, if needed, to serve as the program area procurement main point of contact.

D. ETHICS AND STANDARDS OF CONDUCT IN PROCUREMENT

DEO shall maintain high standards of ethics and conduct in all procurement transactions.

Public employees engaged in the procurement process are required to maintain complete independence and impartiality in dealings with vendors, both in fact and in appearance, in order to preserve the integrity of the competitive process and to ensure that there is public confidence that contracts are awarded equitably and economically. All procurement transactions, regardless of dollar value, shall be conducted in a manner so as to provide maximum open and fair competition. Personnel must be alert to conflicts of interest or noncompetitive practices among vendors that may restrict or eliminate competition or otherwise restrain trade.

No DEO employee may hold any type of employment or contractual relationship with a Contractor or Subcontractor that does business with DEO.

The ethical standards listed below have been paraphrased and are not intended to interpret or revise applicable statutes. Further guidance is contained in DEO's Policy Number 1.05, Code of Ethics, and Chapter 112, F.S.

1. **Solicitation or Acceptance of Gifts:** No employee of DEO may solicit or accept anything of value, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the official action or judgment of the employee would be influenced. Section 112.313(2), F.S.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

2. **Doing Business with One's Department:** No employee acting in his or her official capacity may either directly or indirectly purchase, rent, or lease any realty, goods, or services for DEO from any business entity that he or she, or his or her spouse, or child is an officer, partner, director, or proprietor of in that such officer, or his or her spouse or child, or any combination of them, has a material interest. Nor shall an employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to DEO. Section 112.313(3), F.S.
3. **Unauthorized Compensation:** No employee of DEO, or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value that may appear or be perceived to influence an action in that the employee is expected to participate in his or her official capacity. Section 112.313(4), F.S.
4. **Misuse of Public Position:** No employee of DEO may corruptly use or attempt to use his or her official position, or perform his or her official duties to secure special privilege, benefit, or exemption for himself, herself, or others. This section shall not be construed to conflict with Section 112.313(6), F.S.
5. **Conflicting Employment or Contractual Relationship:** No employee of DEO may have or hold any employment or contractual relationship with any business entity or any Department that is subject to the regulation of, or is doing business with, DEO. Nor shall an employee of DEO have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties. Section 112.313(7), F.S.
6. **Disclosure or Use of Certain Information:** No employee of DEO may disclose or use information not available to members of the general public and gained by reason of his or her official position for his or her personal benefit, personal gain, or benefit of any other person or business entity. Section 112.313(8), F.S.

QUESTIONS REGARDING THE APPLICATION OF THESE STANDARDS SHOULD BE DIRECTED TO THE OFFICE OF THE GENERAL COUNSEL.

E. DISALLOWED PURCHASES/PROHIBITED EXPENDITURES

State agencies may purchase only items necessary to carry out statutory duties and should select such items on an economically prudent and cost-effective basis, not to satisfy the personal convenience or personal preference of individuals.

A list of prohibited expenditures may be found in the DFS, Reference Guide for State Expenditures (see Appendix A).

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

The purchase of disallowed items may result in DFS' refusal to pay the invoice and the individual who requested or received the item being held personally accountable for payment and subject to disciplinary action. When in doubt, contact the Purchasing Office for advice.

Examples of disallowed items include, but are not limited, to the following:

- Alcoholic beverages;
- Aspirin, band-aids, and other such items for personal benefit (first aid kits are permitted);
- Briefcases, lamps and clocks without specific justification;
- Congratulatory or condolence telegrams;
- Convenience appliances, such as heaters, fans, refrigerators, stoves, microwave ovens, dishwashers, coffee makers, mugs, smoke filters, etc.;
- Entertainment costs;
- Greeting cards;
- Meals, beverages, refreshments, except as authorized by DEO's Travel Policy 3.05.
- Office supplies, furniture, etc., more expensive than necessary to meet a legitimate need; and
- Plants, flowers, pictures, statues, globes, picture frames, and other decorative items.

II. PURCHASING SYSTEM CONTROLS

To establish the required control and at the same time adhere to the principles set forth above, the following procedures are established:

A. PROCUREMENT DOCUMENT

The purchase of all commodities and services will be accomplished by use of one of the following methods:

1. State PCard
2. Purchase Order via MFMP
3. Solicitation/Contract

B. FIXED CAPITAL OUTLAY (FCO)

All proposed expenditures relating to fixed capital outlay should be handled in accordance with the policy guidelines established by the Governor's Office of Planning and Budgeting and the DMS.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

C. OPERATING CAPITAL OUTLAY (OCO)

All request for purchase of items classified as OCO (unit price \$1,000 or more, useful life 1 year or more and hard covered books \$250 or more) must be reviewed and approved by the "OCO Review Team". The OCO Review Team is comprised of DEO personnel from various program areas, and are assigned by DEO's Chief Financial Officer with the responsibility of ensuring budget and specifications of the items being purchased meet DEO/state requirements.

Approvals of all OCO allocations are contingent, in part, upon availability of appropriate and sufficient funding to support the request.

D. NONCONFORMING REQUEST FOR PURCHASE ORDER

The Purchasing Office is authorized to return any purchase request which does not conform with these guidelines, DEO's policies, or applicable state or federal law.

E. PERSONAL PREFERENCE

The items or services requested, and the vendors selected will be determined on the basis of operational need, competition, and applicable purchasing regulations and not personal preference.

F. VENDOR RELATIONS AND SELECTION

Unless directed otherwise, any DEO employee responsible for determining commodities and services to fill a need or preparing a MFMP purchase requisition, may discuss commodities or services, delivery schedules, price ranges, types of contracts, etc., with vendor representatives, or obtain firm price quotes for purchases **excluding formal competitive solicitations.**

Vendor selection will be determined based on the response that provides the best value to DEO. Best value will be determined based on the method of procurement being utilized for the particular procurement.

G. EXEMPT ADMINISTRATIVE PURCHASES

For purposes of this policy the following items may be exempted from the purchasing procedures outline herein:

1. Interagency Agreements
2. Grant Agreements
3. Journal Transfers
4. Reemployment Assistance unemployment compensation charges
5. Personnel charges from DMS
6. Postage or post office box rental

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

7. Utilities
8. Contracts procured and executed by CareerSource Florida where payments are made by DEO

H. FEDERAL APPROVALS

It will be the responsibility of program areas who request the purchase of goods or services to remain abreast of and comply with federal approval requirements.

I. KEY DATES

The state fiscal year begins July 1 and runs through June 30 of the following year. The federal fiscal year begins October 1 and runs through September 30 of the following year. Prior to the end of the state or federal fiscal year, the Purchasing Office establishes deadlines for electronic MFMP purchase requisitions to be initiated and approved. A memorandum is issued annually identifying specific key dates.

III. PROCUREMENT INSTRUMENTS

The procurement of all commodities and services will be accomplished by one of the following methods:

A. STATE PCARD

PCARD oversight and utilization is managed by DEO's Bureau of Financial Management. Please refer to the DEO's PCard Guidelines Policy 3.06 (see Appendix A).

B. PURCHASE ORDER VIA MFMP

An MFMP Requisition must be utilized for all purchases that require a written agreement, unless exempt from the written agreement requirement as provided in section 287.058, F.S. MFMP provides an online, statewide marketplace for government buyers and vendors to conduct business, and provides the State the opportunity to leverage its purchasing power as the State acts as one purchasing entity, with the objective of reducing the cost of goods and services purchased.

MFMP also provides the state with better visibility as to what is being purchased, and, as a result, provides better purchasing decisions and enables the state to negotiate better pricing with suppliers.

Section 287.057(22), F.S. provides that to enable the state to promote open competition and to leverage its buying power, agencies shall participate in MFMP. Only vendors pre-qualified as meeting mandatory requirements and qualifications criteria shall be permitted to participate in on-line procurement. DMS may collect transaction fees for the use of the on-line procurement system.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

Vendors desiring to sell commodities or contractual services as defined in section 287.012, F.S., to the state through the on-line procurement system be pre-qualified to do so and shall register in MFMP. Information about the registration process is available, and registration may be completed at the MFMP website (link under business on the State portal at www.myflorida.com). Interested persons lacking Internet access may request assistance from the MFMP Customer Service Section at (866) FLA-EPRO (866) 352-3776 or from the DMS State Purchasing Office at (850) 488-8440.

DEO shall not enter into an agreement for the sale of commodities or contractual services as defined in section 287.012, F.S., with any vendor not registered in MFMP.

An automated purchase requisition is completed, initiated and submitted within the MFMP following a determination that a specific item is needed and provided for in the program area budget. The requestor in the program area prepares the requisition.

1. Processing MFMP Purchase Requisitions

Each program area is responsible for ensuring that sufficient funds are available to cover commodities or services purchases prior to the issuance of a purchase requisition.

Purchase requisitions received in the Purchasing Office are generally processed within three business days of receiving a completed and approved purchase requisition with all supporting documentation.

Supporting documentation includes the following internal or external forms, as applicable:

- DFS Contract Summary Form/Certification Statement [see CFO Memorandum No. 1 (2012-2013)];
- Operating Capital Outlay (OCO);
- Request for Acquisition of Motor Vehicles and Mobile Equipment (DMS Form MP6301);
- Request for Payment of Membership Dues;
- Certification of Availability of Records for Public Inspection;
- Alternate Contract Request, GSA Schedule 70/84;
- Single Source PUR 7776 and PUR 7778;
- DEO's Optional Exceptional Purchase Request;
- Form PUR 7662; and
- Conflict of Interest Questionnaire.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

All purchase requisitions should contain the following:

- a. Beginning and end dates;
- b. Scope of Work;
- c. Deliverables;
- d. Payment Methodology;
- e. Performance Standards;
- f. Description (Who, What, When, Where, How);
- g. Requestors phone number at the end of Requestors name in the "Deliver To" line, is optional;
- h. Supporting documentation; and
- i. Written Quotes or eQuote when applicable.

NOTE: When preparing a requisition in MFMP, DO NOT select "lot" as the unit of measure for commodity requisitions. The information contained in the line item should match how the invoice will be received.

2. MFMP Confidential Information

Personal and Confidential information that is directly related to an individual is prohibited from being included in MFMP. This includes information included in the comments field, line item description as well as attachments. Please see DEO Policy Number 4.10. (see Appendix A).

