



The City Of
PEMBROKE PINES
Florida

Commission Workshop Procurement

August 26, 2025

Mark Gomes, Assistant City Manager /
Director of Procurement and Sustainability



Go Paperless! Please avoid printing this document.
Going digital helps reduce greenhouse gas emissions (GHG).
Each page not printed can avoid up to 15 grams of CO₂ emissions.

Agenda

- ▶ 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
- ▶ Cone of Silence
- ▶ Owner's Contingency
- ▶ Evaluation of Bids & Proposals
 - ▶ Bid Tabulation
 - ▶ Evaluation Committees
 - ▶ Waiving Requirements
 - ▶ Vendor Preferences (Drug Free, Local & Veteran)
- ▶ Bid Protest Procedures
- ▶ CCNA
- ▶ Exemptions
 - ▶ Sole Source
 - ▶ Best Interest of the City
- ▶ Contract Terms
- ▶ Change Orders
- ▶ Debarment Process

Current Thresholds for Procuring Goods & Services

Cost of Goods or Services	Procurement Method
\$0.01 - \$5,000.00	Open market procedure (No Quotes)
\$5,000.01 - \$7,500.00	3 Oral Quotes
\$7,500.01 - \$25,000.00	3 Written Quotes
★ \$25,000.01 and greater	Sealed Formal Solicitations/Bids

- ▶ On October 7, 1998, the City Commission adopted Ordinance # 1285, increasing the threshold for formal solicitations and Commission approval from \$10,000 to \$25,000, however that threshold has remained the same for the last 27 years, despite changes in market prices and inflation.

Threshold Comparison to Other Cities

Rank Based on Population in Florida	City	County	2020 Census Base Population	Board Approval Before Ad	Formal Solicitation Threshold	Board Approval Threshold	Notes
7	Port St. Lucie	St. Lucie	204,859	No	\$ 100,000	\$ 100,000	(A)
8	Tallahassee	Leon	196,181	No	\$ 100,000	\$ 250,000	
9	Cape Coral	Lee	194,001	No	\$ 250,000	\$ 100,000	
10	Fort Lauderdale	Broward	182,644	No	\$ 100,000	\$ 100,000	
11	Pembroke Pines	Broward	171,185	Yes	\$ 25,000	\$ 25,000	
12	Hollywood	Broward	153,048	No	\$ 50,000	\$ 100,000	
14	Miramar	Broward	134,713	No	\$ 75,000	\$ 75,000	
17	Clearwater	Pinellas	117,435	No	\$ 50,000	\$ 100,000	
20	Pompano Beach	Broward	112,057	No	\$ 200,000	\$ 150,000	(B)
23	Boca Raton	Palm Beach	97,436	No	\$ 65,000	\$ 200,000	(C)
29	Fort Myers	Lee	86,428	No	\$ 100,000	\$ 100,000	
31	Miami Beach	Miami-Dade	82,897	No for ITB	\$ 100,000	\$ 100,000	
33	Homestead	Miami-Dade	80,737	No	\$ 65,000	\$ 50,000	
35	Kissimmee	Osceola	79,191	No	\$ 50,000	\$ 75,000	
39	Tamarac	Broward	71,903	No	\$ 65,000	\$ 65,000	
41	Weston	Broward	68,114	No	\$ 150,000	\$ 150,000	
42	Delray Beach	Palm Beach	66,846	No	\$ 65,000	\$ 65,000	
50	St. Cloud	Osceola	58,974	No	\$ 50,000	\$ 150,000	
74	Hallandale Beach	Broward	41,210	No	\$ 50,000	\$ 50,000	
75	Aventura	Miami-Dade	40,234	No	\$ 100,000	\$ 100,000	

(A) Port St. Lucie - Threshold for Formal Solicitations and Board Approval is \$100,000 for Goods and Services, and \$200,000 for Construction

(B) Pompano Beach - Threshold for Formal Solicitations and Board Approval is \$200,000 for supplies, materials, capital items, or insurance services; \$300,000 for construction (excluding CCNA services). However, please note that for all other contractual services, the threshold for Board Approval is \$150,000.

(C) Boca Raton - Threshold for Formal Solicitations is \$65,000 for Commodities and Services, and \$150,000 for Construction.

In addition, the threshold for Board Approval is \$200,000 for Commodities and Services, and \$500,000 for Construction.

