



The City Of

**PEMBROKE PINES**

# Commission Workshop Procurement

Procurement Division

# Agenda

- ▶ Organizational Structure
- ▶ Procurement Thresholds
- ▶ Procurement Process
  - ▶ Common Types of Formal Solicitations
  - ▶ Vendor Registration
  - ▶ Advertisement Process
  - ▶ Q&A Process
  - ▶ Alternative Bids
  - ▶ Bid, Payment & Performance Bonds
  - ▶ Bid Opening Process
- ▶ Evaluation of Bids & Proposals
  - ▶ Bid Tabulation
  - ▶ Evaluation Committees
  - ▶ Waiving Requirements
  - ▶ Vendor Preferences (Drug Free, Local & Veteran)
- ▶ Bid Protest Procedures
- ▶ Cone of Silence
- ▶ CCNA
- ▶ Debarment Process

# Organizational Structure

- ▶ The Procurement Code currently states that the “The Procurement Division shall be under the supervision of the Director of Public Services.”
- ▶ The Procurement Division has been operating directly under the direction of the City Manager’s Office.
- ▶ The National Procurement Institute which was founded in 1968 to develop efficient purchasing methods and practices in the areas of governmental, educational, and institutional procurement states that agencies should place the procurement function at a high level in the organizational structure. This ensures sufficient authority, independence, and resources to foster the goals and objectives of the procurement function. Procurement reporting to the Finance Department, or similar Department does not meet this criterion. Procurement must be at least on the same organizational level as Finance.
- ▶ **Recommendation:** Update the City’s Procurement Code to reflect the current process in which the Procurement Department reports directly to the City Manager’s Office.

# Current Thresholds for Procuring Goods & Services

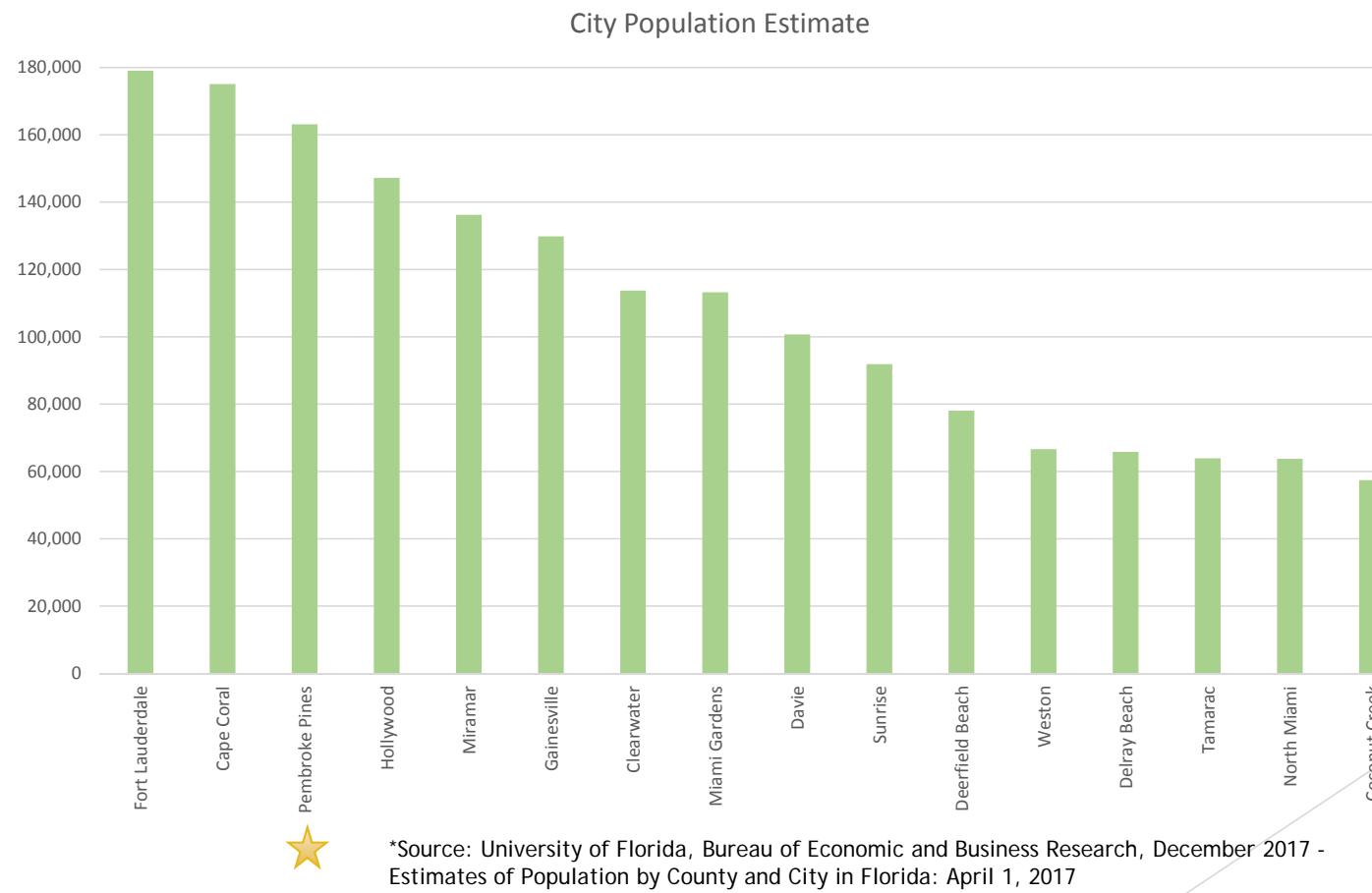
Cost of Goods or Services	Procurement Method
\$0.01 - \$1,000.00	Open market procedure (No Quotes)
\$1,000.01 - \$5,000.00	3 Oral Quotes
\$5,000.01 - \$25,000.00	3 Written Quotes
\$25,000.01 and greater	Sealed Formal Solicitations/Bids