3. Review of MFMP Requisitions

Purchase requisitions are reviewed by the Purchasing Office as the requisitions appear in the Purchasing Office's queue within MFMP. The Purchasing Office has a maximum of three business days to process, review, or approve each purchase requisition or change order request.

4. MFMP Electronic Approvals

Before a purchase order is issued, the purchase requisition must have all electronic approvals from all appropriate approving personnel.

5. Purchase Order

The purchase order is the result of a fully approved MFMP requisition and serves as the web-based electronic agreement that formalizes a transaction between DEO and the vendor. The purchase order is the standard instrument for procuring the majority of commodities and services. Purchases equal to or greater than \$2,500 that are made prior to the issuance of a purchase order are unauthorized and, therefore, not binding on DEO. Unauthorized purchases may result in the requestor being held responsible for payment or subject to

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

disciplinary action. The purchase order contains the same information as the corresponding purchase requisition.

6. Blanket Purchase Order

A blanket purchase order can be utilized for ongoing purchases of commodities or services from a particular vendor over a given period on an as needed basis.

For example, a requestor may anticipate buying \$10,000 worth of blue squares from ABC, Inc. To avoid storage costs, the agency may wish to purchase the blue squares on an as-needed basis. Once agency management, budget and purchasing personnel have reviewed and approved spending \$10,000 with ABC, Inc., it would be highly inefficient to involve the approvers in every individual transaction. A more efficient alternative is the blanket purchase order, which provides authorization for users to complete the individual transactions with the specific vendor up to the specified dollar limit.

IV. TYPES OF PROCUREMENT

A. DISCRETIONARY/INFORMAL PURCHASES

1. **Discretionary Purchases** with a value below \$2,500 require one quote. These purchases shall be carried out using best purchasing practices. Best practices include but are not limited to the receipt of written quotations or written records of telephone quotations.
2. **Informal Quotes** which meet or exceed \$2,500 up to Category Two. These purchases require receiving two written quotations or eQuotes.

If DEO receives fewer than two quotes, the Purchasing Office shall research why additional quotes were not received. If DEO determines that commodities or contractual services are available only from a single source, or circumstances warrant negotiation on the best terms and conditions, DEO may proceed with the procurement. DEO shall document the conditions and circumstances used to determine the procurement method.

For informal purchases with fewer than two quotes, the program area shall complete and submit the following forms to the Purchasing Office for review and approval:

- DEO's Optional Exceptional Purchase Request
- Attestation of No Conflict
- Conflict of Interest Questionnaire

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

DEO's Optional Exceptional Purchase Request form includes the Form PUR 7662 Certification and the Conflict of Interest Questionnaire, which are available for download from DEO's Forms Directory (see Appendix A).

Telephone quotes should be appropriately documented, stating at a minimum:

- the vendor name, address and phone number,
- who provided the quote,
- delivery date,
- quantity, item description, number of units, and
- the total price for the commodity or service provided.

Requestors within each program area are responsible for obtaining informal quotes. It is encouraged that quotes be obtained from a certified minority business enterprise. The Purchasing Office will provide assistance in locating a vendor upon request. Additionally, when seeking quotes, requestors should stress to the vendors that an "order" is not being placed and that no commodities or services are to be shipped or provided until a Purchase Order has been issued and received by the Vendor, or until an order has been made via PCard. The requestor may, if desired, suggest potential vendors to the Purchasing Office. Regardless of who solicits quotes, identical specifications must be provided to each vendor in order to ensure an equitable comparison of prices (i.e., an apples to apples comparison).

B. INFORMAL/NON-COMPETITIVE SOLICITATIONS

Below are the types of informal/non-competitive solicitations:

- Exempt Procurements
- Single Source >\$35,000
- Emergency Purchases
- State Term Contracts
- PRIDE
- RESPECT of Florida
- Alternate Contract Sources
- GSA Schedules

1. Exempt Procurements

Please refer to section 287.057(3)(e)(1-13) and 287.057(3)(f), F.S. for a detailed listing of exempt procurements.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

2. Single Source

Pursuant to section 287.057(3)(c), F.S., such purchases are exempt from the competitive solicitation process. Contracts procured via the single source procurement method shall not be renewed. Rule 60A-1.045, F.A.C. provides for the method by which single source purchases in excess of Category Two may be accomplished.

a. Single Source Procurement Procedures

1. Program Area Responsibilities

- a. Identify need for single source procurement, and notify the Purchasing Office of same via e-mail.
- b. Each individual involved in the selection of the Contractor must complete and sign the Conflict of Interest Questionnaire and complete Form PUR 7662 and provide originals to the Purchasing Office.
- c. If the single source is for contractual services, the program area shall complete the Cost Analysis for Non-Competitive Procured Contractual Services Agreements in Excess of Category Two and certify that the cost is allowable, reasonable, and necessary.
- d. Complete Form PUR 7776 and forward the justification to the Purchasing Office for preliminary review and approval.
- e. Once the Purchasing Office has completed the preliminary review, the program area is responsible for assisting the Purchasing Office in obtaining legal and executive leadership review and approval prior to the Purchasing Office posting the single source request to the Vendor Bid System.

2. Purchasing Responsibilities

Upon receipt of an approved single source packet the Purchasing Office will facilitate the actions described below:

- a. The Purchasing Office shall electronically post the Form PUR 7776 to the VBS. This notice shall be posted for at least seven business days. If any information is received from prospective vendors as a result of the posting, the program area must address each prospective vendor's submission and explain why such submission does not meet DEO's requirements. The program area will draft the written determination for Purchasing and Legal review and approval.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

- b. After making the written determination required above, DEO shall provide notice of its intended decision to enter into a single source purchase by utilizing Form PUR 7778. This notice shall be electronically posted to the VBS in accordance with section 120.57(3), F.S. for three additional business days.
- c. The Purchasing Office will notify the program area upon completion of the posting processes, and will provide further direction to the program area, as applicable.

3. Modifications to a Single Source Contract

If DEO issues a single source modification that increases the originally advertised award amount in excess of Category Two, DEO must process the modification in accordance with Rule 60A-1.045, F.A.C.

If DEO believes that the commodity or service continues to be available only from a single source, DEO must re-initiate the single source exemption process.

Note: Conflict of Interest without Competition. Section 287.057(19), F.S. and Rule 60A-1.002(6), F.A.C., provides that in any procurement that costs more than the threshold amount provided for in Category Two and is accomplished without competition, the individuals taking part in the development or selection of criteria for evaluation, the evaluation process, or the award process shall attest in writing that they are independent of, and have no conflict of interest in, the entities evaluated and selected. The attestations shall be placed in DEO procurement file. The Form PUR 7662 Certification and the Conflict of Interest Questionnaire are available for download from DEO's Forms Directory.

Although not required for single source purchases less than Category Two, it is DEO's policy that all parties involved in the selection of the Contractor for any single source purchase must complete and sign a Conflict of Interest Questionnaire and Form PUR 7662 prior to completing the purchase. The original signed questionnaire and attestation forms are to be filed with the original procurement file in the Purchasing Office.

3. Emergency Purchases

DEO may make emergency purchases pursuant to section 287.057(3)(a), F.S. Emergency procurements shall be made by obtaining pricing information from at least two prospective vendors that must be retained in the contract file, unless the agency determines in writing that the time required to obtain pricing information will increase the immediate danger to the public health, safety, or welfare or other substantial loss to the state. The procedures for requesting and processing an emergency purchase are provided below:

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

- a. Program area identifies emergency need.
Program area will forward communication to the Purchasing Office requesting approval to proceed with an emergency purchase. The communication shall contain at a minimum the name of Vendor, the amount of the purchase, and a detailed explanation as follows:
- 1) Request for approval to proceed with an emergency purchase;
 - 2) Circumstances that created the emergency;
 - 3) Identification of the danger to the public health, safety or welfare, or other substantial loss to the state;
 - 4) Description of efforts performed to obtain pricing from at least two vendors, or description of the immediate increased danger that would result from such efforts;
 - 5) Request for approval to proceed with an emergency purchase; and
 - 6) List the names of all parties involved in the emergency purchase.

Upon receipt of the above information, the Purchasing Office will facilitate the program area in preparing Forms PUR 7800 and PUR 7662 and the Conflict of Interest Questionnaires for all parties involved in the emergency purchase, and will route these forms for signature to the Executive Director or his or her designee. These forms must be signed and filed with the DMS within 30 days after the date of issuance of the emergency purchase order or written two-party agreement unless the emergency purchase is a result of an Executive Order.

Emergency purchase contracts or purchase orders may not be renewed. Emergency purchase contracts or purchase orders need not be posted electronically or by any other means. DMS approval is not required to make an emergency purchase, as the burden of proof rests with DEO approved designee who authorized the purchase.

4. State Term Contracts

Commodities and services available on state term contract may be viewed at DMS State Contracts and Agreements (see Appendix A).

DEO shall purchase commodities and contractual services from purchasing agreements established and state term contracts procured, pursuant to sections 287.056 and 287.057 by DMS. DEO agreements shall be written in accordance with the instructions and requirements of the applicable contract. Program areas are encouraged to consult the Purchasing Office for guidance and assistance. Use of state term contracts is mandatory, except when DEO determines that commodities or services offered by a State Term Contract will not meet DEO's needs. DEO's needs analysis includes, but is not limited to, the following:

- a. unavailability of the commodities or services within DEO's schedule or delivery requirements,

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

- b. need for compatibility with existing equipment or systems;
- c. or failure to meet DEO-required specifications, quality levels or technical requirements. If a state term contract is not utilized, the requestor shall document in writing the reasons why.

5. Request for Quote

Used when making purchases from a State Term Contract in order to seek additional competition or to determine whether a price, term or condition more favorable to DEO is available in accordance with Rule 60A-1.043, F.A.C. If at least two vendors are on the State Term Contract and available to provide the commodities or contractual services, DEO should solicit at least two quotes, unless the purchase is less than Category One.

As a reminder, it is encouraged to obtain at least one quote from a Florida Certified Minority Business Enterprise, if available.

