


POLICY	212 Procurement
	<p>Section: 200 Finance Effective: May 1, 2025</p>

212.1 PURPOSE

The purpose of this policy is to establish a process for fair, equitable, and open procurements; to ensure the North Collier Fire Control and Rescue District (“District”) receives high-quality, economical goods and services in a timely manner; and to ensure public confidence in the District’s procurement process.

212.2 DELEGATION OF PROCUREMENT RESPONSIBILITIES

The District’s procurement responsibilities are to be directed by the Fire Chief or authorized designee with the assistance of the Chief Financial Officer or authorized designee. The Chief Financial Officer will be responsible for maintaining complete files for the purchase of goods and services. The Board of Fire Commissioners (“Board”), the Fire Chief, or the Chief Financial Officer may authorize the purchase of goods or services, issue competitive solicitations, and execute contracts, dictated by the dollar amount of the purchase and in accordance with this Policy.

Before entering into any agreement, contract, or arrangement that obligates the District to pay for goods or services or otherwise perform in some manner, proper procedures must be followed in accordance with this Policy. Unless authorized by the Board, the Fire Chief, or the Chief Financial Officer, no person may make purchases or enter into any contract involving the expenditure of District funds.

The Fire Chief or authorized designee will be responsible for examining goods or services received by the District, and the Chief Financial Officer will be responsible for approving such goods or services for payment under the terms of an executed contract.

212.3 DEFINITIONS

For purposes of this Policy, except as in Sections 212.16 (Emergency Purchases) and 212.17 (Sole Source Purchases) herein, the following terms have the following meanings:

“Competitive solicitation” means the process of requesting and receiving sealed bids, proposals, or replies submitted by responsible vendors or firms in accordance with the terms of a competitive process, regardless of the method of procurement, and includes procurements through ITB, ITN, RFI, RFP and RFQ.

“Invitation to Bid” or “ITB” means a written or electronically posted solicitation for competitive sealed bids for the purchase of goods or services when the District is capable of specifically defining the scope of work for which services are required or when the District can define the actual goods required.

“Invitation to Negotiate” or “ITN” means a written or electronically posted solicitation for competitive sealed replies to select one or more vendors with whom to commence negotiations for the procurement of goods or services.

“Request for Information” or “RFI” means a written or electronically posted request made to vendors for information concerning goods or services. Responses to an RFI is not an offer and may not be accepted by the District in the form of a binding contract.

“Request for Proposal” or “RFP” means a written or electronically posted solicitation for competitive sealed proposals for goods or services. An RFP is used when it is not practicable for the District to specifically define the scope of work for which the goods or services is required, and when the District is requesting that a responsible vendor propose goods or services to meet the specifications of the solicitation document. Evaluation of a proposal or response is based on prior established criteria which involves more than price. The RFP will provide evaluation criteria and state the relative importance of price and applicable evaluation criteria.

“Request for Quote” or “RFQ” means an oral or written informal request for written pricing or services information from a vendor for goods or services.

“Responsive bid” or “responsive proposal” or “responsive reply” means a bid, proposal, or reply submitted by a responsible vendor that conforms in all material aspects to the solicitation.

“Responsible bidder” or “responsible vendor” means a bidder or vendor that has submitted a bid, proposal, or reply that conforms in all material aspects to the solicitation.

“Substitution” means shipment of an item that materially conforms to the specifications but is technically different from the solicitation.

212.4 PURCHASING CATEGORIES

For purchases other than those outlined in Sections 212.16 (Emergency Purchases) and 212.17 (Sole Source Purchases) or otherwise excepted in this policy, the following Purchasing Categories are established for purchases of goods and services. The Board may adjust the amounts of the Purchasing Categories from time to time, based upon the rate of change of a nationally recognized price index.

Purchasing Category	Purchase Dollar Amount
Category 1	\$0.01 - \$10,000
Category 2	\$10,000.01 - \$100,000
Category 3	\$100,000.01 and above, not including vehicles and marine vessels
Category 4	\$100,000.01 and above for vehicles and marine vessels

Minimum procurement process requirements are applicable for each Purchasing Category and are specified below. The Fire Chief or authorized designee will have discretion to determine whether procurement of a good or service requires a more comprehensive process as described in a higher category.

Except for emergency purchase made as provided in Section 212.16 (Emergency Purchases) herein, Board approval is required prior to the procurement of goods and services in Purchasing Category 3.

For purchases more than \$100,000.00, regardless of the Purchasing Category, or if budgeted or non-budgeted, the Fire Chief will approve and/or acknowledge via a designated process established by the Chief Financial Officer.