# Threshold Comparison to Other Cities

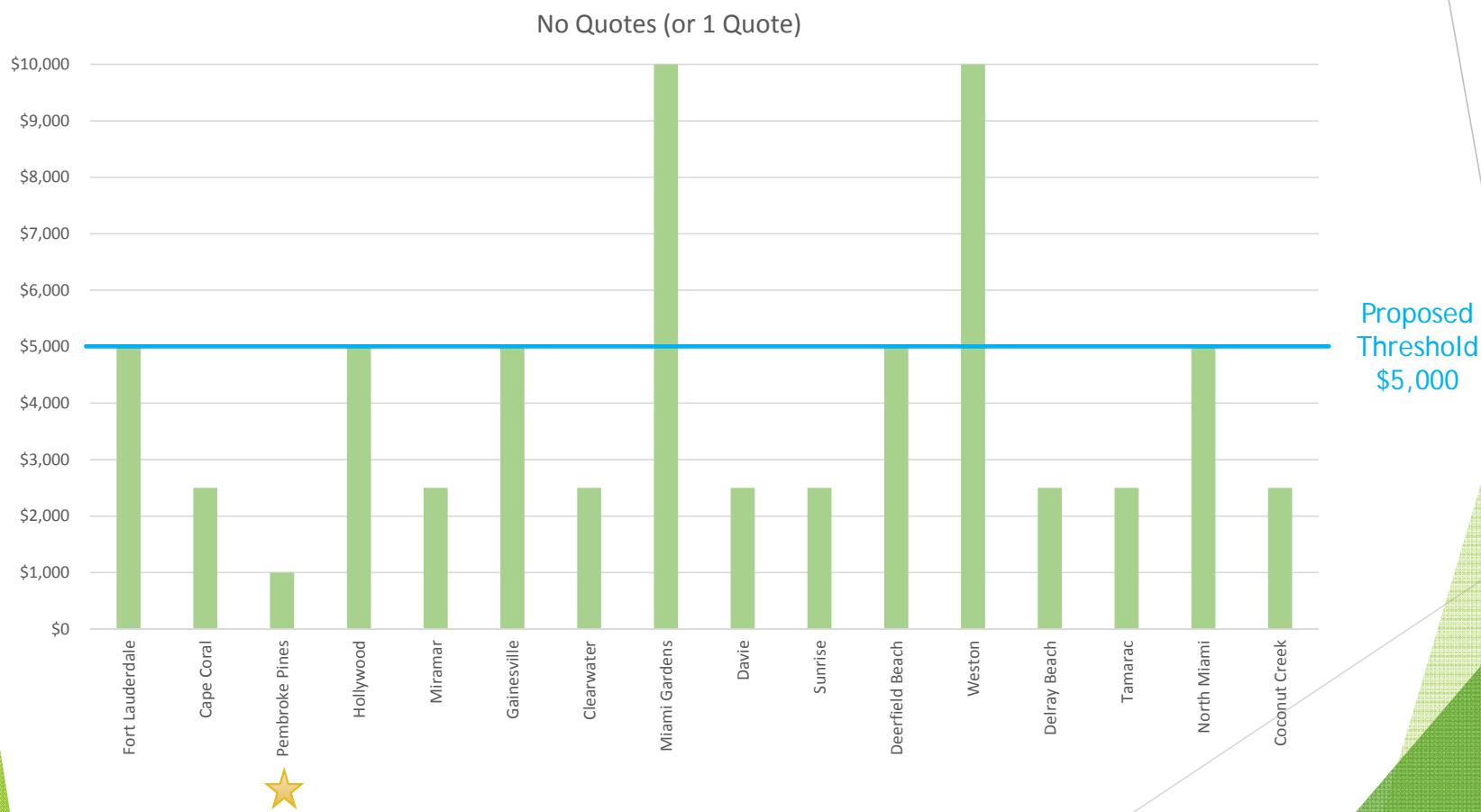
Rank Based on Population in Florida*	City	County	Population Estimate*	FY2018-19 City Budget	Thresholds			
					No Quotes (or 1 Quote)	3 Oral Quotes	3 Written Quotes	Commission Approval
9	Fort Lauderdale	Broward	179,063	\$ 785,015,992	\$5,000	\$50,000	\$50,000	\$100,000
10	Cape Coral	Lee	175,063	\$ 779,763,685	\$2,500	N/A	\$50,000	\$50,000
<b>11</b>	<b>Pembroke Pines</b>	<b>Broward</b>	<b>163,103</b>	<b>\$ 400,483,875</b>	<b>\$1,000</b>	<b>\$5,000</b>	<b>\$25,000</b>	<b>\$25,000</b>
12	Hollywood	Broward	147,212	\$ 624,704,000	\$5,000	N/A	\$50,000	\$50,000
13	Miramar	Broward	136,246	\$ 282,841,531	\$2,500	\$10,000	\$75,000	\$75,000
14	Gainesville	Alachua	129,816	\$ 354,486,116	\$5,000	N/A	\$50,000	\$100,000
16	Clearwater	Pinellas	113,723	\$ 532,010,000	\$2,500	\$50,000	\$50,000	\$100,000
17	Miami Gardens	Miami-Dade	113,201	\$ 112,609,987	\$10,000	N/A	\$25,000	\$50,000
22	Davie	Broward	100,689	\$ 226,882,958	\$2,500	N/A	\$25,000	\$25,000
24	Sunrise	Broward	91,865	\$ 478,751,650	\$2,500	N/A	\$25,000	\$25,000
32	Deerfield Beach	Broward	78,042	\$ 188,535,741	\$5,000	\$10,000	\$30,000	\$30,000
38	Weston	Broward	66,609	\$ 163,406,500	\$10,000	N/A	\$100,000	\$100,000
39	Delray Beach	Palm Beach	65,804	\$ 293,718,189	\$2,500	\$10,000	\$65,000	\$65,000
42	Tamarac	Broward	63,910	\$ 163,775,902	\$2,500	\$5,000	\$30,000	\$65,000
43	North Miami	Miami-Dade	63,780	\$ 156,242,321	\$5,000	N/A	\$25,000	\$25,000
50	Coconut Creek	Broward	57,395	\$ 142,584,140	\$2,500	\$5,000	\$25,000	\$25,000

Each column under the thresholds section is shaded from Red (representing the lowest number) to Green (representing the highest number) in the column.