Contractual services procured via a State Term Contract do not require a written two-party agreement, however the program area may choose to do so. If not, the MFMP Purchase Order will serve as the file of record. **If the award resulting from an RFQ is greater than the Category Four threshold a two-party contract agreement may be utilized (if applicable).**

The program area is responsible for requesting and receiving RFQs from State Term Contractors and responsible for determining which vendor offers the best value.

A copy of all RFQ supporting documentation should be maintained by the program area.

6. Prison Rehabilitative Industries and Diversified Enterprises (PRIDE)

Products and services are available for purchase from PRIDE by Florida agencies without competitive procurement. Subject to the agency determination provided for in subsection 287.042(1) and section 946.515, F.S., no similar product or service of comparable price and quality, found necessary for use by any state agency, may be purchased from any source other than PRIDE if PRIDE certifies that the product is manufactured by, or the service is provided by, inmates, and the product or service meets the comparable performance specifications and comparable price and quality requirements. Current PRIDE price agreements are available at DMS State Contracts and Agreements.

7. RESPECT of Florida

Products and services are available for purchase from RESPECT by state agencies, as required by section 413.036, F.S. Subject to the agency determination provided for in section 413.036, F.S., no similar product or service of comparable price and quality found necessary for use by any Florida state agency may be

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

purchased from any source other than the Central Nonprofit Agency (CNA) for the blind or severely handicapped if the CNA certifies that the product is manufactured or supplied by, or the service is provided by, the blind or severely handicapped, and the product or service meets the comparable performance specifications and comparable price and quality requirements as determined by the agency. This contract can be viewed at DMS State Contracts and Agreements.

8. Alternate Contract Sources

Agencies may request from DMS permission to purchase commodities or services from term contracts competitively established by other governmental entities. Agencies must submit Form PUR 7102. The contract must contain specific language or the legal authority authorizing third parties to make purchases from the contract with the vendor's consent. A list of pre-approved alternate contract sources, and the agencies authorized to use such contracts may be found at DMS State Contracts and Agreements. **The submission of Form PUR 7102 is not required for any DMS pre-approved alternate contract source.**

In order for a DEO contract to be eligible as an alternate contract source, DEO must have included the following contract language in the solicitation and contract terms authorizing DMS to approve the contract as an alternate contract source if requested by another agency:

"As provided in section 287.042(16) F.S. other state agencies may purchase from the resulting contract, provided that DMS has determined that the contracts use is cost-effective and in the best interest of the State. Upon such approval, the Contractor may, at its discretion, sell these commodities or services to additional agencies, upon the terms and conditions contained herein."

9. GSA SCHEDULE

The GSA Cooperative Purchasing program is a DMS pre-approved alternate contract source that provides government agencies with IT and telecommunications hardware, software, and professional services (Schedule 70), and security, fire and law enforcement services (Schedule 84). Both, Schedule 70, and Schedule 84 are currently open for use by federal, state, and local government agencies.

The GSA Schedule 70 and Schedule 84 Contract list is available at the DMS State Contracts and Agreements.

DMS has pre-approved agencies' use of Schedule 70 and Schedule 84 and has set forth the following important constraints:

- When purchasing from GSA Schedule 70 and Schedule 84, agencies shall follow the ordering procedures of Federal Acquisition Regulation (FAR) subpart 8.405, modified as follows:

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

- a. At least one quote for purchases up to \$2,500;
 - b. At least three quotes for purchases of \$2,500.01 to \$150,000
 - c. More than three quotes necessary for purchases over \$150,000.01 to \$10,000,000.00; and
 - d. Schedule 70 may not be used for purchases over \$10 million.
- Agencies shall process GSA Cooperative Purchasing program purchases in MFMP and a written two-party agreement (if applicable) and further document the transaction as provided in FAR subpart 8.405.

C. REQUEST FOR INFORMATION (RFI)

Rule 60A-1.042, F.A.C. provides that a Department may request information by issuing a written RFI. Agencies may use a RFI in circumstances including, but not limited to, determining whether or not to competitively procure a commodity or contractual service, determining what solicitation process to use for a particular need, or researching general, special or technical specifications for a solicitation. **A vendor's response to a RFI is not an offer and DEO may not use the vendor's submission to justify a contract with that vendor without otherwise complying with Chapter 287, F.S., and Chapter 60A-1, F.A.C. Vendors submitting responses to a Department's RFI are not prohibited from responding to any related subsequent solicitation.**

D. FORMAL COMPETITIVE SOLICITATIONS

There are three types of formal competitive solicitation methods:

1. Invitation to Bid,
2. Request for Proposal, and
3. Invitation to Negotiate.

State law requires that purchases greater than Category Two for commodities or contractual services must be made through a formal, competitive, sealed solicitation unless the purchase is not subject to competitive solicitation requirements or is available from a State Term Contract. Any formal competitive solicitation shall be conducted pursuant to Chapter 287, F.S., and Chapter 60A, F.A.C. Section 287.057(9) F.S., prohibits DEO from dividing the solicitation of commodities or contractual services into smaller purchases in order to avoid this requirement.

Any formal competitive solicitation shall be made available simultaneously to all vendors. The solicitation must also include the time and date for the receipt of bids, proposals, or replies, and of the public opening date, and must include all contractual terms and conditions applicable to the procurement, including the criteria to be used in determining acceptability and relative merit of the bid, proposal or reply.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

Solicitation documents will be available for vendors to download from VBS (see Appendix A).

1. Invitation to Bid

An ITB award will be made to the responsible and responsive vendor who submits the lowest responsive bid.

The ITB shall be used when DEO is capable of specifically defining the scope of work for which a contractual service is required, or when DEO is capable of establishing precise specifications defining the actual commodity or group of commodities required. Bidder qualifications and products or services will be compared to requirements of the ITB, but not to each other.

Bids submitted in response to an ITB in which DEO contemplates renewal of the contract must include the price for each year for which the contract may be renewed.

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

An ITB should be used for acquisitions where some of the following characteristics apply:

1. Standard off-the-shelf products are known to meet the need.
2. Standard services of a usual commercial type and price structure, especially technical services, such as custodial or waste removal services, or equipment maintenance are known to meet the need.
3. Filling an immediate need one or a few times, or fulfilling a long-term requirement with repetitive deliveries of same or similar products/services.
4. The vendor's experience, education, understanding of your mission, etc., don't greatly impact DEO's results.
5. Any concerns about vendor qualifications can be easily addressed by a simple submittal with a bid, e.g. copy of occupational licenses, certification by the manufacturer that the vendor is trained/authorized provider, three satisfactory references, etc.
6. Wide competition is available.
7. DEO desires to fulfill the requirement at the lowest possible price consistent with at least meeting its minimum standards.

All ITBs must include:

1. A detailed description of the commodities or contractual services sought; and
2. If DEO contemplates renewal of the contract, a statement to that effect.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

2. Request for Proposal

DEO shall use the RFP when the purposes and uses for which the commodity, group of commodities, or contractual services being sought can be specifically defined and DEO is capable of identifying necessary deliverables. Various combinations or versions of commodities or contractual services may be proposed by a responsive vendor to meet the specifications of the solicitation document.

Before issuing a RFP, DEO must determine and specify in writing the reasons procurement by ITB is not practicable.

Vendor qualifications, experience and quality of service may be more important than price. RFPs specify the criteria which can be weighted, including but not limited to, price, which will be used to determine the award. Examples of criteria which may be considered in addition to price are the vendor's proposed method of achieving DEO's stated objective, past experience, present available resources, schedule, work samples, staff resumes, etc. Proposed qualifications will be compared to each other, as well as to the requirements of the RFP. Award will be made to the highest ranked vendor. The RFP is indicated for acquisitions involving at least some of the following:

1. Professional and technical expertise and quality of the vendor and proposed offering are critical to success.
2. Requirements include non-standard products/services, with some flexibility in what is ultimately purchased.
3. There are believed to be more than 2-3 vendors who can submit a satisfactory offer.
4. DEO anticipates a need to review and evaluate the solicitation and proposals after initial request.
5. DEO seeks to balance price and quality to achieve the best value.

All RFPs must include:

1. A Scope of Work describing the commodities or contractual services sought;
2. The relative importance of price and other evaluation criteria; and
3. If DEO contemplates renewal of the contract, a statement to that effect.

Criteria that will be used for evaluation of proposals shall include, but are not limited to:

1. Price, which must be specified in the proposal;
2. Vendor qualifications, experience and quality of service;
3. Consideration of the total cost for each year of the contract, including renewal year, as submitted by the vendor.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

3. Invitation to Negotiate

The ITN is a solicitation used by an agency which is intended to determine the best method of achieving a specific goal or solving a particular problem and identifies one or more responsive vendors with which the agency negotiates in order to receive the best value.

Before issuing an ITN, DEO must determine and specify in writing the reasons that a procurement by ITB or RFP is not practicable. DEO's written determination must specify reasons that explain why negotiation may be necessary in order for DEO to achieve the best value and must be approved in writing by the agency head or his or her designee, prior to advertising the solicitation. The program area will provide this justification on the Procurement Routing Review Form.

The negotiation process offers much more flexibility than the other formal competitive solicitation processes. An ITN is indicated for acquisitions involving at least some of the following:

1. The scope of work cannot be completely and accurately defined.
2. Responses may contain different levels of service than requested, requiring service or price negotiations to match available funds.
3. Responses to an ITN may contain innovative solutions that differ from what may have been originally specified.

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

The criteria that will be used for determining the acceptability of the reply and guidelines on the selection of the vendors with which DEO will negotiate must be specified.

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

V. PROCUREMENT MATRIX (THRESHOLDS/DESCRIPTIONS/SPECIFICS)

Chapter 287 and Rule 60-A, F.A.C., dictates specific purchasing practices that must be followed according to which threshold applies. A procurement matrix reference guide is available for download from DEO's Forms Directory. Program areas can utilize the procurement matrix to assist in determining the appropriate procurement activity for each category/threshold.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

VI. SOLICITATION DOCUMENTS

All formal solicitations issued by DEO shall include links to the most current standard Forms PUR 1000 and PUR 1001.

