

RESOLUTION NO. 150975

PASSED May 16, 2016

A resolution of the Gainesville Community Redevelopment Agency, amending the Purchasing Policies of the Gainesville Community Redevelopment Agency; establishing a policy for service-disabled veterans' business enterprise programs; providing a transition schedule and providing an effective date.

WHEREAS, the Gainesville Community Redevelopment Agency (the "CRA") adopted Purchasing Policies by Resolution No. 091028 on July 19, 2010; and

WHEREAS, the CRA wishes to amend the purchasing policies to govern purchases and sales of supplies, materials, equipment, and services by the CRA;

NOW, THEREFORE, BE IT RESOLVED BY THE GAINESVILLE COMMUNITY REDEVELOPMENT AGENCY:

Section 1. The Community Redevelopment Agency's Purchasing Policies are hereby adopted in their entirety to read as set forth in Exhibit A, attached hereto and incorporated herein as if set forth in full. The Purchasing Policies adopted by Resolution No. 091028 on July 19, 2010, are hereby rescinded, except as provided herein.

Section 2. Transition Schedule. The provisions of the Purchasing Policies adopted by this Resolution shall regulate and govern the purchase and sale of supplies, materials, equipment and contractual services of the CRA made on or after June 1, 2016, or in the case of purchases made pursuant to solicitations, to purchases made as a result of solicitations issued on or after June 1, 2016. Purchases made prior to June 1, 2016 shall be processed and acted upon in accordance with the provisions in effect prior to the effective date of this Resolution.

Section 3. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 16th day of May 2016.

GAINESVILLE COMMUNITY
REDEVELOPEMENT AGENCY

Craig Carter
Chairman

Attest:

Approved as to form and legality:

Stephanie Seawright
Secretary

Lisa Bennett
CRA Attorney

Exhibit A

A. PROCUREMENT POLICY

1. Purpose

The policies and procedures stated herein and as amended shall constitute the regulations that govern the sale and purchase of supplies, materials, equipment, and contractual services by the CRA, in order to afford an opportunity for competition whenever practicable and to provide for the purchase of goods and services of a quality consistent with the public interest at the least cost to the CRA. Nothing herein shall be construed to regulate the purchase and sale of any interest in real property by the CRA.

2. Ethics in Public Contracting

Employees shall have no interest, financial or otherwise, direct or indirect, nor engage in any business transaction or professional activities nor incur any obligation of any nature which is in conflict with the City of Gainesville's Code of Ethical Standards and Florida Statutes, Chapter 112 as applicable. To this end, employees are expected to demonstrate the highest standards of personal integrity in public activities; conduct their duties in ways that are free from the inference or perception that favorable treatment was sought, received, or given; and to avoid any interest or activity which is in conflict with the conduct of official duties.

3. Definitions

- a. Award Basis. The basis on which the purchase decision is made.
- b. Best Evaluated Bid. The bid which, through analysis, is determined to be most advantageous to the CRA, considering factors such as qualifications, past performance, stated price, costs of transportation, ownership and operation, elements of service, technical support, product quality, fitness for purpose or design, delivery time and/or time required for performance, warranties, exceptions taken to the specifications or any other basis of award stated in the bid documents.
- c. Black out period. The period between the time the submittals for invitation for bid or the request for proposal, or qualifications, or information, or the invitation to negotiate, as applicable, are received by the CRA Purchasing Representative, and the time the CRA awards the contract.
- d. City. The operating and administrative departments of the General Government, Gainesville Regional Utilities and the Charter Officers of the City of Gainesville, Florida.