Recommendations for Changes to Thresholds

- ▶ **Recommendation:** Increase Formal Solicitations and Board Approval thresholds to \$100,000.
- ▶ **Recommendation:** Allow for automatic annual CPI increases to the thresholds outlined in the Procurement Policy.
- ▶ **Recommendation:** Remove the requirement for the City Commission to approve formal solicitations prior to advertisement.
- ▶ **Benefits:**
 - ▶ Enhance fiscal stewardship by saving staff and Commission time while still maintaining oversight on major procurements.
 - ▶ Increase agility in responding to City needs and rapidly changing market conditions, especially for essential services.
 - ▶ Technology and equipment reach end-of-life quickly, product specifications shift.
 - ▶ Tariffs or supply chain issues make it difficult for vendors to hold pricing.
 - ▶ Without flexibility, the City risks delays from re-bids and lengthy approvals, even for routine purchases.

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.
- ▶ 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)

OpenGov e-Procurement Software



- ▶ The City currently utilizes OpenGov (<https://procurement.opengov.com/portal/pembrokepines/>)
- ▶ This system is FREE for all vendors and makes it easier for firms to immediately receive and respond to opportunities as they are released. It also:
 - ▶ Allows all interested bidders to receive amendments and addenda automatically.
 - ▶ Submit questions and receive answers online regarding open bid opportunities.
 - ▶ Use a guided process of responding electronically to bids to ensure your bids have been accurately completed.



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 e-Procurement System
 - ▶ All official answers are issued via the e-Procurement System via the Q&A period or via Addenda
- ▶ Question & Answer Period
 - ▶ Proposers ask their question on the e-Procurement System
 - ▶ All questions and answers are issued on the e-Procurement System website so that bidders can receive the same information

Alternative Bids

- ▶ If selected, the e-Procurement System 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 Department 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 the return of their 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:

- 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.
- The requirements of the bonding company, such as ratings, shall be determined by the city's Risk Manager or designee.

Bid Opening

- ▶ Firms are not required to attend, however the Bid Opening is open to the public, both in-person and virtually
- ▶ 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 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.



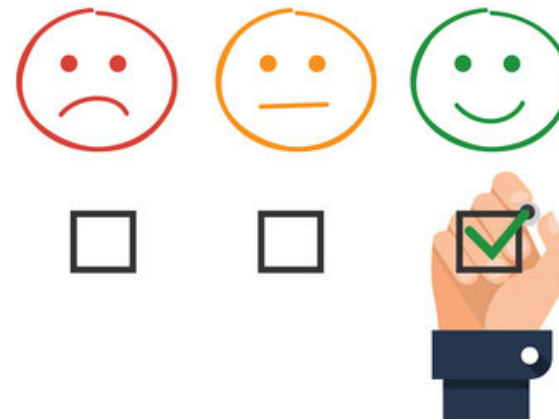
Cone of Silence

- ▶ On January 22, 2019, the Commission Auditor issued Report # CA-07-18 to the City Commission which included their recommendation that:
 - ▶ “The City should implement a Cone of Silence policy regarding competitive purchases. The policy should outline the prohibited types of communications between any potential vendor, service provider, bidder, lobbyist or consultant and Commission member, staff or committee member during evaluation of bids or proposals. Any violations of the policy may constitute grounds for disqualification of the offending firm.”
- ▶ A Cone of Silence is used to prevent bidders or their representatives from lobbying decision makers during the evaluation of bids or proposals (or any other type of competitive purchase and is designed to protect the professional integrity of the procurement process by shielding it from undue influences prior to the recommendation of contract award.
- ▶ Applicable Parties - Person/Entity, along with their representatives, seeking a contract award related to a competitive solicitation along with the City Manager and any member of the selection or evaluation team.
- ▶ Effective Date - Commence upon advertisement of the solicitation and terminate at the time the City Commission takes final action.
- ▶ Permitted Communication - Includes communication with the City Attorney's Office and the Procurement Department, pre-bid meeting, presentations at public meetings such as evaluation committee meetings.
- ▶ Violations - The City Commission shall make the determination of a violation and the penalty for the violation, including whether a bid or proposal should be disqualified.