PUR 1000 contains standard terms and conditions that apply to the contract which results from the solicitation event. DEO shall attach the DEO core contract and any special conditions to the solicitation. In the event of any conflict between the PUR 1000 form and any Special Conditions attached by DEO, the Special Conditions shall take precedence over the PUR 1000 form unless the conflicting term in the PUR 1000 form is required by a section of the Florida Statutes, in which case the term contained in PUR 1000 shall take precedence.

PUR 1001 contains instructions explaining the solicitation process and the actions necessary to respond. DEO shall attach additional materials specific to each particular solicitation, including but not limited to contact information, a solicitation timeline, a location for the public opening, evaluation criteria, required information regarding renewal of the contact, and any other necessary information.

A. SOLICITATION DOCUMENT CONTENTS

The solicitation document may contain the following sections, or additional sections, as necessary:

1. **Background:** Detailed description of the history of events that has led to the procurement of the identified need.
2. **Overview:** Detailed description of the identified need, including a short plain statement of why the selected procurement method was determined to be the procurement method that will result in the best value to the state.
3. **Purpose:** Detailed description of the purpose of the procurement and what benefit the state wishes to obtain.
4. **Major Program Goals:** Describe the major goals of the program which the contract will support. Describe any long range or broad objectives which are pertinent, and as appropriate, describe DEO's ultimate purpose for contracting for the services to be performed.
5. **Definitions:** Provide a list of definitions for important contract terms. Include definitions for all terms that are unfamiliar, unusual, or unique to the solicitation, including those for contract terminology, program or service specific terminology, standards definitions, performance definitions, and acronyms.
6. **Scope of Work:** A Scope of Work that clearly establishes all of the specific tasks the Contractor is required to perform. It shall not cover such requirements as should appear in the General Conditions or Special Conditions of bids, such as warranties, etc.
7. **Term of Agreement:** Describe the duration of the contract (include both start and end dates) that will result from this solicitation.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

- 8. Deliverables:** Divides the contract into quantifiable, measurable, and verifiable units of deliverables that must be received and accepted in writing by the Contract Manager before payment. Each deliverable must be directly related to the scope of work and specify the required minimum level of service to be performed and criteria for evaluating the successful completion of each deliverable. Reports usually are not deliverables. Rather, a report is the means to attest to the tasks performed during a given period of time.
- 9. Contractor Responsibilities:** Provide a list of specific tasks, e.g., counseling, transportation, day care, case management, etc. which will be performed under the contract along with a description of the task, and any specific elements which are included or must be considered in task performance. It is critical that this component of the solicitation be well developed. Include all minimum requirements for each task to be performed. Outline documentation required to be maintained by the vendor as evidence of the completion of the tasks.
- 10. Staffing Levels:** Specify the number and type of staff members the successful vendor is required to have available to perform the work.
- 11. Professional Qualifications:** Specify what professional licenses, certifications or experience the vendor's professional staff members are required to possess or obtain.
- 12. Background Checks:** Specify under what conditions the vendor employees may be subject to Level One or Level Two background checks.
- 13. Staffing Changes:** Specify under what conditions the vendor is required, or permitted to make staffing changes, specify what approvals or notification requirements are necessary to make staffing changes, and any lead times required for notifications or approvals.
- 14. Service Delivery Location:** Specify the street address, city, etc. where the services are to be delivered. If the vendor is supplying a facility or building as part of its performance under the contract, describe any specific physical or facility requirements which must be available for service delivery or client use.
- 15. Service Times:** Specify when the services must be available, the minimum or maximum frequency of the delivery of services, and any requirements for responding to emergencies or unexpected needs for service, and any information necessary to identify what constitutes service completion.
- 16. Changes in Location:** Specify who may approve changes in location during the course of the contract, advance notification requirements to change locations, and requirements for temporary arrangements which must be made in the event of location changes.
- 17. Equipment:** This section of the solicitation must describe any equipment that is to be provided by the agency to the vendor or what the vendor will use and provide that must be available for service delivery.
- 18. Service Unit:** Describe, specifically, what comprises a service unit, how many units, by type of service, will be provided under the contract, and if applicable, any limitations or special considerations that affect the delivery of service units. Other characteristics of the service to be provided, such as unit of measure and quantity must also be specified here. If the quantity of service units to be

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

19. provided is expected to vary through the life of the contract, the variables affecting the service must be described.
20. **Records and Documentation:** Describe the form, content, and construction of any records or documentation which the vendor is required to maintain, any limitations which are pertinent to the inspection and availability of the documentation, who makes final determinations regarding questions about records, and how to obtain such determinations. Include information regarding identifying which records must be maintained manually, electronically, or both.
21. **Invoicing and Payment of Invoices:** Identify issues related to vendor payment.
22. **Performance Measures:** Detailed description of how the state will measure the performance of the deliverables of the procurement. Specify the criteria that will be used to determine the Contractor's successful performance. The outcomes and outputs must be measurable and expressed in mathematical terms (e.g., percentages, ratios, averages, units).
23. **Security:** Identify security consideration involved in contract performance. Security issues must be considered in all contracts, even those that are unclassified, to ensure that all security aspects are considered. Early consideration of security issues is critical. Security issues can affect the timing of the procurement, particularly with respect to obtaining personnel and facilities clearances. Consider the time required to obtain personnel and facilities clearances with respect to the release of your statement of work and timing of the initial contractual effort. If the Contractor will use a computer for classified work, you must determine the appropriate sanitization requirements for the Contractor's information technology and word processing equipment. These requirements must be set forth in the statement of work. Check with the DEO security officer to determine if your requirements involve any security issues.
24. **Financial Consequences:** Specify the financial consequences that DEO must apply if the Contractor fails to meet the minimum level of service identified in the agreement or other contract terms.
25. **Intellectual Property:** Address the property rights of any intellectual property related to the contract and the specific right of the state regarding the intellectual property if the Contractor fails to provide the services or is no longer providing services.
26. **Calendar of Events:** List the relevant events and deadlines proposed or anticipated for the resulting solicitation.
27. **Instructions to Respondent:** Detailed description of the contents of the response that are to be submitted with the responses to the procurement in order to be responsive.
28. **Cost Response Instructions:** Instruct the vendor about any requirements that must be followed in the preparation of the cost response, budget or rate justification. This component directly relates to the evaluation criteria that address costs proposals.
29. **Contract Renewals:** Describe desired renewal options, if any.
30. **Number of Copies Required:** This section states the number of copies of the vendor's response to the solicitation that DEO requires to be submitted with an original. Rule of Thumb: Usually the number of evaluators plus one.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

- 31. Evaluation Criteria, Ranking, Scoring Methodology, and Rating Sheets:** Detailed evaluation criteria and scoring methodology for both the technical and cost proposal that will be utilized to determine the award of the contract.
- 32. Cost Response Form/Price Sheets:** Detailed format of how the cost response form/price sheet is to be submitted with the responses to the procurement in order to be responsive.
- 33. Special Conditions:** Detailed special conditions with clause titles, if applicable, for example, warranty clauses, etc.

B. SOLICITATION DEVELOPMENT

Developing the solicitation is a major part of competitive procurement. The clarity of the solicitation affects every aspect of procurement and delivery of the service or commodity. Producing a quality solicitation at the beginning will facilitate the contracting process by:

- Increasing the level and quality of services;
- Increasing the quality of responses submitted;
- Reducing future payment problems;
- Reducing the number of contract amendments;
- Ensuring fewer issues to be negotiated at the time of contracting;
- Reducing incidences of protests;
- Reducing the number of inquiries and questions; or
- Helping to avoid complicated and time-consuming problems later.

The solicitation development process is lengthy and program area Contract Managers should plan accordingly for the completion of the solicitation process.

Prior to the solicitation development process, the program area Contract Manager must:

1. Consult with their supervisor to obtain verbal approval to proceed with contacting the Purchasing Office to initiate the solicitation.
2. Meet with the Purchasing Office for guidance, technical, and administrative assistance. During this meeting, the Purchasing Office and program area Contract Manager will review and sign off on the DEO Procurement Checklist. The original form is filed in the official procurement file and a copy provided to the program area Contract Manager. The purpose of the DEO Procurement Checklist is to provide a reference guide for both the program area and the Purchasing Office to ensure compliance with all required procurement steps. This form is also utilized by the Purchasing Office to conduct post procurement file audits. The DEO Procurement Checklist is available for download from DEO's Forms Directory.
3. Ensure the appropriate funding source has been identified, and adequate budget authority exists.
4. Organize a team of associates to assist in the writing of the solicitation and evaluation criteria, if applicable.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

5. Anticipate problems that may occur. Research the project. Document everything. Develop a timeline.
6. Identify information that will be specified in the solicitation document for the respondent to provide.
7. Identify a minimum of three Evaluation Team Members, if applicable.
8. Identify a minimum of three Negotiation Team Members, if applicable.
9. Develop the Scope of Work and Cost Response Sheet.
10. Develop Special Conditions, if applicable.
11. Develop Evaluation and Scoring Criteria.
12. Develop Individual Evaluator Workbooks, if applicable.

C. EVALUATION AND NEGOTIATION TEAM APPOINTMENTS

Section 287.057(16), F.S. provides that contracts resulting from a RFP or ITN, the agency head or his or her designee shall appoint:

(a) At least three persons to evaluate proposals and replies who collectively have experience and knowledge in the program areas and service requirements for which commodities or contractual services are sought; and

(b) At least three persons to conduct negotiations during a competitive sealed reply procurement who collectively have experience and knowledge in negotiating contracts, contract procurement, and the program areas and service requirements for which commodities or contractual services are sought. If the value of a contract is anticipated to be in excess of \$1 million in any fiscal year, at least one (1) of the persons conducting negotiations must be certified as a contract negotiator. If the value of a contract is anticipated to be in excess of \$10 million in any fiscal year, at least one of the persons conducting negotiations must be a Project Management Professional, as certified by the Project Management Institute.