212.5 PROCESS FOR CATEGORY 1 PURCHASES

For purchases of goods and services in Purchasing Category 1, the District will obtain at least one (1) quote or relevant pricing information pursuant to an RFQ. RFQs may be issued and quotes may be obtained by any District employee but must be forwarded with the requisite purchase order to the Chief Financial Officer for review, approval, and processing. Approval by the Chief Financial Officer is required prior to the procurement and purchase of goods and services for Category 1 purchases.

Petty cash purchases (the purchase of materials, goods, or supplies by a District employee) that must be reimbursed by the District are limited to \$200 as per *District Policy 213-Purchasing* and are exempt from this Policy.

212.6 PROCESS FOR CATEGORY 2 PURCHASES

For purchases of goods and services in Purchasing Category 2, the District will obtain at least three (3) quotes or relevant pricing information pursuant to an RFQ. Each quote should detail the quantity and description of the goods or services to be purchased. The Chief Financial Officer will then review the quotes and obtain any necessary employee input relating to which vendor has submitted the best, responsive, and responsible quote meeting the specifications of the RFQ. Quotes for Category 2 purchases must have the name and signature of the individual

person providing the quote or must reference the website where quote was obtained.

212.7 PROCESS FOR CATEGORY 3 PURCHASES

For purchases of goods and services in Purchasing Category 3, the minimum procurement process is through an ITB, ITN, RFI, or RFP (“competitive solicitation”).

1) Legal Advertisements

Unless otherwise required by law or when emergency purchases are being made in accordance with Section 212.16 (Emergency Purchases), the District will publicly advertise the competitive solicitation no less than twenty-eight (28) days prior to the bid/proposal opening for ITBs and RFIs, no less than twenty-eight (28) days prior to the bid/proposal opening for RFPs or ITNs. The public advertisement will appear in a newspaper of general circulation, on the District’s website, and will be posted at the District’s Headquarters. The advertisement will include a description of the goods, services and/or qualifications sought and the time and date for submittal of bids/proposals. The public notice will also contain a reference to the protest provisions set forth in Section 212.13 (Protests). The District may also transmit the competitive solicitation to vendors it believes may be interested in responding.

If the Fire Chief, with concurrence of the Board at its next regularly scheduled meeting, determines that unusual circumstances exist such that delaying the competitive solicitation to provide an opportunity for newspaper advertising would be detrimental to the District’s interests, the Fire Chief will post the competitive solicitation on the District’s website and at the District’s Headquarters, including with particularity the conditions and circumstances requiring a waiver of the advertising requirement.

Advertisement in a newspaper of general circulation is not required for the reissuance of a competitive solicitation, provided that (1) the District advertised the original competitive solicitation in a newspaper of general circulation; and (2) the District mails notice of the reissuance of the competitive solicitation to all vendors that were mailed notice of the original solicitation, and to all vendors that responded to the competitive solicitation, excluding those vendors that responded with an indication of no interest in responding.

2) Conditions to be included in the Competitive Solicitation

All competitive solicitations must contain the criteria to be used in determining the acceptability and evaluation of the bids/proposals. Bids/proposals will be prepared with the appropriate terms and conditions and detailed specifications, including

items to be bid, units, and total (or estimated) quantity desired; instructions for bidding/responding; delivery information; and any special requirements for bidding/responding. Assigned dates and times for pre-bid/proposal meetings, if any, and for the public bid/proposal opening will also be included. If a mandatory pre-bid/proposal conference is to be conducted, an employee from the bidder's firm will be in attendance or its bid/proposal will be rejected. Bids/proposals will be publicly opened at the time designated in the competitive solicitation; however, the District may alter these dates, at its sole discretion, via the issuance of a modification to the competitive solicitation. The timing of release of sealed bids/proposals will be in accordance with applicable public records laws.

A bid/proposal must be submitted in accordance with the District's competitive solicitation requirements, and on the District's forms, signed by a legal officer of the company, and provide all requested information; otherwise, the bid/proposal is subject to rejection. Failure to properly execute the official signature page of the bid/proposal may result in automatic disqualification. Bidders are solely responsible for the costs associated with the submittal of their bids.

The entire bid/proposal, including a cover letter, all instructions and addenda, if any, and the actual bid/proposal form must be submitted intact in a sealed envelope, marked on the outside "sealed" and the competitive solicitation number and title. Failure to read or comply with the general information and specifications contained in the competitive solicitation will in no way relieve the vendor from its liabilities arising in the competitive solicitation.