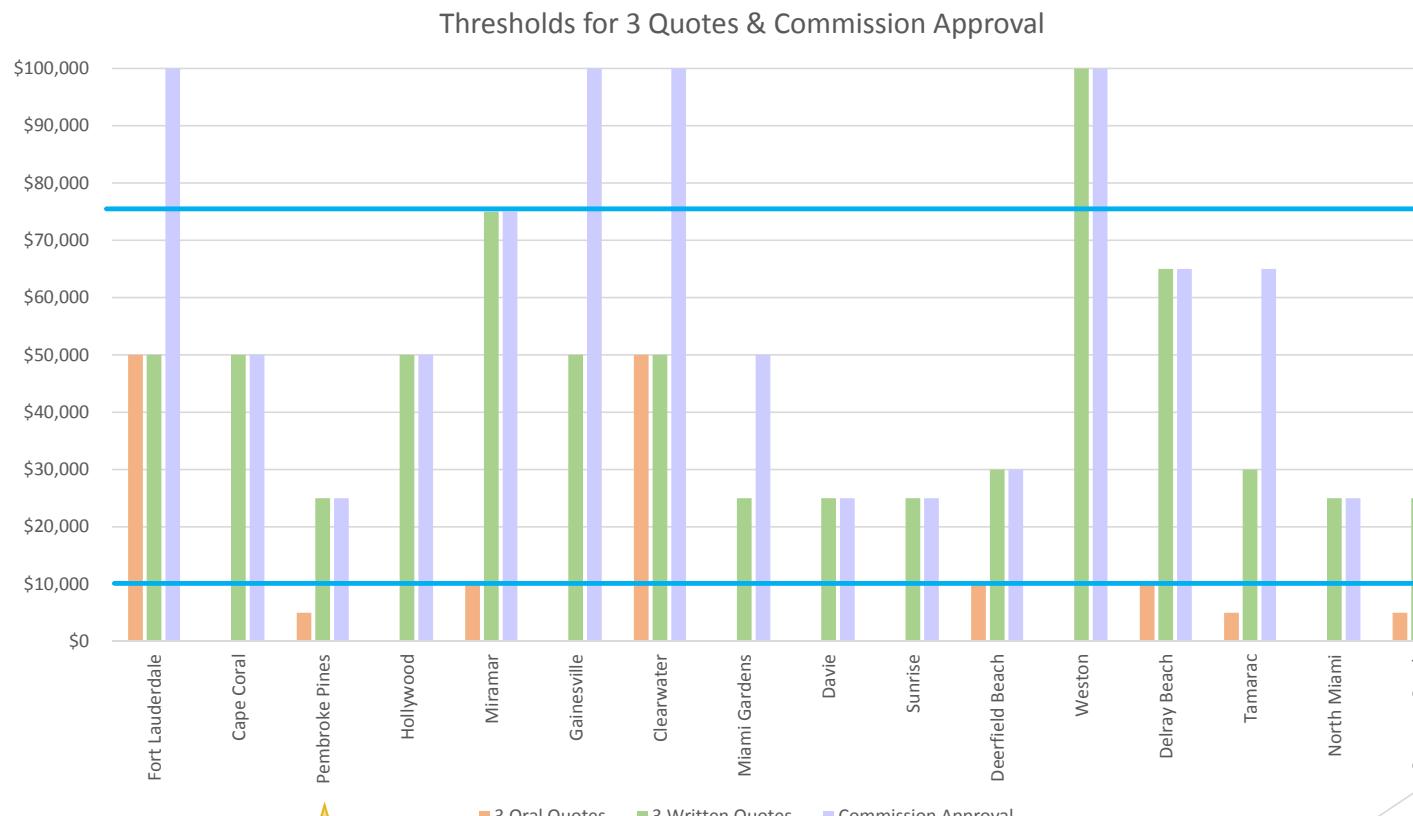
# City Population Estimates



# Threshold for No Quotes



# Threshold for Quotes & Commission Approval



Proposed  
Written  
Threshold &  
Commission  
Approval  
\$75,000

Proposed  
Oral  
Threshold  
\$10,000

# Proposed Thresholds for Procuring Goods & Services

Procurement Method	Current Thresholds	Proposed Thresholds	Proposed Approval Authority
Open market procedure (No Quotes)	\$0.01 - \$1,000.00	\$0.01 - \$5,000.00	Department Head
3 Oral Quotes	\$1,000.01 - \$5,000.00	\$5,000.01 - \$10,000.00	City Manager or Designee
3 Written Quotes	\$5,000.01 - \$25,000.00	\$10,000.01 - \$75,000.00	City Manager or Designee
Sealed Formal Solicitations/Bids	\$25,000.01 and greater	\$75,000.00 and greater	City Commission

# Common Types of Formal Solicitations

- ▶ Invitation for Bids (IFB)
  - ▶ A written solicitation for competitive sealed bids specifically defining the commodities or services for which bids are sought.
  - ▶ Used when the city is capable of specifically defining the scope of work for which a service is required or when the city is capable of establishing precise specifications defining the actual commodities required. RFP
- ▶ Request for Proposals (RFP)
  - ▶ A written solicitation for competitive sealed proposals with general information, functional or general specifications, a statement of work, proposal instruction and evaluation criteria, including the relative importance of price and any other evaluation criteria.
- ▶ Request for Qualifications (RFQ)
  - ▶ A written solicitation for competitive sealed offers with general information, functional or general specifications, a statement of work, proposal instruction and the relative importance of any evaluation criteria. (No Pricing)

## BidSync - FREE Vendor Registration

- ▶ The City has partnered with BidSync.com to announce and distribute all formal solicitations.
- ▶ Making it easier for firms to immediately receive and respond to opportunities as they are released.
- ▶ Receive automated announcements to download bids.
- ▶ Registration process will take less than five minutes.
- ▶ FREE to Register for the City of Pembroke Pines Bids.
- ▶ If firms have any questions in regards to becoming a registered Vendor, they can contact BidSync at 800-990-9339, option 1, ext. 1.