D. POTENTIAL CONFLICTS OF INTEREST

1. DEO must avoid, neutralize, or mitigate significant potential organizational conflicts of interest before a contract is awarded. If DEO elects to mitigate the significant potential organizational conflict or conflicts of interest, an adequate mitigation plan, including organizational, physical, and electronic barriers, shall be developed.
2. If a conflict cannot be avoided or mitigated, DEO may proceed with the contract award if the DEO agency head certifies the award is in the best interest of the state. The DEO agency head must specify in writing the basis for the certification.
3. The DEO agency head may not proceed with a contract award under the aforementioned paragraph above number 2, if a conflict of interest is based upon the vendor gaining an unfair competitive advantage.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

4. An unfair competitive advantage exists when the vendor competing for the award of a contract obtained:
 - a. Access to information that is not available to the public and would assist the vendor in obtaining the contract; or
 - b. Source selection information relevant to the contract but is not available to all competitors and would assist the vendor in obtaining the contract.

5. A person who receives a contract that has not been procured pursuant to 287.057(1)-(3) to perform a feasibility study of the potential implementation of a subsequent contract, who participates in the drafting of a solicitation or who develops a program for future implementation, is not eligible to contract with DEO for any other contracts dealing with that specific subject matter, and any firm in which such person has any interest is not eligible to receive such contract. However, this prohibition does not prevent a vendor who responds to a request for information from being eligible to contract with DEO.

E. BUSINESS CASE TO OUTSOURCE

It is the intent of the Legislature that each state agency focuses on its core mission and delivers services effectively and efficiently by leveraging resources and contracting with private sector vendors whenever vendors can more effectively and efficiently provide services and reduce the cost of government.

It is further the intent of the Legislature that business cases to outsource be evaluated for feasibility, cost-effectiveness, and efficiency before DEO proceeds with any outsourcing of services.

The agency is required to complete a business case for any outsourcing project that has an expected cost in excess of \$10 million within a single fiscal year. The business case must be submitted pursuant to section 216.023, F.S. The business case is required to be available as part of the solicitation but is not subject to challenge and shall include the requirements outlined in section 287.0571, F.S..

F. SCOPE OF WORK DEVELOPMENT

The program area should consider the following guidelines when developing the Scope of Work:

1. Confirm that funding is available for the project.
2. Allow sufficient time for research and development, processing and DEO review and approval for all affected program offices.
3. Clearly state instructions to vendors for responsiveness.
4. Describe the commodities or services needed and ensure the following questions are answered:

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

- a. WHAT commodities or services are to be provided?
 - b. WHEN is it needed or WHEN is it planned to be utilized?
 - c. WHERE will the commodities or services be delivered?
 - d. WHO will be responsible for WHAT? WHO is receiving the services? WHO is providing the services?
 - e. HOW is the supplier expected to perform?
 1. Clearly state the Performance Measures.
 2. Include a schedule of performance.
 3. State the types of service delivery records, and documents that the provider must maintain.
 4. State the type of service delivery reports, including their frequency and content that must be submitted to DEO.
 - f. Licensing requirements must be specifically stated or referenced.
 - g. The requirements of the users for whom the purchase is being made must be considered in the formulation of the characteristics, properties, features, etc., of the Scope of Work.
 - h. In assembling technical data essential to the requirements of a specification, the program area should utilize all available and pertinent existing specifications and research findings of other governmental agencies, scientific and technical organizations.
 - i. All instructions regarding bid samples should be specific and included in the Scope of Work in detail, if applicable.
5. Scope of Work shall be clear, in simple language, free of vague terms or those subject to variation in interpretation. The use of abbreviations/acronyms shall be restricted to those in common usages and not subject to possible misunderstanding; wherever used, the meaning should be clear from the context and a genuine saving in space effected. Abbreviations/acronyms may be used after the word has been spelled out the first time.
 6. Definitions shall include all applicable terms contained within the Scope of Work.
 7. Technical specifications shall be in accordance with established precedent and current trade practice. Any minimum or maximum variations, shall be specified, where applicable.
 8. Figures (illustrations, graphs, etc.) should be used wherever it is necessary to describe the item covered by the specification more clearly and accurately than can be stated.
 9. Tables should be used wherever such presentations will eliminate repetition or show relationships clearly.
 10. Sections are to be listed in alpha and numerical sequence and all headings shall be sub-divided, as applicable by using paragraphs and subparagraphs numbered in the Dewey Decimal System, as follows:

Section A.0
First paragraph A.1

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

First sub-paragraph A.1.1

11. Essential requirements and descriptions applying to the commodity covered by the Scope of Work (or to one or more types, grades, classes, etc., if the Scope of Work includes several) shall be stated in the Scope of Work. These requirements and descriptions shall refer, as applicable, to the character or quality of the principle and other materials, source materials, formula, design, construction, performance and product characteristics, chemical and physical requirements, dimensions, weight, color, spare parts, product marking, etc., and workmanship. A logical source for information is manufacturers' representatives. Ask several manufacturers who produce the quality level you want to attain to have their representative call you and provide you with technical literature on the products you want to purchase. **However, if DEO hires a vendor to assist with the development of a Scope of Work, that vendor is then prohibited from responding to the solicitation.**
12. The Purchasing Office will:
 - a. **Develop the Calendar of Events.** This is completed in a planning process backward from the date services are anticipated to begin to allow for the known and possibly unknown time restrictions. The Calendar of Events shall contain dates of all relevant deadlines to alert vendors of the significant milestones in the procurement process prior to the award of a contract and contract execution. Other considerations when developing the Calendar of Events are: developing the solicitation document, conducting the evaluation process, preliminary negotiations, negotiations, public meetings, posting time constraints, contract development and routing the contract for review and execution.
 - b. **Assign the solicitation.** The solicitation will be assigned to the appropriate Purchasing staff member who will act as the administrative lead and procurement officer. The Purchasing Office will manage the administrative duties associated with all competitive solicitations as identified below:
 1. **Facilitate the program area by assigning a solicitation number and electronically uploading the applicable solicitation template and forms.** The procurement officer will review the Scope of Work for spelling, grammar, punctuation, ease of response, and to ensure compliance with Florida laws, rules and DEO policies and procedures. The procurement officer will recommend revisions to the Scope of Work, if needed, and will work with the program area as required to facilitate the process. Once the Purchasing Office has finalized its review, the procurement officer will forward the solicitation for a preliminary review which may include Contracts and Grants Administration, Information Technology Office, and the General Counsel's Office, as applicable. Once the solicitation is finalized, the program area may then route the hard paper copy through

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

the Procurement Routing Review process for approval to release the solicitation on the VBS.

The Procurement Routing Review Form is available for download from DEO's Forms Directory.

2. **Facilitate the program area with obtaining approval to release procurement.** Formal competitive solicitations and informal state term contract RFQs must undergo DEO's procurement review and approval process prior to being released to the public or to state term contract vendors as applicable. At a minimum, review and approval must be obtained from, the program area contract/project manager, the program area contract/project manager's supervisor (if applicable), Purchasing, Contracts and Grants Administration (if applicable), Grants Management (if applicable), Budget (if applicable), Information Technology (if applicable), the General Counsel's Office, and the applicable final approving authority as provided in the current official DEO delegation of authority.
3. **Maintain complete solicitation file.** The Purchasing Office will maintain a solicitation file that will include all related documentation from the identification of need through to the award of the solicitation. The solicitation file will be physically stored in the Purchasing Office until appropriate record retention requirements are met. A copy of the solicitation file will also be stored electronically.

G. ISSUING THE SOLICITATION

The Purchasing Office will facilitate all administrative functions such as advertising, issuing and receiving questions, pre-bid conferences, necessary addenda, response openings, attending preliminary demonstrations and negotiations, posting of intent to award/DEO decision and award notifications. Rule 60A-1.021, F.A.C. requires that all competitive solicitations shall be advertised by electronic posting for no less than 10 calendar days prior to the date for receipt of responses, unless DEO determines in writing that a shorter period of time is necessary to avoid harming the interests of the state.

After a solicitation has been posted on the VBS, it may become necessary to make changes or modifications to the solicitation requirements. Modifications to solicitations where bids, proposals, or replies have not been received are accomplished through the development and posting of an addendum on the VBS. The Purchasing Office facilitates this process as required. An example of the need to process an addendum is the need to delay the scheduled response opening date in order to allow sufficient time for responses.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

H. POSTING NOTIFICATIONS OF PUBLIC MEETINGS

Per Rule 60A-1.021, F.A.C, DMS has designated the VBS at www.myflorida.com/apps/vbs as the state's centralized procurement website for electronic posting of agency solicitations, decisions, or intended decisions.

Section 120.525(1), F. S., states that: "Except in the case of emergency meetings, each agency shall give notice of public meetings, hearings, and workshops by publication in the Florida Administrative Register [FAR] and on the agency's website not less than 7 days before the event. The notice shall include a statement of the general subject matter to be considered."

The date, time and location of any public meetings required within any solicitation will be advertised in the FAR. Thereafter, any subsequent changes to the public meeting schedule would then be notified on the VBS.

The FAR is published every day with a submittal deadline of 3:00 P.M. each day for publication the following day. If the publication date falls on a holiday, advertisement will be published the next business day. **Program areas should allow a minimum of 10 or more days for scheduling purposes.**

Additionally, public meetings will be posted on the VBS in the Calendar of Events section within the solicitation document. Updates or changes will also be posted on the VBS and an addendum to the solicitation.

I. PRE-RESPONSE CONFERENCE

The purpose of the Pre-Response Conference is to review the requirements of the solicitation and answer any questions with interested vendors. A Pre-Response Conference may be held at the discretion of the program area in consultation with the Purchasing Office. If held, the time and place of the conference must be included in the Calendar of Events and published in the solicitation.

The Pre-Response Conference is a public meeting and should be conducted in accordance with section 286.011, F.S. and noticed on the VBS. As directed in subsection 287.057(2), F.S., vendors shall be accorded fair and equal treatment. The Purchasing Office shall ensure that all names, titles, and groups or firms attending the conference are recorded.

An agenda of items to be discussed may be provided by the Purchasing Office, such as clarification of the scope of work provisions, billing and payment procedures, reporting requirements, and allowable costs determinations and distributed at the Pre-Response Conference. The Purchasing Office should ensure that either notes are taken, or the conference is recorded so that the events of the conference are documented.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

Vendor attendance at a Pre-Response Conference is not mandatory unless required in the solicitation document. A bid may be submitted and accepted from an individual or firm that has not attended the conference, providing attendance at the conference is not mandated in the solicitation.

The Purchasing Office will involve the Office of the General Counsel in the Pre-Response Conference, as necessary, along with appropriate program area and technical representation.