3) Questions

Any questions to a competitive solicitation must be provided in writing in accordance with the competitive solicitation requirements. All written questions will be answered with responses posted on the District's website. Any District response that requires a modification to the competitive solicitation will be in the form of an addendum and posted on the District's website. All addenda issued will be deemed part of the competitive solicitation.

4) Modification of Bids/Proposals

A bidder may not modify its bid/proposal after it is submitted, except pursuant to an official negotiation as part of an ITN. The District, at its sole discretion, may correct mistakes in arithmetic or may waive minor irregularities in an otherwise responsive bid/proposal.

5) Withdrawal of Bids/Proposals

Requests for withdrawals of bids/proposals will be granted if received by the District, in writing, at any time before opening of the bids/proposals.

6) Right to Reject Bids/Proposals

The District reserves the right to reject any or all bids/proposals or to cancel negotiations. This statement will be included in every public notice and competitive solicitation.

7) Opening of Bids/Proposals

Bid/proposal opening will be public at the date and time and at the place specified in the competitive solicitation and as advertised in a newspaper of general circulation at least seven (7) days prior to the meeting. The opening will be conducted in accordance with the competitive solicitation. At a minimum, bids/proposals will be opened by a District employee and witnessed by at least one other District employee. Bid/proposal tabulation/scoring sheets will be completed simultaneously with the public opening of bids/proposals, whenever appropriate. Upon completion of tabulation/scoring, copies of tabulation/scoring sheets will be made available for inspection or copying by any interested party. The District employee must include his/her name and signature on his/her bid/proposal scoring sheet. The District employees that open the bid must include their names and signatures on the bid tabulation sheet.

212.7A PROCESS FOR CATEGORY 4 PURCHASES

For purchases of vehicles and marine vessels in Purchasing Category 4, the District will obtain at least three (3) quotes or relevant pricing information pursuant to an RFQ. Each quote should provide a detailed description of the vehicle or marine vessel to be purchased. The Chief Financial Officer and Assistant Chief of Essential Services will then review the quotes and obtain any necessary employee input relating to which vendor has submitted the best, responsive, and responsible quote meeting the specifications of the RFQ. Quotes for Category 4 purchases must have the name and signature of the individual person providing the quote or must reference the website where quote was obtained. The purchase recommendation will be provided to and approved by the Board of Fire Commissioners at a publicly held meeting.

212.8 CONTRACTS FOR AUDITING SERVICES

Auditing contracts will be awarded pursuant to the terms and conditions of the *District Policy 210-Auditor Selection*.

212.9 CONTRACTS FOR INSURANCE SERVICES

The District will obtain quotes or competitive bids on all insurance coverage held by the District every three (3) years, or at the direction of the Board. In determining which purchasing procedures apply, the thresholds established for purchasing categories 1, 2, and 3 in Section 212.4 (Purchasing Categories). herein will be used based upon the annual estimated cost for each type of coverage.

212.10 CONTRACTS FOR PUBLIC CONSTRUCTION WORKS

The District will follow the requirements in Section 255.20, Fla. Stat., as may be amended, from time to time, to competitively award to an appropriately licensed contractor each project to construct or improve a building, structure, or other public construction works that is estimated to cost more than \$300,000. For electrical work, the District will competitively award to an appropriately licensed contractor each project that is estimated to cost more than \$75,000. For purposes of this section, “competitively award” means to award contracts based on the submission of sealed bids, proposals submitted in response to a RFP, proposals submitted in response to a RFQ, or proposals submitted in response to an ITN.

This Section expressly allows contracts for construction management services, design/build contracts, continuation contracts based on unit prices, and any other contract arrangement with a licensed contractor. For purposes of this Section, cost includes the cost of all labor, except inmate labor, and the cost of equipment and materials to be used in the construction of the project.

The provisions of this Section do not apply to the following circumstances:

- 1) If the project is undertaken to replace, reconstruct, or repair an existing public building, structure, or other public construction works damaged or destroyed by a sudden unexpected turn of events such as an act of God, riot, fire, flood, accident, or other urgent circumstances, and such damage or destruction creates (a) an imminent danger to the public health or safety; (b) other loss to public or private property which requires emergency government action; or (c) an interruption of an essential governmental service.
- 2) If, after notice by publication in accordance with this Policy, the District does not receive any bids or proposals.
- 3) If the project is undertaken as repair or maintenance of an existing public facility. For the purposes of this paragraph, the term “repair” means a corrective action to restore an existing public facility to a safe and functional condition and the term “maintenance” means a preventive or corrective action to maintain an existing public facility in an operational state or to preserve the facility from failure or decline. Repair or maintenance include activities that are necessarily incidental to repairing or maintaining the facility. Repair or maintenance does not include the construction of any new building, structure, or other public construction works or any substantial addition,