# Advertisement Process

- ▶ Solicitations are presented to the City Commission for approval prior to Advertisement
- ▶ Generally solicitations are advertised for a 28 day period and pre-bid meetings are scheduled at a minimum of 5 days after advertisement.
- ▶ Pursuant to Florida Statute 255.0525, construction projects that are projected to cost more than the amounts below shall be publicly advertised at least once in a newspaper of general circulation in the county where the project is located:

Estimated Amount	Minimum Advertisement Prior to:	
	Bid Opening	Pre-Bid Meeting
\$200,000 to \$500,000	21 days	5 days
\$500,000 +	30 days	5 days



# Question & Answer Process

- ▶ Pre-Bid Meetings or Site Visits
  - ▶ Mandatory / Non-Mandatory
  - ▶ All official questions are to be asked via the BidSync System
  - ▶ All official answers are issued via BidSync via the Q&A period or via Addenda
- ▶ Question & Answer Period
  - ▶ Proposers ask their question on the BidSync Website
  - ▶ All questions can be viewed by the City and other proposers at the same time
  - ▶ All answers are issued on BidSync and can be viewed by all firms at the same time

# Alternative Bids

- ▶ The BidSync website allows for the bidders to submit their bids on the requested products or services and also allows for the bidder to submit alternative proposals.
- ▶ The Procurement Division recommends that bidders submit both pricing on the specified product/service and the alternative that is being recommended by the bidder.
- ▶ The Solicitations have general language that states, "If and wherever in the specifications a brand name, make, name of manufacturer, trade name, or vendor catalog number is mentioned, it is for the purpose of establishing a grade or quality of material only. Since the City does not wish to rule out other competition and equal brands or makes, the phrase "OR EQUAL" is added. However, if a product other than that specified is bid, Bidders shall indicate on their proposal and clearly state the proposed substitution and deviation. It is the vendor's responsibility to provide any necessary documentation and samples within their bid submittal to prove that the product is equal to that specified. Such samples are to be furnished before the date of bid opening, unless otherwise specified. Additional evidence in the form of documentation and samples may be requested if the proposed brand is other than that specified. The City retains the right to determine if the proposed brand shall be considered as an approved equivalent or not."

# Bid Bond / Bid Securities

- ▶ Bid Securities (Bid Deposits / Bid Bonds / Bid Surety / Cashier's Check)
  - ▶ Pursuant to the City's Procurement Code, a Bid Security is only required when deemed necessary by the Chief Procurement Officer.
  - ▶ A Bid Security is generally requested for Construction Projects over \$200,000, in an amount of 5% of the total proposal.
  - ▶ Unsuccessful bidders shall be entitled to return of the bid security.
  - ▶ A successful bidder shall forfeit any bid security upon failure on its part to enter a contract within 15 days after the award.

# Payment & Performance Bonds

- ▶ Pursuant to Florida Statute 255.05:
  - ▶ A person entering into a formal contract for the construction of a public building (completion of a public work, or for repairs upon a public building or public work) shall be required, before commencing the work to execute and record in the public records of the county where the project is located, a payment and performance bond with a surety insurer authorized to do business in this state as surety.
  - ▶ A public entity may not require a contractor to secure a surety bond under this section from a specific agent or bonding company.
  - ▶ At the discretion of the official or board awarding such contract when such work is done for any city, a person entering into such a contract that is for \$200,000 or less may be exempted from executing the payment and performance bond.
  - ▶ The amount of the bond shall equal the contract price, except that for a contract in excess of \$250 million, if the state, county, municipality, political subdivision, or other public entity finds that a bond in the amount of the contract price is not reasonably available, the public owner shall set the amount of the bond at the largest amount reasonably available, but not less than \$250 million.
- ▶ Pursuant to the City's Code:
  - ▶ For all competitive bids seeking commodities or services in excess of \$200,000 the Chief Procurement Officer or appropriate staff person shall include as a requirement of such advertised bids a performance bond in the total contract amount.
  - ▶ The Chief Procurement Officer, in his or her discretion, may require such performance bonds for bids seeking commodities or services in an amount of \$200,000 or less.
  - ▶ The City Manager shall have the discretion to waive the performance bond requirement in the event of an undue hardship or emergency.
  - ▶ Any bonding company used must be listed on the United States Department of the Treasury's Circular 570. Additionally, the bonding company must be rated at least "A," Class VI, by Best's Key Rating Guide, published by A.M. Best Company, and be authorized to do business in the state.

# Bid, Payment & Performance Bonds

## ► Recommendation:

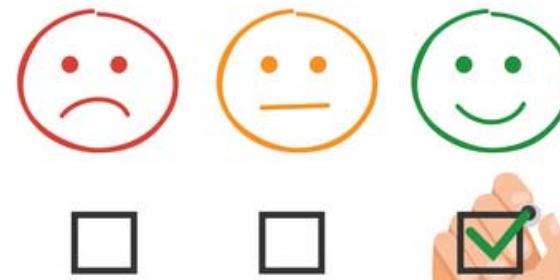
- ▶ Follow the Florida Statute 255.05, requiring both Payment & Performance Bonds for Construction Projects over \$200,000.
- ▶ Also require Bid Securities on all projects that we require Payment & Performance Bonds.
- ▶ Allow the City Manager / Chief Procurement Officer to determine whether or not a Bid Bond, Payment Bond or Performance Bond will be required for any other projects.
- ▶ When solicitations are brought to the City Commission for approval to advertise, the City Commission can determine whether or not to add or remove the bonding requirements.
- ▶ Remove language regarding Bonding Company's rating, and add language that it must be approved by the City's Risk Manager, so that it can be updated as needed without requiring further changes to the City's Code.

# Bid Opening

- ▶ Firms are not required to attend, however the Bid Opening is open to the public
- ▶ Generally on Tuesdays at 2:30 p.m. in the City Clerk's Office
- ▶ Per F.S. §119.071, proposals are exempt from the Public Records Law until the an intended decision or within 30 days after bid opening, whichever is earlier.
- ▶ Prices and Bidder names will be read aloud for Construction Projects (or repairs on a public building or public work)
- ▶ Only the Bidder names will be read aloud for Non-Construction Projects
- ▶ Pursuant to Florida Statute 119.071(1)(b) rejected proposals remain exempt from public records if the City issues its intent, within 30 days after bid opening, to reject all bids and to reissue the competitive solicitation.
  - ▶ Proposals shall remain exempt until notice of an intended decision concerning the reissued solicitation or until the reissued solicitation is withdrawn.
  - ▶ A bid, proposal, or reply is not exempt for longer than 12 months after the initial agency notice rejecting all bids, proposals, or replies.