- e. City Officials and Employees. City Commissioners, Charter Officers, City Employees, and agents of the City.
- f. City Purchasing Division. The purchasing organization of the City of Gainesville General Government.
- g. Community Redevelopment Agency or CRA. Community Redevelopment Agency Board, CRA Executive Director, Community Redevelopment Manager, CRA Manager, CRA Staff and agents of the CRA.
- h. Competitive Situation. Exists if at least two suppliers submit responsive bids in an effort to obtain an award and the receipt of quotations is without prior disclosure of a competitor's quotation; also, the receipt of quotation(s) by auction.
- i. Contractual Services. Services performed for the CRA by persons not in the employ of the CRA including, but not limited to, travel, freight, express, parcel post, postage, telephone, telegraph, utilities, rent, professionals services and the construction, repair, alteration and maintenance of facilities of or for the CRA.
- j. Cooperative Purchasing. Purchases made under the terms and conditions of another public agency's bid where the vendor awarded the bid is willing to supply the goods or services at the agency's bid price or the agency's bid documents and contract with the vendor provided for purchases by other agencies.
- k. Emergency Purchase. Any purchase which becomes necessary due to unforeseen circumstances and which affects the operation of the CRA; or is needed in a life threatening situation or public safety emergency or where delay of the purchase would subject the CRA to substantial additional costs, determined at the discretion of the CRA Executive Director.
- l. Executive Director. The CRA Executive Director or his or her designee.
- m. Formal Bid. A process of bidding which sets forth the requirements of a purchase or sale and which is issued by Invitation to Bid, Request for Quotation, Request for Qualification, Invitation to Negotiate or Request for Proposal.
- n. Item. A unit of supplies, materials, equipment, or contractual services; a quantity of the same units purchased at the same time; or, a combination of items which are purchased together because the purchase of one item is required for the use of other(s).

- o. Lobbying. Occurs when any natural person for compensation, seeks to influence the governmental decision making, to encourage the passage, defeat, or modification of any proposal, recommendation or decision by the CRA, except as authorized by procurement documents.
- p. Lowest Responsive Bid. The lowest bid which conforms in all material respects to the requirements set forth in the bid documents.
- q. Manager. The CRA Manager or their designee.
- r. Non-competitive situation. Exists when the product or service is purchased from a sole source, a specified source, or an only approved source.
- s. Obsolete materials and equipment. Materials and equipment that is no longer used, useable, useful, or cost-effective.
- t. Only Approved Source. Only one source meets the stated requirements of a specification based on a thorough qualitative and/or quantitative evaluation.
- u. Professional Services. Services which involve extended analysis, the exercise of discretion and independent judgment in their performance, and an advanced, specialized type of knowledge, expertise, or training customarily acquired either by a prolonged course of study or equivalent experience in the field.
- v. Project Initiator. Includes CRA Manager or his or her designee, Finance Managers, Project Coordinators, Project Managers, Interim CRA Operating Administrator, Engineers, Senior Analysts, and other CRA staff initiating project related procurement.
- w. Purchase Orders. Includes any and all encumbrance documents, regardless of type, which authorizes the expenditure of CRA funds, encumbers CRA funds, authorizes vendors or contractors to provide designated goods or services, and allows payment by processing of an electronic payment document.
- x. Sole Source. The only source through which materials or services may be purchased.
- y. Specified Source. A source selected without competitive bidding for justifiable reasons.
- z. Vendors. Includes anyone the CRA has a contractual relationship with for providing goods and/or services.