Owner's Contingency

- ▶ An amount/**reserve** set aside for unforeseen project issues.
- ▶ **Pre-approved by Commission** at contract award
- ▶ **Safeguards:**
 - ▶ Funds may be used for **unforeseen project issues** directly related to the project and **permit fees**, which would require proof of actual costs.
 - ▶ Not included in initial PO, must be added through formal **change order** process including standard workflow approvals & **approval by City Manager**, or designee.
 - ▶ **Used only if needed, Unused funds** stay with the City. The contractor cannot spend contingency funds without express prior written approval from the City's authorized representative.
- ▶ **Benefit:** Keeps projects moving, avoids costly delays
 - ▶ Avoids delays and costly project stoppages.
 - ▶ Reduces need for repeated Commission approvals.
 - ▶ Ensures flexibility while maintaining oversight and accountability.
- ▶ **Recommendation:** Adopt a **standard 10% Owner's Contingency** as an industry-recognized best practice for applicable projects presented to the City Commission for award, unless the requesting Department provides a clear written justification for a higher contingency amount.

Evaluation of Bids & Proposals



- ▶ The Procurement Department generates a bid tabulation for the pricing submitted by the proposers.
- ▶ The Procurement Department 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 Department.
- ▶ Submittals for RFPs and RFQs have various criteria for evaluation, and are therefore reviewed by an Evaluation Committee.

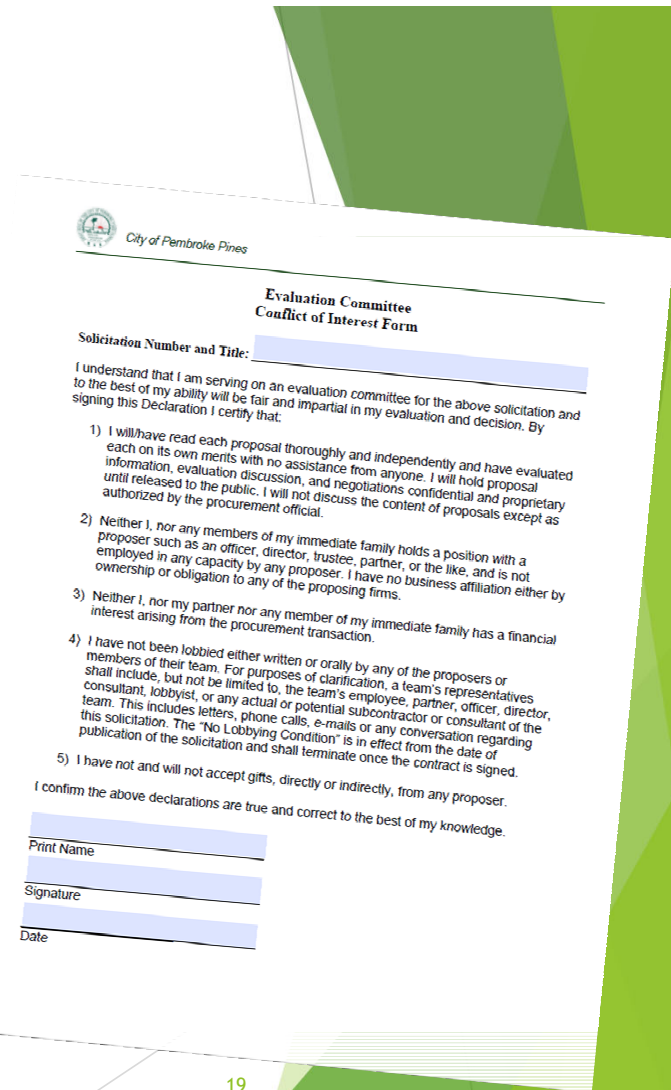
[illegible]

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 Procurement Director or, where applicable, other employee with responsibility to oversee the procurement process.
- ▶ The prohibitions stated in the above shall not apply to:
 - ▶ Strong mayors with a charter-prescribed strong mayor form of government or to Elected Officials who, under their charter, are required to participate in the procurement process in a manner that would be inconsistent with such prohibitions;
 - ▶ The hiring (or contractual procurement, in lieu of hiring) of individuals who report directly to a local governing body; or
 - ▶ Elected Officials serving on a Selection/Evaluation Committee established pursuant to Section 218.391 "Auditor Selection Procedures," Florida Statutes.
- ▶ An Elected Official may attend any Evaluation Committee meeting provided that they do 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, which may be done digitally through the e-Procurement System.
- ▶ The Evaluation Committee members are prohibited from discussing information related to the evaluation with other committee members.
- ▶ The Procurement Department briefs each Evaluation Committee member regarding the solicitation and provides them with the solicitation, any addenda, questions and answers, instructions, scoring sheets, etc.