J. TECHNICAL QUESTIONS AND ANSWERS

Questions related to any formal competitive solicitation must be received in writing via email by the contact person listed in the solicitation document. The contact person listed is the applicable procurement officer that is facilitating the solicitation. Verbal responses to verbal questions received from the public regarding competitive solicitations that have not been awarded are strictly prohibited unless they are recorded in a public meeting facilitated by DEO's Purchasing Office. All verbal questions must be submitted to DEO in writing via email by the time and date listed in the solicitation. All questions regarding solicitations that have not been awarded must be directed to DEO's Purchasing Manager or the procurement Officer. Answers to questions received by the time and date listed in the solicitation will be posted on VBS (see Appendix A).

K. RECEIPT/OPENING OF RESPONSES

The integrity of the solicitation process must be maintained at all times. In order to provide proper documentation of the timeliness of receiving responses, all documents must be date and time stamped immediately upon receipt by the Purchasing Office. The date responses are date-time stamped in the Purchasing Office is the official date and time received by DEO. If the package is of such size or construction to prohibit the use of the time stamping machine on the package, the person accepting the bid, proposal, or reply must date and time stamp a blank piece of paper and tape or staple it to the response package. Any response received after the official date and time specified in the solicitation will be rejected and the package will be returned to the sender unopened.

At the official scheduled date and time specified in the solicitation calendar of events, there will be a public meeting to open all bids, proposals, or replies to a specific solicitation. All persons present at the public opening of responses will be required to sign in attendance. At this time, each response will be physically opened, and the respondent's company/vendor name will be recorded.

For all responses received, the Purchasing Office will perform an initial responsiveness and responsibility determination and communicate with the Office of General Counsel as may be needed to determine minor or major irregularities, and determine responsiveness. In some instances, it may be required to deem a respondent non-

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

responsive, which would disqualify their participation in this specific solicitation. The decision to disqualify any respondent would be determined by the Office of General Counsel.

Should a formal response to a solicitation be opened by mistake, the package must be immediately resealed by the person opening the response and the following statement must be placed on outside of the package: "Response opened by mistake – Contents not revealed." This statement must be legibly signed, dated and include the name and telephone number of the person who mistakenly opened the response for any required verification.

Should a package be received that is unclear, or not sufficiently labeled to determine appropriate recipient, the procurement officer will open to verify the package contents. If the package is in response to a formal solicitation, the procurement officer will resealed the package and place a statement on the package stating the following: "Package opened to verify contents". This statement must be legibly signed and dated.

L. EVALUATION OF PROPOSALS OR REPLIES

The Purchasing Office will coordinate evaluations and evaluation training sessions for the appointed evaluation team members. If the solicitation document utilized was a RFP or an ITN, the Purchasing Office will provide evaluation workbook templates to the program areas for development. The evaluation team members are to independently and thoroughly evaluate the solicitation and each proposal or reply. Once completed, each evaluation team member will score each proposal based on the specified evaluation criteria in the solicitation.

M. RECEIPT OF FEWER THAN TWO RESPONSIVE BIDS, PROPOSALS, OR REPLIES

Section 287.057(5), F.S. provides that if fewer than two responsive bids, proposals or replies for commodity or contractual services purchases are received, DEO may negotiate the best terms and conditions with the single respondent. The program area shall provide the Purchasing Office justification to document the reasons such action is in the best interest of the state in lieu of resoliciting.

N. IDENTICAL TIE RESPONSES

If proposals which are equal with respect to price, quality, and service are received, then the award shall be determined in the order of preference listed below (from highest priority to lowest priority):

- (a) Proposals that certify that a drug-free workplace has been implemented in accordance with Section 287.087, F.S.;

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

(b) In accordance with Section 287.057(11), F.S. which states that “if two equal responses to a solicitation or a request for quote are received and one response is from a certified minority business enterprise, the agency shall enter into a contract with the certified minority business enterprise”;

(c) If (1) and (2) above fail to resolve the identical evaluations, then the award shall be made in accordance with what DEO deems to be in the best interest of the State, considering factors such as prior performance on state contracts or other governmental contracts; and

(d) If the application of (1), (2), and (3) fails to resolve the identical evaluations, then the award shall be made by a means of random selection (e.g., a coin toss or drawing of numbers).

O. AWARD

- **ITB.** DEO shall award to the responsive and responsible vendor who submits the lowest responsive bid.
- **RFP.** DEO shall award by written notice to the responsive and responsible vendor whose proposal is determined in writing to be the most advantageous to the state, taking into consideration the price and other criteria set forth in the RFP.
- **ITN.** DEO shall award the contract to the responsible and responsive vendor that will provide the best value to the state, based on the selection criteria. The contract file for a vendor selected through an ITN 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, along with an explanation of how these deliverables and price provide the best value to the state. Prior to posting an ITN intent to award to VBS, the recommendation of award must be approved by Executive Leadership.

Three business days after DEO posts the Intent to Award, and assuming no protests are received, DEO Purchasing will notify the Buyer, and the Buyer may begin development of a contract.

P. PROTESTS

Protest procedures are described in sections 120.57(3) and 287.042(2), F.S., and Rule 28-110, F.A.C.

A notice of protest or formal written protest must be stamped with the date and time received on the face of the notice. Any protest received must be immediately delivered to Legal. After receipt of a notice of protest or a formal written protest no communication is permitted by DEO staff with the protesting vendor. All inquiries or attempts to discuss the matter are to be referred to Legal. DEO Purchasing staff under the direction of legal staff handling a protest can communicate with vendors during the protest to provide acknowledgement or receipt of records requests, responses to public

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

records requests, letters of notices of contract value for posting protest bonds and other similar communications.

Upon receipt of a formal written protest that has been timely filed, DEO shall stop the award process until the subject of the protest is resolved by final agency action, unless the agency head sets forth in writing particular facts and circumstances which require the continuance of the award process without delay in order to avoid an immediate and serious danger to the public health, safety, or welfare.

1) NOTICE OF PROTEST

A person may file a notice of protest within the 72-hour period after electronic posting of DEO's decision or intended decision. The notice of protest must be filed with the agency clerk unless otherwise designated by the solicitation.

2) PROTEST BOND

DEO must provide the estimated contract amount to the protesting vendor within 72 hours after the vendor files the notice of protest or formal written protest, as applicable. See section 287.042(2)(c), F.S. DEO may accept a cashier's check, official bank check, or money order in lieu of a bond.

3) FORMAL WRITTEN PROTEST

A formal written protest may be filed at any time within 72 hours after electronic posting of DEO's decision or intended decision, but must be filed within 10 days after the notice of protest, if a notice of protest was filed. If a formal written protest is filed in proper form within the 72-hour window then the formal written protest will also constitute the notice of protest, and all time limits relative to formal written protests apply.

A protesting vendor shall post with DEO at the time of filing the formal written protest a bond in an amount equal to 1% of the estimated contract amount, based on the contract price submitted by the vendor. If no contract price was submitted, DEO shall estimate the contract amount.

4) SETTLEMENT CONFERENCE

DEO should consider which bidders to invite to the settlement conference.

DEO must offer to hold a settlement conference within seven days of filing of formal written protest. If no settlement occurs DEO either conducts an informal hearing or transfers the protest to the Division of Administration Hearings (DOAH) for formal proceedings.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

5) REFERRAL, HEARING, AND FINAL ORDER

- If the settlement conference is not successful and there are no disputed issues of material fact, then DEO must conduct an informal hearing. If the settlement conference is not successful and there are disputed issues of material fact, then DEO must refer the protest to DOAH for a formal hearing. The hearing must begin within 30 days.
- A recommended order must be filed within 30 days of the hearing or receipt of the hearing transcript or videotape, whichever is later.
- Parties are allowed 10 days to submit written exceptions to the recommended order and an additional 10 days to respond to exceptions.
- DEO must enter a final order with 30 days of the recommended order. An appeal to the district court of appeal may follow.

VII. RECEIPT AND INSPECTION OF GOODS

Program areas are responsible for the receipt, inspection of goods, and for processing payment. Any and all inquiries regarding these processes should be directed to Financial Management.

VIII. EQUITY IN CONTRACTING

A. MINORITY-, WOMEN-, AND VETERAN-OWNED BUSINESS ENTERPRISE

DEO shall annually develop and implement a Business Participation Plan outlining its prospective related activities for such businesses for the upcoming year. The plan shall provide the following:

1. DEO's proposed establishment of a business enterprise contracting program or other programs aimed at promoting the participation of businesses, including those owned by minority-, women-, and veteran-owned.
2. DEO's proposed outreach activities targeted towards businesses, including minority-, women-, and veteran-owned firms, to inform such firms of the availability of particular public contracting opportunities and to encourage such firms to seek work on public projects through the normal procurement process as applied to all businesses.
3. The programs DEO plans to educate business owners in the various processes used by DEO and the steps DEO plans to take in an attempt to ensure these programs reach businesses, including those owned by minority-, women-, and veteran-owned.
4. A summary addressing DEO's current contracting with businesses, including a breakdown of related contracting with minority-, women-, and veteran-owned businesses.
5. A detailed summary of prospective spending allocations, per object code, for the current fiscal year.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

B. MINORITY-, WOMEN-, AND VETERAN OWNED BUSINESS ENTERPRISE PARTICIPATION

1. DEO is committed to supporting minority business enterprise participation by providing assistance to purchasing and contracting offices in guiding them towards increasing diversity.
2. The long-term focus of DEO is to encourage business with all minorities and women owned businesses whether they are certified, non-certified or minority non-profit organizations.

IX. FRAUD PROCEDURES

DEO requires all staff at all times to act honestly and with integrity and to safeguard the public resources for which they are responsible. Fraud is an ever-present threat to these resources and must be a concern to all DEO staff. The purpose of this section is to set out DEO staff responsibilities with regard to the prevention and detection of fraud.

A. WHAT IS FRAUD?

The term "fraud" is used to describe such acts as deception, bribery, forgery, extortion, corruption, theft, conspiracy, embezzlement, misappropriation, false representation, concealment of material facts and collusion. For practical purposes fraud may be defined as the use of deception with the intention of obtaining an advantage, avoiding an obligation or causing loss to another party.