4. Source Selection

- a. To ensure the greatest benefit to the CRA, the CRA shall utilize a competitive process for the selection of sources of all procurement, except as provided herein.
- b. The CRA shall utilize the broad spectrum of available competitive processes and not focus on one method of selection. The CRA shall enter into annual contracts or continuing services contracts with vendors whenever practicable, in order to ensure the greatest efficiency in procurement and the best value of the goods or services obtained.
- c. The CRA shall determine the competitive process to be used based on the value of the award, as follows:
 - (1) The CRA shall utilize a formal bid process for purchases with an anticipated cost of \$50,000 or greater.
 - (2) For purchases with an anticipated amount from \$5,000 to \$50,000, the CRA shall obtain a minimum of ~~two written quotations prior to procuring goods or services with an anticipated cost of \$5,000 – \$50,000.~~ three (3) written quotes, including one from a certified small and/or service-disabled veteran business, if it exists. The Office of Equal Opportunity will maintain a list of certified firms.
- d. Best evaluated or lowest responsive bids, as designated by the bid solicitation, will serve as the basis for bid awards in competitive situations. Except where prohibited by law. when a purchase is anticipated to be greater than \$50,000, and the purchase is qualifications based, if the business enterprise has been certified as either a small or a service-disabled veterans business enterprise it will be awarded an additional 5% of total points, provided, however, a business enterprise may not be awarded additional points for being both small and service-disabled business enterprise.
- de. The following may be procured without utilization of a competitive process:
 - (1) Items of supplies, materials, equipment, or contractual services when the cost does not exceed \$5,000 and the duration of the contract is less than three months, although the CRA should attempt to obtain a minimum of two verbal quotations before purchasing, where possible.
 - (2) The source is selected from a current continuing contract with the CRA and the continuing contract was awarded pursuant to competitive process

- (3) Non-competitive situations
 - (4) Materials, equipment, or services purchased under state or federal contracts or other public agency cooperative purchasing opportunities
 - (5) Contractual services of a professional nature whose cost does not exceed \$50,000, except as required by State law and except for legal services, in which case the legal counsel may supply the qualifications of one firm for legal service in connection with ~~litigation~~ matters involving the CRA.
 - (6) Emergency purchases, where the circumstances of the emergency do not permit sufficient time to obtain competitive quotes.
- ef. The CRA shall adhere to the Consultants' Competitive Negotiation Act in the procurement of Professional Services.

5. Approval by the CRA Board

- a. The CRA staff shall obtain approval by the CRA Board prior to every purchase of an item of supplies, materials, equipment, contractual services, or extensions to existing contracts, costing in excess of \$50,000, except as provided herein.
- b. No prior approval shall be required for the following:
 - (1) An adjustment to a contract or purchase order previously approved by the CRA Board, which does not affect the cost, including a change in the contract time, or which constitutes a deduction to the purchase amount or which constitutes an addition to the purchase amount of 10% or less of the previously approved amount.
 - (2) Materials, equipment, or services purchased under state or federal contracts or other public agency cooperative purchasing opportunities, provided funds for the items have been included in the approved budgets.
 - (3) Emergency purchases, where the circumstances of the emergency do not permit sufficient time to obtain approval.
 - (4) Contracts or purchase orders for construction projects, or professional services associated with construction projects, when the total cost of all such contracts or purchase orders for a single construction project does not exceed \$300,000.

- c. The CRA Executive Director or his or her designee shall report to the CRA Board any purchase of materials, equipment, or services greater than \$50,000 for which CRA Board approval was not obtained in advance.
- d. The CRA Executive Director or his or her designee shall report to the CRA Board any bid protest for purchases for which CRA Board approval was not required.

6. Small Business Enterprises

- a. The CRA shall take affirmative steps to seek out, identify, and work with Small and Service-Disabled Veteran Business Enterprises in accordance with the programs and procedures contained herein and developed by the CRA and the Office of Equal Opportunity.
- b. As part of these programs, the CRA may waive competitive bidding requirements for the first time order with a Small and/or Service-Disabled Veteran Business Enterprise in an amount not greater than \$10,000 in order to fairly assess their capabilities to perform in accordance with required standards. The Programs and Procedures may also include sheltered market opportunities for Small and Service-Disabled Veteran Business Enterprises when appropriate.

7. Prohibition of Lobbying

- a. During the blackout period no person may lobby CRA officials or employees or City of Gainesville officials or employees on behalf of a competing party in a particular procurement process.
- b. Violation of this provision shall result in disqualification of the party on whose behalf the lobbying occurred.