The image shows a document titled "Evaluation Committee Conflict of Interest Form" from the City of Pembroke Pines. The form includes a header with the city's logo and name. Below the title, there is a section for "Solicitation Number and Title:" followed by a blank line. The main body of the form contains a statement of understanding and five numbered declarations. At the bottom, there are fields for "Print Name", "Signature", and "Date", each followed by a blank line. The form is set against a background of green geometric shapes.

City of Pembroke Pines

**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 Department schedules a Public Meeting that is noticed by the City Clerk's Office.
- ▶ The Procurement Department may deem various vendors as non-responsive for failing to submit material information.
- ▶ 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 also deem vendors as non-responsive, non responsible, or not qualified, etc.
- ▶ The software will tabulate all of the scoring, and if the tabulated score results in tied rankings, the Committee will need to break ties based on:
 - ▶ Volume of work previously awarded to each firm (CCNA Projects Only)
 - ▶ Vendor Drug-Free Workplace Certification
 - ▶ Publicly drawing lots
- ▶ City Clerk's Office will announce the results of the scoring.
- ▶ The Evaluation Committee will then make a motion, which may be to recommend a firm for award & contract negotiation, short list firms for presentations/discussions, reject and rebid the project, etc.

Summary of All Scores
RFP # FI-17-02
Fire Department Fleet Maintenance
Evaluation Committee Score Sheet
Monday, December 18, 2017

Evaluator/Vendor	Steve Davidson	Lisa Chung	Arnette Thacker	Ruben Turcotte	Christina Stevenson	Total	Rank
4 First Vehicle Services, Inc.	1	2	1	1	2	7	1
1 Vector Fleet Management, LLC	2	1	2	2	1	8	2
3 Centerra Integrated Fleet Services, LLC	4	3	3	3	3	16	3
2 Shenandoah Fleet Maintenance and Management, LLC	3	4	4	4	4	19	4

Certifier of Score
Please Print Name _____
Signature _____
Date _____

RFP # FI-17-02
Fire Department Fleet Maintenance
Evaluation Score Sheet
December 18, 2017

Instructions:
Each Evaluator is provided with the following information to assist in evaluating the proposals:
1) RFP # FI-17-02 Fire Department Fleet Maintenance
2) Bid/Proposal Opening Sheet
3) Proposal Form/each firm

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 20%
2) Financial Soundness 20%
3) Firm's Understanding and Approach to the Work 30%
4) Project Cost 20%
5) Local Vendor Preference/Value an Owned Small Business Preference 10%

The Evaluation Committee will have an opportunity to discuss the firm's proposal. Once the Committee has completed the discussion on the individual firm, the committee will be asked to take into consideration the criteria listed above and score the proposal according to the percentage allotment attached to each criterion. See example below. This sheet will be used for each of the firms. Once all firms have been reviewed, the committee will assign the 100-point total scores for each of the firms. Once the total scores are completed, the City Clerk will tally each evaluator's score and, for each evaluator's score and the total score, will be recorded in each of the right-hand column, 1-4, in the right of each. The Evaluator will be asked to place the firm's score on the individual evaluator's score sheet. Once the scores have been tallied, the evaluating member of the committee must make a motion, which must be supported by majority vote of the committee.

Vendor Name	Experience and Ability		Financial Soundness		Firm's Understanding and Approach to the Work		Project Cost		Local Vendor Preference/Value an Owned Small Business Preference		Total	Rank	Comments
	Maximum 20%	Minimum 0%	Maximum 20%	Minimum 0%	Maximum 30%	Minimum 0%	Maximum 20%	Minimum 0%	Maximum 10%	Minimum 0%			
Example	20%	0%	20%	0%	30%	0%	20%	0%	10%	0%	80%	1-4	
1 Vector Fleet Management, LLC	20%	19%	30%	24%	2,50%	95.50%	1						
2 Shenandoah Fleet Maintenance and Management, LLC	19%	19%	25%	18%	2,50%	83.50%	4						
3 Centerra Integrated Fleet Services, LLC	19%	19%	28%	21%	5,00%	92.00%	3						
4 First Vehicle Services, Inc.	20%	19%	30%	23%	2,50%	94.50%	2						