B. RESPONSIBILITIES

1. With regard to purchasing functions, the Purchasing Office is responsible for:
 - a) developing and maintaining effective controls to prevent fraud; and
 - b) escalating reports of possible fraud to the Inspector General's Office.
2. The Inspector General's Office is responsible for:
 - a) carrying out vigorous and prompt investigations of fraud reports;
 - b) taking appropriate legal or disciplinary action against perpetrators of fraud; and
 - c) taking disciplinary action against supervisors where supervisory failures have contributed to the commission of the fraud.
3. The program area Supervisors' are responsible for:
 - a) identifying the risks to which systems and procedures are exposed;
 - b) developing and maintaining effective controls to prevent and detect fraud;
 - c) ensuring that controls are being complied with; and
 - d) escalating reports of fraud to the Purchasing Manager and Inspector General's Office.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

4. The program area Contract Managers' and Requestors' are responsible for:
- a) acting with propriety in the use of official resources and in the handling and use of public funds whether they are involved with cash or payments systems, receipts or dealing with Contractors; and
 - b) reporting details immediately to their supervisor or Division Director if they suspect that a fraud has been committed or see any suspicious acts or events.

DEO will not tolerate internal fraud within any area of its procurement processes. In an effort to reduce fraudulent activity and fraudulent behavior, DEO's Purchasing Office, Inspector General's Office and the State Auditor General's Office routinely perform audits of the internal control functions of procurement.

The goals of auditing internal control systems include such items as identifying the controls that exist, whether those controls operate properly and what controls are periodically overridden. Conducting these audits and testing the current processes helps to identify needed improvements in DEO's internal controls.

Additionally, communication and training significantly contribute to reducing fraud within DEO. All DEO staff that are tasked with procurement, contract administration, contract management, and accounts payable duties are educated by DEO's General Counsel's Office and Purchasing Office as to what constitutes a violation of the State and DEO's Code of Ethics. The actions listed below are established mechanisms for educating DEO staff and vendors on reporting suspicious activity:

- Attend DEO Code of Ethics Training Program;
- Development of materials to post on DEO's Intranet and Internet;
- Communication with vendors during vendor/DEO business development meetings;
- As applicable, obtaining completed, signed and dated conflict of interest forms from DEO staff, evaluation and negotiation team members, and vendors;
- Development, maintenance and regular internal auditing of procurement files and verification of appropriate documentation and references on electronic purchase orders.

DEO's Code of Ethics Policy 1.05 articulates the core values of DEO. This policy identifies the acceptable behavior of DEO staff and also identifies unacceptable behavior.

X. SPECIFIC PROCUREMENTS

A. CONSTRUCTION PROCUREMENTS – CHAPTER 255, F.S.

The following procedures, as outline in 60D-5.002-5.003, F.A.C., shall be followed in advertising for bids for construction contracts in determining the eligibility of potential bidders, proposer's, or respondents to submit responses for construction bids or proposals or offer requests, in awarding construction contracts, for waiver of

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

non-material bid deviations, for rejection of bids, and for disqualification of respondents.

The established contract levels for construction bidding are listed below:

Level One: Contracts not exceeding a value of \$35,000;

Level Two: Contracts having a value greater than \$35,000 but not exceeding \$65,000;

Level Three: Contracts having a value greater than \$65,000 but not exceeding \$200,000;

Level Four: Contracts having a value exceeding \$200,000 but not exceeding \$500,000;

Level Five: Contracts having a value exceeding \$500,000.

1. Bid Bond

On projects where the bid exceeds \$100,000 the bidder must provide with the bid, a good faith deposit in the amount of five percent (5%) of the bid by way of a bid bond from a surety insurer authorized to do business in the State, or a certified check accompany the bid, such requirement may be satisfied by the bidder depositing in lieu of such certified check, a cashier's check, treasurer's check or bank draft of any national or state bank.

2. Performance and Payment Bonds

On projects where the bid exceeds \$100,000, unless such requirement has been waived in accordance with Rule 60D-5.0041, F.A.C., if requested by the Agency, the bidder must provide with the bid or within two (2) working days of being notified as the low responsive, qualified bidder, evidence of ability to provide the necessary performance and payment bonds for the project by providing a letter of intent to provide a 100% performance bond and a 100% labor and material payment bond from a surety company authority to do business in the State of Florida by the Department of Financial Services, and meeting the financial and performance rating required by the bidding documents. Such bond shall be maintained throughout the term of the contract, and must include the following conditions:

- (a) Beneficiary – DEO/State of Florida shall be named as the beneficiary of the bond. Contractor's bond shall provide that the insurer or bonding company shall pay losses suffered by DEO directly to the State.
- (b) Notice of Attempted Change – DEO shall receive thirty (30) days prior written notice of any attempt to cancel or to make any other material change in the status, coverage or scope of the required bond or of Contractor's failure to pay bond premiums.
- (c) Premiums – State shall not be responsible for any premiums or assessments of the bond.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

- (d) Purpose of Bond – The performance and payment bond is to protect DEO against any loss sustained through failure of Contractor or any of its employees to faithfully perform the services required by the Contract. No payments shall be made to Contractor until the performance bond is in place.

For contract amounts not exceeding \$500,000, the provisions of section 287.0935, F.S. shall govern.

3. Advertising, Opening, and Negotiation of Construction Bids

60D-5.0073 Contract Levels, Limits of Public Advertising and Bidding.

(1) The Department hereby delegates authority to each Agency to execute a contract in accordance with these rules for projects within contract levels defined in subsection 60D-5.002(2), F.A.C.

(2) Contracts within Level One may be executed with the firm whose proposal the Agency determines best meets the needs of the Agency, using two (2) or more verbal quotations, whenever practical. Should verbal quotations be received, name and address of the company and amount quoted shall be a part of the written documentation. If at least two (2) quotations are not received, a statement of why they were not received must be shown. Quotations shall be confirmed by written proposals of the firms defining the scope and quality of work to be provided.

(3) Contracts within Levels Two and Three may be executed with the firm whose proposal, the Agency determines best meets the needs of the Agency. The Agency shall request at least three (3) firms to submit sealed written proposals based on a written specification. The written proposals shall all be opened publicly at the same date, time and place named by the Agency. A tabulation of the results shall be furnished to each firm if requested.

(4) Except as otherwise authorized by law or rule, competitive sealed bids are required for contracts within Level Four, which shall be publicly advertised in the Florida Administrative Register once, at least 21 calendar days prior to the established bid opening, based on approved plans and specifications. The announcement shall also be published on the Agency's website. Bids shall be received and opened publicly at a location, date and time established in the bid advertisement, and results will be posted on the Agency's website.

(5) Except as otherwise authorized by law or rule, competitive sealed bids are required for contracts within Level Five, which shall be publicly advertised in the Florida Administrative Register at least 30 days prior to the established bid opening, and in at least one newspaper of general circulation in the county where the project is located at least 30 days prior to the established bid opening and at least five (5) days prior to any scheduled pre-bid conference. The announcement shall also be published on the Agency's website. Bids shall be received and opened publicly at a location, date and time established in the bid advertisement, and results will be posted on the Agency's website. In cases of emergency, the Secretary of the DMS may alter the procedures required in this section in any manner that is reasonable under the emergency circumstances.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

4. Building Plans Exemption – Public Records Law Subsection 119.071(3)(b)

Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure owned or operated by DEO are exempt from section 119.07(1) and s. 24(a), Art. I of the State Constitution.

This exemption applies to building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure owned or operated by a Department before, on, or after the effective date of this act.

Information made exempt by this paragraph may be disclosed:

- a) To another governmental entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities;
- b) To a licensed architect, engineer, or Contractor who is performing work on or related to the building, arena, stadium, water treatment facility, or other structure owned or operated by a Department; or
- c) Upon a showing of good cause before a court of competent jurisdiction.

The entities or persons receiving such information shall maintain the exempt status of the information.

B. ROUTINE PURCHASES

1. Office Supplies

Each program area will coordinate and control the purchase of office supplies for their respective areas.

Office supplies that are available from state term contract, PRIDE, or RESPECT must be purchased from those respective sources.

The program area requester must check the electronic state term contract system to verify if the item is available on state contract. The Purchasing Office is available to assist in finding this information.

Miscellaneous office supplies not available from state term contracts, PRIDE, or RESPECT should be purchased by utilizing the eQuote system unless the total purchase is \$2,500.00 or less.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

2. Advance Payments

Advance payment may be made under s. 215.422(14), F.S., and Rule 69I-40.120(3), F.A.C., in accordance with the following:

1. Advance payment may be made for maintenance agreements, software licenses, and subscriptions that meet one of the following criteria:
 - Advance payment will result in a savings to the State that is equal to or greater than the amount the State would earn by investing the funds and paying in arrears.
 - The goods or services are essential to the operation of the state agency and are available only if advance payment is made.

Prior approval by the DFS Bureau of Auditing is not required for advance payments made for maintenance agreements, software license agreements, and subscriptions that are equal to or less than the threshold of Category Two as defined in Section 287.017, F.S., and meets one of the above criteria. The payment request must document that the payment meets one of the above criteria.

Prior approval by the DFS is required for advance payments for maintenance agreements, software license agreements, and subscriptions that exceed the threshold of Category Two defined in Section 287.017, F.S.

2. Advance payment may also be made for other goods and services if approved in advance by the DFS. Criteria for approval includes:
 - Advance payment will result in a savings to the State that is equal to or greater than the amount the State would earn by investing the funds and paying in arrears.
 - The goods or services are essential to the operation of the state agency and are available only if advance payment is made.

Request for advance payment approval must include information that the payment meets one of the above criteria and the agency has complied with the applicable procurement requirements.

3. Legal Services

Legal services should be sought first through the Office of the General Counsel. If it is determined by the Office of the General Counsel outside legal service is required due to excessive workload or a need for specialized legal expertise, prior approval must be obtained from the Attorney General's Office. For further

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

information and additional requirements, consult section 287.059, F.S., and the Office of the General Counsel.

4. Memberships

Pursuant to Section 216.345, F.S., public funds may be expended for the purpose of paying professional or organizational membership dues upon approval by the agency head or designee, provided that the membership is essential to the statutory duties and responsibilities of the state agency.