# Evaluation of Bids & Proposals



# Bid Tabulation

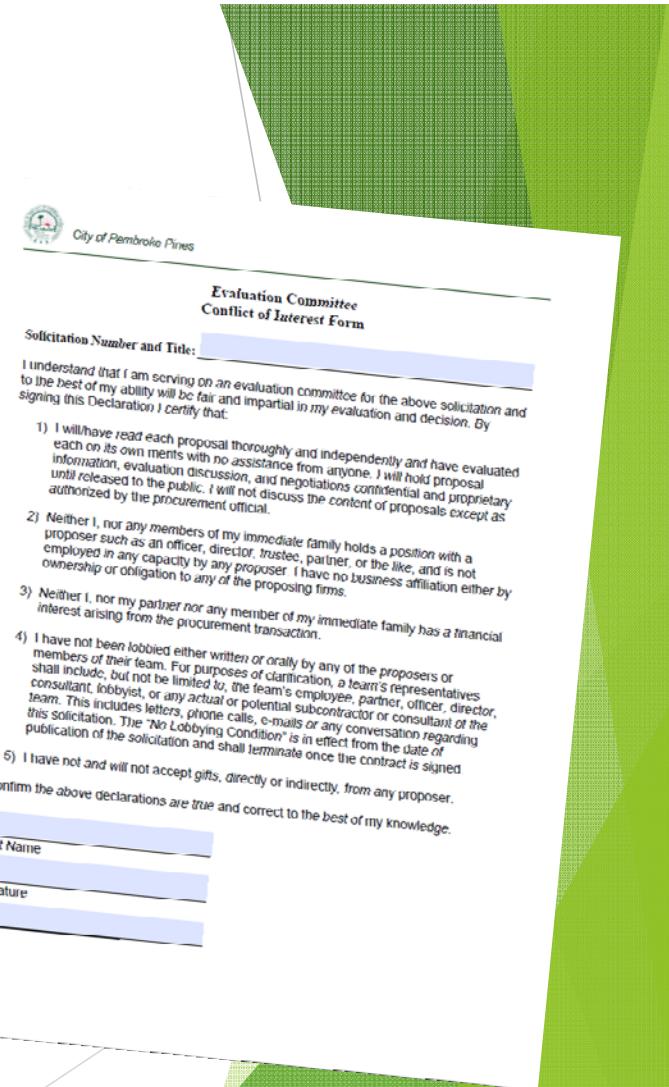
- The BidSync System automatically generates a bid tabulation for the pricing submitted by the proposers.
- The Procurement Division reviews the submittals from each vendor and prepares a bid tabulation identifying any information that was or was not submitted and also highlights key information, such as if the vendor is claiming local vendor preference.
- Submittals for IFBs are reviewed by the respective Departments and the Procurement Division.
- Submittals for RFPs and RFQs have various criteria for evaluation, and are therefore reviewed by an Evaluation Committee.

## Evaluation Committees - Elected Officials

- ▶ Pursuant to the Broward County's Code of Ethics for Elected Officials Section 1-19(c)(6), it shall be a conflict of interest for any Elected Official to serve as a voting member of a Selection/Evaluation Committee in connection with any prospective procurement by the Elected Official's governmental entity.
- ▶ Elected Officials shall not be included as members on any Selection/Evaluation Committee and shall not participate or interfere in any manner at Committee meetings or in the selection of Committee members, which members shall be appointed by the County Administrator or appropriate municipal staff, as relevant.
- ▶ Upon the completion of the selection process by the Committee, Elected Officials may inquire into any and all aspects of the selection process and express any concerns they may have to their Purchasing Director or, where applicable, other employee with responsibility to oversee the procurement process.
- ▶ The prohibitions stated in the preceding paragraph shall not apply to the hiring (or contractual procurement, in lieu of hiring) of individuals who report directly to a local governing body. Additionally, the prohibitions stated in the preceding paragraph shall not be interpreted as prohibiting any Elected Official from attending any Selection/Evaluation Committee meeting provided the Elected Official does not actively participate or otherwise interfere in the meeting.

# Evaluation Committees - Process

- ▶ The City Manager approves the members for each Evaluation Committee
- ▶ The Evaluation Committee may be composed of City Staff, Charter School Staff, Contracted Employees, Retired employees, etc.
- ▶ Evaluation Committee members are required to sign a Conflict of Interest Form.
- ▶ The Evaluation Committee members are prohibited from discussing information related to the evaluation with other committee members.
- ▶ The Procurement Division briefs the each Evaluation Committee member regarding the solicitation and provides them with the solicitation, any addenda, questions and answers, instructions, scoring sheets, etc.



**Evaluation Committee  
Conflict of Interest Form**

**Solicitation Number and Title:** \_\_\_\_\_

I understand that I am serving on an evaluation committee for the above solicitation and to the best of my ability will be fair and impartial in my evaluation and decision. By signing this Declaration I certify that:

- 1) I will have read each proposal thoroughly and independently and have evaluated each on its own merits with no assistance from anyone. I will hold proposal information, evaluation discussion, and negotiations confidential and proprietary until released to the public. I will not discuss the content of proposals except as authorized by the procurement official.
- 2) Neither I, nor any members of my immediate family holds a position with a proposer such as an officer, director, trustee, partner, or the like, and is not employed in any capacity by any proposer. I have no business affiliation either by ownership or obligation to any of the proposing firms.
- 3) Neither I, nor my partner nor any member of my immediate family has a financial interest arising from the procurement transaction.
- 4) I have not been lobbied either written or orally by any of the proposers or members of their team. For purposes of clarification, a team's representatives shall include, but not be limited to, the team's employee, partner, officer, director, consultant, lobbyist, or any actual or potential subcontractor or consultant of the team. This includes letters, phone calls, e-mails or any conversation regarding this solicitation. The "No Lobbying Condition" is in effect from the date of publication of the solicitation and shall terminate once the contract is signed.
- 5) I have not and will not accept gifts, directly or indirectly, from any proposer.