Certifier of Score
Please Print Name 20 Date _____
Signature _____

Evaluation Committee Scoring - Pricing

- ▶ **Pricing criteria** shall be based on a calculation as previously approved by the City Commission.
- ▶ The **Project Cost** for each proposer will be multiplied against the City's estimated quantities, to determine the Proposal amounts for each proposer.
- ▶ Then the **Lowest Proposal** will be divided by **Proposer "X" Cost Proposal** times the **Maximum Available Points for the Pricing Criteria = Proposer "X" Cost Score**. Example:

Firm	Cost Proposal	Maximum Points	Calculation	Allocated Points
Firm A	\$10,000	25	$(\$10,000 / \$10,000) \times 25$	25.00
Firm B	\$15,000	25	$(\$10,000 / \$15,000) \times 25$	16.67
Firm C	\$20,000	25	$(\$10,000 / \$20,000) \times 25$	12.50

Evaluation Committee Scoring - Preferences

- Proposers may submit for multiple preferences; however, points will **not** be aggregated across preferences. Instead, if they provide sufficient documentation showing that they qualify for more than one, they will only receive points for the **single highest preference** for which they are eligible.

Local Vendor Preference / Veteran Owned Small Business Preference	Points
Local Pembroke Pines Vendor	5.00
Local Broward County Vendor	2.50
Veteran Owned Small Business Preference	2.50
No Local Vendor or VOSB Preference	0.00

Evaluation Committee Scoring - Quality Levels

- ▶ In general, the remaining other categories will be scored based on their “Quality Levels.”
- ▶ Evaluators will assign each of the applicable categories with a “Quality Level” from Excellent (5) to Deficient (0).
- ▶ The assigned “Quality Level” will then be multiplied by the specific “Category Multiplier” to get the total score for that specific category.
- ▶ The descriptions of the “Quality Level” and an example of the calculations are shown on the following pages.

Quality Level Descriptions

Quality	Level	Description
Excellent	5	Meets all requirements; reflects significant enhancements or strengths as compared to minimum levels of acceptability; no offsetting weaknesses.
Very Good	4	Meets all requirements; reflects some enhancements or strengths; few if any offsetting weaknesses.
Good	3	Meets minimum requirements; strengths and weaknesses, if any, tend to offset one another equally.
Fair	2	Contains significant weaknesses only partially offset by less pronounced strengths; may meet minimum requirements but doubt exists.
Poor	1	Serious doubt exists about ability to meet needs but may be sufficient; significant weaknesses without offsetting strengths.
Deficient	0	Will not meet minimum requirements.

Evaluation Committee Scoring Example

► Example Score for a vendor:

Criteria	Max Points	Quality	Quality Level	Category Multiplier	Total Score
Experience	25	Excellent	5	5	25
Understanding & Approach	20	Very Good	4	4	16
Ability of Personnel	20	Good	3	4	12
Past Performance	20	Fair	2	4	8
Project Cost	10	N/A - Based on Cost Calculation			10
Local Vendor Preference/ Veteran Owned Small Business Preference	5	N/A - Based whether firm is: Local Pines Vendor (5 pts) Local Broward Vendor (2.5 pts) Veteran Small Biz (2.5 pts)			5
Total	100	Total			76


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.
- ▶ When we have an Evaluation Committee (RFPs/RFQs), the Procurement Department may identify issues with the proposals that can be discussed by the 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.

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.

Attachment H

 City of Pembroke Pines

VENDOR DRUG-FREE WORKPLACE CERTIFICATION FORM

SECTION 1 GENERAL TERM
Preference may be given to vendors 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 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/for 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 _____

27

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 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.
- OR;
2. "Local Broward County Vendor" shall mean or 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 purchasing 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 preferences 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/for the proposer; the proposer WILL NOT qualify for Local Vendor Preference based on their sub-contractors' qualifications.