All requests for the payment of membership dues must also include a statement that the records of the organization, as they pertain to the public agency from which or on whose behalf the payments are made shall be public records pursuant to section 119.01(3), F.S. Advance payment of membership is often required and, if so, must be so noted on the requisition. Membership dues are exempt from bid/single source approval requirements regardless of dollar amount.

5. Moving Expenses

DEO may pay moving expenses for an employee, provided the move is in the best interest of the state, and must be coordinated through DEO's Human Resource Officer and approved by the agency head or his/her designee prior to the move. The state will not pay for storage, unpacking, insurance beyond the liability of the carrier, or cleaning of any residence.

The Request for Authority to Pay Moving Expenses form is available for download from DEO's Forms Directory.

6. Printing

Printing is the method used when quality or material requirements of a job cannot be achieved on internal multifunction copy equipment. Printing procurements shall be in accordance with the current procurement category thresholds, as defined in Chapter 287, F.S.

Specifications must be included on all requisitions for printing. Specifications must include such things as type, weight and color of paper, colors and numbers of inks, size and number of pages, folds, and type of binding and special features. A sample of any artwork must be attached to the requisition. If ordering reprints of previous printing jobs, please note the prior Purchase Order number on the requisition.

Printing will be conducted in accordance with Chapter 283, F.S. The vendor submitting a bid for a contract for printing is required to certify in writing the percentage of recycled content of the material used for such printing or the vendor may also certify that the material contains no recycled contract.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

Per 283.35 F.S., when awarding a contract to have materials printed, the agency, university, college, school district, or other political subdivision of this state awarding the contract shall grant a preference to the lowest responsible and responsive vendor having a principal place of business within this state. The preference shall be five percent (5%) if the lowest bid is submitted by a vendor whose principal place of business is located outside the state and if the printing can be performed in this state at a level of quality comparable to that obtainable from the vendor submitting the lowest bid located outside the state. As used in this section, the term "other political subdivision of this state" does not include counties or municipalities.

7. Multifunction Products, Equipment, Related Software, Supplies and Services

All multifunction copy equipment will be acquired by the issuance of a Purchase Order.

a) Multifunction Copier Acquisition

These acquisitions can be categorized as either a new installation or a replacement of an existing copier. All copiers, whether a new installation or an upgrade, will be acquired from a state term contract/alternate contract source unless specific justification is provided when identified unique capabilities are not included in the equipment on state contract. The following procedures will be used for acquiring copiers:

b) New Installation

It is often difficult to determine exactly what copying capabilities are needed for a new installation or what the actual copying volume will be. Requestors should contact the Purchasing Office to obtain assistance with new copier installation and analysis from vendor.

c) Changing Existing Multifunction Copier Equipment

When replacing multifunction copier equipment, the Purchasing Office will contact the appropriate vendor and request an analysis from the vendor to identify the specific replacement need and to obtain a quote.

Additionally, when it is a leased copier that is replaced, the Purchasing Office will assist the program area with notifying the appropriate vendor, in requesting to have the hard drive sanitized prior to removing the existing equipment.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

8. Multifunction Copier Supplies

For leased multifunction copiers, supplies are generally included with the lease with the exception of paper. Supplies should be ordered as needed for anything that is not included in a lease or maintenance agreement.

For DEO owned copiers, supplies are not generally included in established maintenance agreements and must be purchased through the appropriate vendor.

9. Cost/Price Analysis for Multifunction Copier Equipment

The program area should perform a purchase vs. lease cost/price analysis prior to purchasing multifunction copier equipment or services. The program area should consult with the Purchasing Office to determine which pricing options are the most appropriate.

10. Equipment Leases

Equipment leases that have an annual cost anticipated to exceed the purchasing Category Two threshold established in s. 287.017, F.S., require prior approval from the DFS Bureau of Accounting. If the monthly lease cost of equipment is greater than one-twelfth of the Category Two Threshold, but the annual cost will be less than the Category Two threshold, each voucher submitted for payment should include documentation indicating that the annual cost will not exceed the Category Two threshold. In order to obtain prior approval, the requestor must complete the DFS Checklist for "Requesting Department of Financial Services Approval to Lease Equipment," prior to leasing. Agencies with special needs for leasing equipment on a short-term basis for surveying, monitoring and research connected with wildlife studies or preservation are exempt from the requirement to obtain prior approval. A certification from the agency head or designee supporting the decision to lease must be attached to the voucher submitted for payment.

11. State of Florida Consolidated Equipment Financing Program (CEFP)

Unless specifically exempted by the DFS, all state agencies deferred-payment purchases shall be acquired through the consolidated equipment financing program. For further details, go to http://www.myfloridacfo.com/aadir/statewide_financial_reporting/index.htm.

*Note: this financing is also available to state universities and state community colleges.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

12. Data Communications Products and Services

All purchases of data communications products and services must be coordinated through the DEO Information Technology Office.

For all requests for any computer related hardware, new software, IT training, mobile storage devices, desk and conference phones or services, or for any other purchases of IT products/services, please follow DEO Purchasing procedures for MFMP.

All computer related hardware costing in excess of \$1,000 must have OCO approval prior to purchase. See Reference Guide for State Expenditures for determination on OCO appropriation.

13. Computer Hardware/Software Maintenance

All purchases of hardware/software maintenance must be coordinated through the DEO Information Technology Office.

Purchase Orders for hardware/software maintenance shall include a list of model numbers/serial numbers or license information and current location of all equipment. Additional funds may be included on the Purchase Order to cover any additional equipment/software to be added during the fiscal year. Equipment to be covered by per-call maintenance does not need to be listed; only a line item that states the funds to be encumbered for this service.

Repairs to equipment not covered by a maintenance agreement or warranty shall be accomplished on a per-call basis by following applicable procurement statutes and rules accordingly. Equipment may be added to maintenance coverage following completion of repair, should continuing maintenance be desired.

14. Promotional Items

The purchase of promotional items or advertising must cite the appropriate statutory authority within the purchase requisition.

15. Motor Vehicles

Per Section 287.15, F.S., no state agency shall purchase, lease, or acquire any motor vehicle, watercraft, or aircraft of any type unless prior approval is first obtained from the DMS. However, nothing herein shall prohibit the lease for casual use of motor vehicles, or remove the requirement that all purchases be in compliance with the rules and regulations of the DMS.

Pursuant to Chapter 287, Part II, F.S. payment for purchase and continuous lease of motor vehicles must include:

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

- a. Documentation showing that funds were appropriated by the Legislature or were approved by the Executive Office of the Governor. Examples of such documentation include the legislative budget form D3-A, the budget amendment from the Governor's Office or the appropriation line item;
- b. Evidence of approval from DMS, Fleet Management;
- c. A copy of the purchase order.

16. Recycled Products

In order to comply with the intent of Chapter 283, F.S., and in accordance with recycled content criteria established by the DMS regarding the procurement of products with recycled content, DEO may elect, for individual bid solicitations, to allow a price preference of up to ten percent for bidders offering products that meet minimum recycled content requirements, over lower bidders not offering products that minimum recycled content requirements.

17. Recycled Paper

In accordance with 283.32 F.S., recycled paper is to be used by each agency; printing bids certifying use of recycled paper; percentage preference in awarding contracts.

- a. Each agency shall purchase, when economical, recycled paper if and when recycled paper can be obtained that is of adequate quality for the purposes of the agency.
- b. Each agency shall require a vendor that submits a bid for a contract for printing to certify in writing the percentage of recycled content of the material used for such printing. Such vendor may certify that the material contains no recycled content.
- c. Upon evaluation of bids for each printing contract, the agency shall identify the lowest responsive bid and any other responsive bids in which it has been certified that the materials used in printing contain at least the minimum percentage of recycled content that is set forth by the department. If no vendors offer materials for printing that contain the minimum prescribed recycled content, the contract shall be awarded to the responsible vendor that submits the lowest responsive bid.

18. Subscriptions

Original and renewal subscriptions such as newspapers, magazines, trade journals, periodical reports, etc., shall be requested in advance on properly authorized Purchase Orders. Revisions or additions to series or sets of legal or other volumes, etc., will be requested in advance also. If available, a subscription order form should be submitted with the purchase requisition. If the subscription is a renewal, also submit the vendor's mailing label, as it will assist the vendor in identifying your account.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

a. Term of Subscription

Renewal or start dates of subscriptions should be noted on the Purchase Order, in addition to the term of the subscription.

b. Advance Payment of Subscription

If advance payment is required, it should be stated in the description section, and either an invoice or a properly completed order form must accompany the Purchase Order.

19. Meeting Rooms

In accordance with Executive Order Number 07-126 and section 286.29, F.S., state agencies shall contract for meeting and conference space only with hotels or conference facilities that have received the "Green Lodging" designation from the Department of Environmental Protection for best practices in water, energy, and waste efficiency standards, unless the responsible state agency head makes a determination that no other viable alternative exists."

Free space is to be utilized whenever possible. DEO employees coordinating meetings/training sessions should give priority to using DEO meeting rooms, which are available in Tallahassee and other cities around the state. When considering other sites, employees should pay attention to handicap accessibility, transportation from place of lodging and the overall cost of rental space vs. access to free space. This includes the use of meeting rooms for which there is no additional charge at hotels when booking overnight rooms.

When negotiating for a meeting room, never include food, beverages and entertainment in the price. The negotiated price must be for the meeting room facilities and equipment only. If one is selected, it should be the responsibility of DEO to inform the vendor what constitutes acceptable meeting room expense. If a hotel requires DEO to sign a hotel agreement, the agreement must be routed through DEO's contract routing review process.

20. Wireless Devices

It shall be the policy of DEO to provide wireless devices for employees engaged in activities that require access to continuous communications as an integral part of assigned responsibilities as established in DEO Policy 4.04 – Assignment and Control of Wireless Devices.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
PURCHASING GUIDELINES**

Appendix A:

[DEO Delegations of Authority](#)

[DEO Forms Directory](#)

[DEO Policies and Procedures](#)

[DFS Memoranda](#)

[DFS Reference Guide for State Expenditures](#)

[DMS Certifications for the Public Procurement Professional](#)

[DMS State Contracts and Agreements](#)

[Florida Vendor Bid System](#)