I confirm the above declarations are true and correct to the best of my knowledge.

**Print Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

# Evaluation Committees - Meeting

- ▶ The Procurement Division schedules a Public Meeting that is noticed by the City Clerk's Office.
- ▶ After having an opportunity to discuss the proposer's qualifications, the evaluators will be asked to rank, for informational purposes only, the proposals utilizing the scoring sheet provided.
- ▶ The Evaluation Committee may deem vendors as non-responsive, non responsible, or not qualified, etc.
- ▶ Evaluators will be requested to break any ties on their score sheet.
- ▶ City Clerk's Office tabulates all of the scoring.
- ▶ In the event of the tabulated score resulting in tied rankings, it is recommended for the Committee to break the tie.
- ▶ The Evaluation Committee will then make a motion, which may be to recommend a firm for award and contract negotiation, short list the firms for presentations, reject and rebid the project, etc.

**Summary of All Scores**  
RFI #111742  
Fire Department Fleet Maintenance  
Evaluation Committee Meeting  
Category: December 10, 2017

Evaluation Vendor	Score	Score	Score	Score	Total	Range
1 First Vehicle Services, Inc.	2	1	1	2	7	1
2 Vector Fleet Management, LLC	2	1	2	3	8	2
3 Centura Integrated Fleet Services, LLC	4	3	3	0	10	3
4 Duanesburg Fleet Maintenance and Management, LLC	3	4	4	4	15	4

Collier of Scores

Please Print Name \_\_\_\_\_  
Signature \_\_\_\_\_  
Date \_\_\_\_\_

**RFI #111742**  
Fire Department Fleet Maintenance  
Evaluation Score Sheet  
December 10, 2017

**Instructions:**  
Each Evaluator is provided with the following information to assist with evaluating the proposals:  
1) RFP #111742 Fire Department Fleet Maintenance  
2) Bid Tabulation Sheet  
3) Evaluation Committee Meeting  
4) Evaluation Score Sheet  
5) Letterhead  
Each Evaluator is asked to evaluate each firm using the information provided and the following weighted criteria which is also provided in detail in the RFP:  
1) Experience and Ability  
2) Price  
3) Firm Underwriting and Reputation in the Market  
4) Firm's Business Profile  
5) Local Vendor  
The Evaluation Committee will have an opportunity to discuss the firms proposals. Once the Committee has completed the discussion on the individual firms, the committee will be asked to take into consideration the criteria listed above and assign the points according to the percentage which is allocated to each criteria. See example below. This sheet will be used for each of the firms. Once all firms have been evaluated, the committee will then rank the firms based on the total score. The firm with the highest score receiving a 5 and the lowest score receiving a 1. In the event of a tie, the Evaluators will be asked to break the tie and ranks the tied vendors according to the following criteria. The committee will then make a motion, which may be to recommend a firm for award and contract negotiation, short list the firms for presentations, reject and rebid the project, etc. Once the scores have been listed, an evaluating member of the committee must make a motion, which must be approved by majority vote of the committee.

Vendor Name	Evaluation Criteria					Total	Avg	Comments
	Experience and Ability	Price	Firm Underwriting and Reputation in the Market	Local Vendor	Business Profile			
Sample	20%	20%	20%	20%	20%	100	50%	
1 Vector Fleet Management, LLC	20%	19%	30%	24%	25.00%	95.50%	1	
2 Duanesburg Fleet Maintenance and Management, LLC	19%	19%	20%	18%	21.00%	83.50%	4	
3 Centura Integrated Fleet Services, LLC	19%	19%	29%	21%	5.00%	92.00%	3	
4 First Vehicle Services, Inc.	20%	19%	30%	23%	25.50%	94.50%	2	

Collier of Scores

Please Print Name \_\_\_\_\_  
Signature \_\_\_\_\_  
Date \_\_\_\_\_

ATTACHMENT A

# Waiving Requirements

- ▶ Pursuant to the City's Code, the city reserves the right to waive any irregularities in the bids, as determined by the Chief Procurement Officer and approved by the City Manager.
- ▶ For IFBs, the Procurement Director determines if there is a need to waive any irregularities and if so it is clearly stated in the Agenda Request Form that is approved by the City Manager for consideration by the City Commission.
- ▶ As directed by the City Attorney's Office, when we have an Evaluation Committee (RFPs/RFQs), the Procurement Division identifies any issues with the proposals and leaves it up to the City's Evaluation Committee to determine whether or not they would deem and vendors as non-responsive, non-responsible, not qualified, etc. and whether or not to waive any of the irregularities in the bids.
- ▶ Note - The City Commission also has the ability to waive items such as compliance of City contractors providing equal benefits for domestic partners and all married couples.

# Vendor Preferences - Drug Free Workplace

- ▶ Drug-Free Workplace
  - ▶ Tie Bids which are equal with respect to price, quality, and service
- ▶ In order to have a drug-free workplace program, a business shall:
  - ▶ Publish a statement notifying employees that the unlawful to use a controlled substance in the workplace and specifying the actions that will be taken against employees for violations.
  - ▶ Inform employees about the dangers of drug abuse in the workplace, employee assistance programs.
  - ▶ Give statement to employees
  - ▶ Etc.

 City of Pembroke Pines

Attachment H

**VENDOR DRUG-FREE WORKPLACE CERTIFICATION FORM**

**SECTION 1 GENERAL TERM**

Preference may be given to vendor submitting a certification with their bid proposal certifying they have a drug-free workplace in accordance with Section 287.087, Florida Statutes. This requirement affects all public entities of the State and becomes effective January 1, 1991. The special condition is as follows:

**IDENTICAL TIE BIDS** - Preference may be given to businesses with drug-free workplace programs. Whenever two or more bids that are equal with respect to price, quality, and service are received by the State or by any political subdivision for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a drugfree workplace program shall be given preference in the award process. Established procedures for processing tie bids will be followed if none of the tied vendors have a drug-free workplace program. In order to have a drug-free workplace program, a business shall:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
4. In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after each conviction.
5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

**SECTION 2 AFFIRMATION**

Place a check mark here only if affirming bidder complies fully with the above requirements for a Drug-Free Workplace.