COMPANY NAME: _____

PRINTED NAME / AUTHORIZED SIGNATURE: _____

28

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)

Attachment F

City of Pembroke Pines

VETERAN OWNED SMALL BUSINESS (VOSB) PREFERENCE CERTIFICATION

SECTION 1 GENERAL TERM
VETERAN OWNED SMALL BUSINESS (VOSB) PREFERENCE

The evaluation of competitive bids is subject to Section 35.37 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 veteran owned small businesses. To satisfy this requirement, the vendor shall affirm in writing its compliance with the following objective criteria as of the bid or proposal submission date stated in the solicitation. A veteran owned small business shall be defined as:

1. "Veteran Owned Small Business" shall mean a business entity which has received a "Determination Letter" from the United States Department of Veteran Affairs Center for Verification and Evaluation notifying the business that they have been approved as a Veteran Owned Small Business (VOSB).

A preference of two and a half percent (2.5%) of the total evaluation point, or two and a half percent (2.5%) of the total price, shall be given to the Veteran Owned Small Business (VOSB). This shall mean that if a VOSB submits a bid/quote 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/quote. If the VOSB submits a bid which is at least 1% lower than that lowest responsive bid/quote, then the award will go to the VOSB. If not, the award will be made to the lowest responsive bidder. If the lowest responsive and responsible bidder is a "Local Vendor" as established in Section 35.36 of the City's Code of Ordinances, entitled "Local Vendor Preference", then the award will be made to that 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 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 bid/quotes which are within 2.5% of the lowest bid/quote and there are no LPPV or LBCV as described in Section 35.36 of the City's Code of Ordinances, entitled "Local Vendor Preference", then all VOSBs will be related 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.

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 preferences 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
VETERAN OWNED SMALL BUSINESS (VOSB) PREFERENCE CERTIFICATION:

☐ Place a check mark here only if affirming bidder meets requirements above as a Veteran Owned Small Business. In addition, the bidder must attach the "Determination Letter" from the U.S. Dept. of Veteran Affairs Center.

☐ Place a check mark here only if affirming bidder does not meet the requirements above as a VOSB.

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

COMPANY NAME: _____

PRINTED NAME / AUTHORIZED SIGNATURE: _____

- ▶ Veteran Owned Small Business (2.5%)
 - ▶ A "Veteran Owned Small Business" shall mean a business entity which has received a "Determination Letter" from the United States Department of Veteran Affairs Center for Verification and Evaluation notifying the business that they have been approved as a 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 Procurement Director 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 Procurement Director 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.

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:**
 - ▶ \$7.5 million (effective July 1, 2024, and increased annually thereafter based on the June Consumer Price Index (CPI), the adjusted amount shall be listed on the State of Florida's Department of Management Services website),
 - ▶ \$7,725,000 (effective July 1, 2025, as posted on the DMS website).
 - ▶ for **study activity** if the fee for professional services for **each individual study under the contract does not exceed \$500,000**, 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 **may not be required to bid against one another.**

Procurement Code Exemption:

§ 35.18(C)(3) - Sole Source Purchases

- ▶ **Exemption:** Certain purchases are exempt from bidding when they qualify as City standard, single-source, or sole-source commodities or services.
- ▶ **Requirement:** Sole source must be justified through unique compatibility, vendor exclusivity, or absence of alternatives.
- ▶ **Process:**
 - ▶ Department identifies a need for sole-source procurement.
 - ▶ Sole source justification is documented (e.g., manufacturer exclusivity letter).
 - ▶ The Procurement Department may issue a Notice to Sole Source (NTSS) on the e-Procurement platform, allowing vendors opportunity to challenge.
 - ▶ If no valid responses are received, staff prepares agenda item with findings.
 - ▶ Commission votes to approve or deny the sole-source purchase.

Procurement Code Exemption:

§ 35.18(C)(8) - Best Interest of the City

- ▶ **Exemption:** City Commission may, by simple majority vote, declare that competitive bidding is not in the best interest of the City.
- ▶ **Requirement:** Commission must make specific factual findings supporting its determination.
- ▶ **Process:**
 - ▶ City Administration identifies circumstances where the exemption may apply.
 - ▶ Staff prepares agenda, which may be placed on the Consent Agenda, with factual findings supporting exemption.
 - ▶ Commission votes to approve or deny the item.
- ▶ **Use Cases:** This exemption is a limited tool that can be used by the City Commission to act in the City's best interest in various situations, including but not limited to examples on the next slide.