8. Remedies/Appeals

- a. Any actual or prospective bidder or contractor who is aggrieved in connection with the solicitation or award of a contract shall comply with the administrative procedures established by the CRA for bid protest.
- b. In the case of purchases that require formal approval by the CRA Board, a bidder or proposer who has exhausted the bid protest procedures may appeal the decision of the CRA Executive Director to the CRA Board, which appeal shall be scheduled by the CRA Executive Director prior to the award of the contract.

- c. The CRA Board shall review the decision of the CRA Executive Director, the record before the CRA Executive Director, and written or oral statement of the parties involved in the protest. No new evidence shall be considered and the CRA Board may only reverse or modify the decision of the CRA Executive Director upon the determination that his or her decision was not based on substantial competent evidence that his or her reasoning or application of the policies, procedures, and law was fundamentally flawed. The decision of the CRA Board shall constitute final administrative action.

9. Sale of Obsolete and Unusable Property

- a. The sale of obsolete or other unused equipment and materials shall be at the discretion of the CRA Executive Director. The sale shall be by method selected by the CRA Executive Director or his or her designee as appropriate to reach prospective buyers.
- b. Any items sold with a current book value in excess of \$10,000 shall be sold by written quotations except when the sale is by auction.
- c. Obsolete or unusable items with a current book value of \$25,000 or less may be sold in accordance with written guidelines promulgated by the CRA Executive Director.
- d. Any items sold shall be for cash, payable by certified check, wire transfer, or other means acceptable to the CRA Executive Director or his or her designee.

10. Donations of Property

The CRA Executive Director or his or her designee may authorize and approve the donation to any governmental agency of obsolete or unusable items whose value does not exceed \$7,500, after making a determination that such donation furthers the objectives of the CRA.

11. Loans, Sales, or Rentals to Other Agencies

- a. The CRA Executive Director may, at his or her discretion, lend materials, supplies, tools, or services to the City of Gainesville or non-City entities, in furtherance of redevelopment activities.
- b. The CRA Executive Director or his designee may sell or lease useable materials, supplies tools or services to the City of Gainesville or non-City entities at cost plus overheads.
- c. All loans, sales or rentals shall be in accordance with the following criteria:

- (1) When emergency or unusual conditions dictate the need for such sale, rental or loan;
- (2) A community service would be served and the good or service is in sufficient supply that the sale, rental or loan would not impair service to customers or citizens; or
- (3) An agreement entered into by the City contemplates or requires such assistance.

B. PROCUREMENT PROCEDURES (INTENTIONALLY OMITTED – TO BE DEVELOPED AND IMPLEMENTED BY CRA STAFF)

C. UTILIZATION OF GENERAL GOVERNMENT SERVICES FOR PROCUREMENT

1. The CRA may utilize the services of the City Purchasing Division for the procurement of goods and services.
2. The City Purchasing Division and CRA shall enter into a separate Services Agreement or Memorandum of Understanding documenting any services provided to the CRA by the City Purchasing Division.
3. The City Purchasing Division shall provide any services to the CRA in accordance with the City of Gainesville Financial Services Procedures Manual and incorporated Purchasing Policy, or other accepted practices for the City of Gainesville General Government, except that:
 - a. The term “City Commission” when mentioned in the City of Gainesville Financial Services Procedures Manual, means “CRA Board.”
 - b. The term “City Manager,” “Manager,” or “Charter Officer” when mentioned in the City of Gainesville Financial Services Procedures Manual, means “CRA Executive Director” and “Manager” or “Charter Officer” shall mean “CRA Manager.”
 - c. The term “department head” when mentioned in the City of Gainesville Financial Services Procedures Manual, means “CRA Manager.”
 - d. The term “department,” “city department,” or “originating department” when mentioned in the City of Gainesville Financial Services Procedures Manual, means “CRA.”

D. SUSTAINABILITY BEST PRACTICES AND PROCUREMENT STRATEGIES (INTENTIONALLY OMITTED)