Place a check mark here only if affirming bidder does not meet the requirements for a Drug-Free Workplace.

Failure to complete this certification at this time (by checking either of the boxes above) shall render the vendor Ineligible for Drug-Free Workplace Preference. This form must be completed by the proposer; the proposer WILL NOT qualify for Drug-Free Workplace Preference based on their sub-contractors' qualifications.

Authorized Signature \_\_\_\_\_

Authorized Signer Name \_\_\_\_\_

Company Name \_\_\_\_\_

# Vendor Preferences - Local Vendor

## ► Local Vendor Preference

- A local vendor is defined as a business entity which has maintained a permanent place of business with full-time employees within the Pembroke Pines City limits or the Broward County limits for a minimum of one year prior to the date of issuance of a bid or proposal solicitation.
  - The permanent place of business may not be a post office box.
  - The business location must actually distribute goods or services from that location.

## ► Local Broward County Vendor (2.5%)

## ► Local Pembroke Pines Vendor (5.0%)

 City of Pembroke Pines

Attachment E

**LOCAL VENDOR PREFERENCE CERTIFICATION**

**SECTION 1 GENERAL TERM**

**LOCAL PREFERENCE:**

The evaluation of competitive bids is subject to Section 35.36 of the City's Procurement Procedures which, except where contrary to federal and state law, or any other funding source requirements, provides that preference be given to local businesses. To satisfy this requirement, the vendor shall affirm in writing its compliance with either of the following objective criteria as of the bid or proposal submission date stated in the solicitation. A local business shall be defined as:

1. "Local Pembroke Pines Vendor" shall mean a business entity which has maintained a permanent place of business with full-time employees within the City limits for a minimum of one (1) year prior to the date of issuance of a bid or proposal solicitation. The permanent place of business may not be a post office box. The business location must actually distribute goods or services from that location. In addition, the business must have a current business tax receipt from the City of Pembroke Pines.
2. "Local Broward County Vendor" shall mean a business entity which has maintained a permanent place of business with full-time employees within the Broward County limits for a minimum of one (1) year prior to the date of issuance of a bid or proposal solicitation. The permanent place of business may not be a post office box. The business location must actually distribute goods or services from that location. In addition, the business must have a current business tax receipt from the Broward County or the city within Broward County where the business resides.

A preference of five percent (5%) of the total evaluation point, or five percent (5%) of the total price, shall be given to the Local Pembroke Pines Vendor(s); A preference of two and a half percent (2.5%) of the total evaluation point for local, or two and a half percent (2.5%) of the total price, shall be given to the Local Broward County Vendor(s).

**COMPARISON OF QUALIFICATIONS:**

The preferences established in no way prohibit the right of the City to compare quality of supplies or services for purchase and to compare qualifications, character, responsibility and fitness of all persons, firms or corporations submitting bids or proposals. Further, the preference established in no way prohibit the right of the city from giving any other preference permitted by law instead of the preference granted, nor prohibit the city to select the bid or proposal which is the most responsible and in the best interests of the city.

**SECTION 2 AFFIRMATION**

**LOCAL PREFERENCE CERTIFICATION:**

Place a check mark here only if affirming bidder meets requirements above as a Local Pembroke Pines Vendor. In addition, the business must attach a current business tax receipt from the City of Pembroke Pines along with any previous business tax receipts to indicate that the business entity has maintained a permanent place of business for a minimum of one (1) year.

Place a check mark here only if affirming bidder meets requirements above as a Local Broward County Vendor. In addition, the business must attach a current business tax receipt from the Broward County or the city within Broward County where the business resides along with any previous business tax receipts to indicate that the business entity has maintained a permanent place of business for a minimum of one (1) year.

Place a check mark here only if affirming bidder does not meet the requirements above as a Local Vendor. Failure to complete this certification at this time (by checking either of the boxes above) shall render the vendor ineligible for Local Preference. This form must be completed by the proposer; the proposer WILL NOT qualify for Local Vendor Preference based on their sub-contractors' qualifications.

COMPANY NAME \_\_\_\_\_

PRINTED NAME / AUTHORIZED SIGNATURE \_\_\_\_\_

# Vendor Preferences - Local Vendor Calculation for Bids

- ▶ If a "Local Pembroke Pines Vendor" (LPPV) or "Local Broward County Vendor" (LBCV) submits a bid that is within 2.5% or 5% of the lowest price submitted by any vendor, the LPPV or LBCV shall have an option to submit another bid which is at least 1% lower than the lowest responsive bid.
- ▶ If there is a LPPV and a LBCV participating in the same bid and both vendors qualify to submit a second bid as detailed above, the LPPV will be given first option.
  - ▶ If the LPPV cannot beat the lowest bid received by at least 1%, an opportunity will be given to the LBCV.
  - ▶ If the LBCV cannot beat the lowest bid by at least 1%, then the bid will be awarded to the lowest bidder.
- ▶ If multiple LPPVs submit bids which are within 5% of the lowest bid, then all LPPVs will be asked to submit a best and final offer (BAFO). The award will be made to the LPPV submitting the lowest BAFO providing that that BAFO is at least 1% lower than the lowest bid received in the original solicitation.
  - ▶ If no LPPV can beat the lowest bid by at least 1%, then the process will be repeated with all LBCV who have submitted a bid which is within 2.5% of the lowest bid.
  - ▶ If no LPPV and no LBCV can submit a BAFO that is at least 1% lower than the lowest bid submitted in the original solicitation, the award will be made to the lowest responsive bidder.
- ▶ If the lowest responsive and responsible bidder is a LPPV, the award will be made to that vendor and no other bidders will be given an opportunity to submit additional bids as described herein.