Best Interest of the City - Use Cases

Continuity of Service	Uninterrupted delivery of essential services (water, wastewater, solid waste, public safety-related).
	Avoids service gaps that may affect health, safety, and welfare.
Established Qualified Vendors	Prior competitive process has already vetted vendors.
	Proven performance, reliability, and institutional knowledge of City operations.
Cost & Risk Avoidance	Prevents costly overlap between vendors.
	Reduces risk of operational inefficiencies, delays, or disruptions.
Capital Investment by Contractor	Contractor has invested large amounts of capital funds in specialized equipment (e.g., waste management trucks, sewer vacuum trucks).
	Preserving contractor assets avoids duplicative costs and ensures continued service quality.
Demonstrated Long-Term Value	Continuation provides measurable savings vs. in-house services.
	Helps maintain rate stability, predictable budgeting, and reduced operational risks.
Function Sourcing & Staff Retention	Skilled staff are integral to daily City operations.
	Frequent vendor changes undermine staff retention and institutional knowledge.
	Stability ensures professional, consistent service for residents.

Recommended Contract Length

Contract Category	Initial Term & Options	Considerations
Professional Services (Consultants, A&E, Auditors)	Initial 3-Year with Two 3-Year Options	Allows continuity for specialized expertise and long-term design projects and audits
Function Sourcing and Franchise Agreements	Initial 5-Year with One 5-Year Option	Ensures uninterrupted delivery of essential services by leveraging vendor expertise and capital investment, while supporting staff retention and institutional knowledge
Routine Goods & Services (Janitorial, Landscaping)	Initial 2-Year with Two 2-Year Options	Balances service continuity for essential operations with periodic opportunities to adjust scope or providers.
Technology & Software (Licenses, SaaS, Maintenance)	Case by Case Basis	Driven by vendor licensing models and technology refresh cycles
Lease & Financing Agreements	Case by Case Basis	Based on property type, financing, and usage needs
Construction	Case by Case Basis	Depends on the Project Scope
ILAs & Agreements with other Govt Agencies	Case by Case Basis	Tailored to interagency requirements and legal mandates
Piggyback	Based on lead agency's Contract	Ensures compliance and efficiency with cooperative purchasing
Grant/Federally Funded	Based on the Grant Requirements	Must comply with funding source requirements

Standard Contract Termination Clauses

► Termination for Convenience

- City may terminate this Agreement **for convenience** with written notice to Contractor.
- Contractor shall be compensated for services performed up to the termination date, including reasonable termination-related services.
- If Contractor abandons or causes termination, Contractor must indemnify City against resulting loss.
- **Notice period:** Generally 7 days, but varies depending on the agreement.

► Termination for Cause

- City may cancel the Agreement for cause if Contractor fails to perform or observe contract requirements.
- Contractor has a time limit from written notice to cure the neglect or failure.
- If not cured, City may proceed with cancellation in addition to other remedies.
- **Notice period:** Generally 30 days, but varies depending on the agreement.

Change Orders: City Manager's Authority

- ▶ §35.28 “Change Orders” of the City of Pembroke Pines Code of Ordinances states:
 - ▶ (A) Subject to the restrictions contained in division (B) below, the City Manager or designee is authorized to approve and initial work on the following types of change orders determined in his or her judgment, to be in the public interest, as follows:
 - ▶ (1) All change orders decreasing the cost of the contract to the city that do not materially alter the character of the work contemplated by the contract;
 - ▶ (2) A change order where the total cost of the purchase does not exceed \$25,000;
 - ▶ (3) A change order to a purchase initially approved by the City Commission where the net change increases the cost of the contract to the city by an amount less than or equal to 5%; and/or
 - ▶ (4) A change order to a purchase initially approved by the City Commission, on a unit price contract consisting of unit quantity increases at the unit price bid, which do not exceed 10% of the original unit quantity for each line item.
 - ▶ (B) Notwithstanding the provisions of division (A) above, the City Manager is not authorized to approve a change order without authorization of the City Commission where the initial purchase required the City Commission's approval and where the sum of all change orders issued under the contract exceeds **5% of the original contract amount** or \$25,000.
 - ▶ **Recommendation:** Eliminate subsection (A)(4), which permits unit quantity increases of up to 10%, and revise subsection (A)(3) from 5% to 10%.



Debarment and Suspensions

- ▶ 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.