# Vendor Preferences - Veteran Owned Small Business (VOSB)

# Vendor Preferences - VOSB Calculation for Bids

- ▶ If VOSB submits a bid that is within 2.5% of the lowest price submitted by any vendor, the VOSB shall have an option to submit another bid which is at least 1% lower than the lowest responsive bid.
- ▶ If the lowest responsive and responsible bidder is a "Local Pembroke Pines Vendor" (LPPV) or a "Local Broward County Vendor" (LBCV), then the award will be made to that Local vendor and no other bidders will be given an opportunity to submit additional bids as described herein.
- ▶ If there is a LPPV, a LBCV, and a VOSB participating in the same bid solicitation and all three vendors qualify to submit a second bid, the LPPV will be given first option.
  - ▶ If the LPPV cannot beat the lowest bid received by at least 1%, an opportunity will be given to the LBCV.
  - ▶ If the LBCV cannot beat the lowest bid by at least 1%, an opportunity will be given to the VOSB.
  - ▶ If the VOSB cannot beat the lowest bid by at least 1%, then the bid will be awarded to the lowest bidder.
- ▶ If multiple VOSBs submit bids which are within 2.5% of the lowest bid and there are no LPPV or LBCV then all VOSBs will be asked to submit a Best and Final Offer (BAFO).
  - ▶ The award will be made to the VOSB submitting the lowest BAFO providing that that BAFO is at least 1% lower than the lowest bid/quote received in the original solicitation.
  - ▶ If no VOSB can beat the lowest bid/quote by at least 1%, then the award will be made to the lowest responsive bidder.

# Bid Protest Procedures

- ▶ Pursuant to the Section § 35.38 "Bid Protest Procedures" of the City's Code, the City shall issue a Notice of bid/proposal action.
- ▶ Only a bidder with a "substantial interest" may protest
- ▶ Objections to the Bid Specifications shall be addressed in the Q&A portion of the process.
- ▶ "Notice of Intent to Protest" must be submitted by email to the Purchasing Manager within two business days of the notice of bid/proposal action issuance.
- ▶ Complete Written Protest must be filed with the Purchasing Manager within ten calendar days of the issuance of the notice of bid action.
- ▶ A Bid Protest Bond must be included in an amount equal to 5% of the protester's bid or \$5,000, whichever is less.
- ▶ The Purchasing Manager shall meet with the protester to discuss the allegations and to attempt to resolve the matter and shall issue their decision within 14 calendar days of the meeting, or if no meeting is requested, within 14 days of receipt of the timely filed and complete written protest.
- ▶ The protester may appeal the decision to the City Manager by filing a written appeal with the City Clerk's office within three business days of issuance of the Purchasing Manager's decision. The City Manager's decision shall be final and shall be e-mailed to the protester on the date of issuance.

## Cone of Silence

- ▶ The City of Pembroke Pines does not currently have a “Cone of Silence”
- ▶ A Cone of Silence would prohibit communication during the course of a competitive solicitation with an entity that is bidding on a solicitation and City Staff, with the exception of the Procurement Staff.
- ▶ The Cone of Silence is designed to protect the professional integrity of the procurement process by shielding it from undue influences prior to the recommendation of contract award.
- ▶ Of the 15 agencies surveyed, only 3 do not have a Cone of Silence:
  - ▶ Fort Lauderdale, Clearwater and Davie
- ▶ The City of Tamarac has a “Prohibition against Lobbying” which works similarly to a Cone of Silence.
- ▶ **Recommendation:** Update the City’s Code to include a “Cone of Silence” along with definitions, procedures, effective dates, and penalties for violations.

# Florida Statute 287.055 – CCNA Consultants' Competitive Negotiation Act

- ▶ Outlines the procedures for procuring professional architectural, engineering, landscape architectural, or surveying and mapping services.
- ▶ Focuses on Competitively Selecting the Consultant based on their qualifications prior to negotiating the costs of the services.
- ▶ The Statute does not apply to a professional service contract for:
  - ▶ a project where the agency estimates the basic construction cost to be less than \$325,000
  - ▶ or for a planning or study activity when the fee for professional services is less than \$35,000
- ▶ Nothing in this act shall be construed to prohibit a continuing contract between a firm and an agency.

# Florida Statute 287.055 – CCNA Continuing Contracts

- ▶ Florida Statute 287.055(2)(g) states: A “continuing contract” is a contract for professional services entered into in accordance with all the procedures of this act between an agency and a firm whereby the firm provides professional services to the agency:
  - ▶ for projects in which the estimated construction cost of each individual project under the contract does not exceed \$2 million,
  - ▶ for study activity if the fee for professional services for each individual study under the contract does not exceed \$200,000, or
  - ▶ for work of a specified nature as outlined in the contract required by the agency.
- ▶ With the contract being for a fixed term or with no time limitation except that the contract must provide a termination clause. Firms providing professional services under continuing contracts shall not be required to bid against one another.

# Debarment and Suspensions



- ▶ The City Commission has discussed debarring DRC Emergency Services, which was previously awarded as the Primary Disaster and Debris Management Services Contractor in June of 2014 and failed to perform that contract during the recovery efforts in 2017 related to Hurricane Irma.
- ▶ The City currently has no Contractors listed on a Debarred List.
- ▶ Pursuant to §35.23 of the City's Procurement Code, the City Manager has the Authority to debar and suspend a person or entity from consideration for award of city contracts, after:
  - ▶ Reasonable notice to an actual or prospective contractual party, and
  - ▶ Reasonable opportunity to such party to be heard, and
  - ▶ Consultation with the City Attorney.
- ▶ The City Manager may debar an actual or prospective contractual party for any reason judged by the City Manager to be so serious and compelling as to affect the responsibility of the person or entity performing city contracts, including but not limited to
  - ▶ Conviction of a criminal offense in attempting to obtain contract or performance of such contract, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty.
  - ▶ Violation of city's contract provisions, which is regarded by the Chief Procurement Officer to be indicative of non-responsibility. Such violation may include failure without good cause to perform in accordance with the terms and conditions of a city contract or to perform within the time limits provided in the city contract, provided that failure to perform caused by acts beyond the control of a party shall not be considered a basis for debarment or suspension;
  - ▶ Debarment or suspension of the person or entity by any federal, state, or other governmental entity;
- ▶ The City Manager shall render a written decision stating the reasons for the debarment or suspension. A copy of the decision shall be provided promptly to the contractual party.