extension, or upgrade to an existing public facility. Such additions, extensions, or upgrades will be considered substantial if the estimated cost of the additions, extensions, or upgrades included as part of the repair or maintenance project exceeds the threshold amount of more than \$300,000, or for electrical work, the project is estimated to cost more than \$75,000 and exceeds 20 percent of the estimated total cost of the repair or maintenance project using generally accepted cost-accounting principles that fully account for all costs associated with performing and completing the work, including employee compensation and benefits, equipment cost and maintenance, insurance costs, and materials. An addition, extension, or upgrade will not be considered substantial if it is undertaken pursuant to the conditions specified in subparagraph 1 of this Section. Repair and maintenance projects and any related additions, extensions, or upgrades may not be divided into multiple projects for the purpose of evading these requirements.

- 4) If the funding source of the project will be diminished or lost because the time required to competitively award the project after the funds become available exceeds the time within which the funding source must be spent.
- 5) If the District competitively awarded a project to a private sector contractor and the contractor abandoned the project before completion or the District terminated the contract.

If the project is to be awarded based on price, the contract must be awarded to the lowest qualified and responsive bidder in accordance with this Policy and applicable contract documents. The District may reserve the right to reject all bids and to rebid the project or elect not to proceed with the project. This Section is not intended to restrict the rights of the District to reject the low bid of a nonqualified or non-responsive bidder and to award the contract to any other qualified and responsive bidder

If the project uses an RFP or RFQ, it must be publicly advertised, and the contract must be awarded in accordance with this Policy. If the project is subject to competitive negotiations, the contract must be awarded in accordance with Section 287.055, Fla. Stat., as may be amended.

A construction project provided for in this Section may not be divided into more than one project for the purpose of evading the process outlined in this Section. This Section does not preempt the requirements of any small-business or disadvantaged-business enterprise program or any local-preference resolution, once the District performs a disparity study that finds that there is disparity between the utilization and availability of minority- and women-owned businesses or small businesses.

Any contractor may be considered ineligible to bid by the governmental entity if the contractor has been found guilty by a court of any violation of federal labor or employment tax laws

regarding subjects such as safety, tax withholding, workers' compensation, reemployment assistance or unemployment tax, social security and Medicare tax, wage or hour, or prevailing rate laws within the past five (5) years.

The threshold amount of \$300,000 for construction or \$75,000 for electrical work must be adjusted by the percentage change in the Engineering News-Record's Building Cost Index from January 1, 2009, to January 1 of the year in which the project is scheduled to begin.

The District must specify in the contract for public buildings and other structures that lumber, timber, and other forest products produced and manufactured in this state must be used, if wood is a component of the public work, and if such products are available and their price, fitness, and quality are equal. This does not apply (1) to plywood specified for monolithic concrete forms; (2) if the structural or service requirements for timber for a particular job cannot be supplied by native species; or (3) if the construction is financed in whole or in part from federal funds with the requirement that there be no restrictions as to species or place of manufacture.

212.11 CONTRACTS FOR PROFESSIONAL SERVICES

The District will follow the procedural requirements in Section 287.055, Fla. Stat., Consultants' Competitive Negotiation Act ("CCNA"), as may be amended, to competitively select firms to provide professional architectural, engineering, landscape architectural, or registered surveying and mapping services.

1) Public Announcement, Competitive Selection, and Negotiation

- a) **Service or Study Solicitation.** The District will publicly announce all requirements for professional architectural, engineering, landscape architectural, or surveying and mapping services ("professional services") and to negotiate such contracts on the basis of demonstrated competence and qualifications at fair and reasonable prices. Such service or study solicitations will be publicly announced on each occasion when professional services must be purchased for a project the basic construction cost of which is estimated by the District to exceed the threshold amount of \$325,000, or for a planning or study activity when the fee for professional services exceeds the threshold amount of \$35,000, except in cases of valid public emergencies certified by the Board. In the procurement of professional services, persons interested in providing such services may be required to submit a statement of qualifications, a proposal, or other such information consistent with Section 287.055, Fla. Stat., as may be amended.
- b) **Scope of Project Requirements.** Written project requirements will be developed and made available to interested parties. The scope of project

requirements will indicate the nature and scope of the professional services needed, including but not limited to, the following:

- i. the location and general purpose of the service or study;
 - ii. the objectives of the study or service;
 - iii. the estimated period of time needed for the service or study;
 - iv. the estimated cost of the project;
 - v. whether the proposed study or service would duplicate any prior or existing study or service;
 - vi. a list of current contracts or prior services or studies that are related to the proposed study or service; and
 - vii. criteria upon which project statements of qualifications, proposals, or other such required submittals will be evaluated, including submittal rules and formats (e.g., page limitations, font sizes, electronic or paper copies, etc.).
- c) Public Announcement. The public announcement for professional services will be in a uniform and consistent manner through means intended to reach a wide audience of vendors potentially qualified to conduct such services. In order to accomplish this requirement, the District will make the public announcement for professional services by publication in a newspaper of general circulation and an electronic posting on the District's website. The public announcement will be accompanied by an invitation for firms to submit an indication of interest in performing the professional services; how they may obtain the scope of project requirements and other selected project information; and the period of time within which such indications of interest will be accepted, which period will be determined by the Fire Chief prior to the date of the public announcement.
- d) Review of Public Announcement and Project Requirements. The public announcement and scope of project requirements will be approved by the Fire Chief or his or her authorized designee prior to public distribution of these items.
- e) Re-Solicitation. If the District receives indications of interest from less than three (3) vendors, it may resolicit indications of interest from all

firms previously solicited and from such additional firms as it may deem advisable. Thereafter, the District may proceed to consider those vendors responding to the solicitation or re-solicitation.

- f) Modifications Prohibited. After the publicized submission time and date, indications of interest will not be modified or allowed to be modified in any manner. Notwithstanding, a firm that has submitted an indication of interest by responding to a solicitation may withdraw its indication of interest if a re-solicitation occurs in accordance with paragraph (e) above.
- g) Exemptions. This section will not apply to a professional service contract for a project whose basic construction cost is estimated by the agency to be \$325,000 or less, or for a planning or study activity when the fee for professional services is \$35,000 or less or in cases of valid public emergency certified by the Fire Chief. This section will not apply to any requirement for professional services if a continuing contract to provide such services is in effect, a determination is made to utilize the continuing contract to obtain such services, and such professional services are below the statutory thresholds for a continuing contract.
- h) Consultant Selection. For each solicitation in which a public announcement is made, the Fire Chief or authorized designee will appoint a Professional Services Evaluation Committee (“PSEC”) to review and evaluate submittals and make recommendations on the selection of professional services. The PSEC will include no less than three (3) and no more than five (5) voting members. Non-voting advisory staff may be appointed to assist the PSEC by the Fire Chief as needed. PSEC voting members will generally consist of District employees, but may include others when deemed appropriate by the Fire Chief. The PSEC will be appointed prior to the public announcement being made.
- i) Evaluation. Following a determination by the Chief Financial Officer, or his or her authorized designee, that the written submittals of qualifications, proposals, performance data, and other information complies with the requirements of the public announcement, including being timely and properly received, the submittals will be evaluated by the PSEC. The Chief Financial Officer, or his or her authorized designee, will assimilate submittal materials and disseminate to the PSEC members. A minimum of one (1) PSEC meeting will be held to review and rank submittals. All PSEC meetings will be conducted in accordance with Chapter 286.011, Fla. Stat., as may be amended, the Florida Sunshine Law, as may be amended. PSEC voting members will refrain from any

selection-related discussions with other committee members outside of a PSEC meeting.

The PSEC will determine qualifications, interest, and availability by reviewing all written responses properly and timely received that express an interest in performing the professional services. The PSEC determinations will be based upon the following considerations:

- i. competence, including technical education and training or project personnel;
- ii. experience in the kind of project to be undertaken;
- iii. projected workload and availability of adequate personnel, equipment, and facilities;
- iv. the extent of repeat business of the vendor;
- v. past record of professional accomplishments;
- vi. office location proximity to the District's geographical boundaries;
- vii. past record of performance on District projects; and
- viii. other applicable project specific factors determined by the District prior to the issuance of the public announcement.

Based on application of evaluation criteria to the written submittals, the PSEC will prepare a ranked short-list of at least three (3) firms determined to be most qualified to conduct the services requested. At the discretion of the PSEC, all firms on the ranked short-list may be interviewed, and re-ranked based on results of the interviews.

The final ranked short-list will be submitted to the Fire Chief for consideration, and upon approval, contract negotiation will be initiated or in the alternative, the Fire Chief is authorized to present the ranked short-list to the Board for consideration and approval for contract negotiations.

- j) Contract Negotiations. Upon approval of the ranked short-list by either the Fire Chief or the Board, contract negotiations with the highest ranked firm on the short-list will begin. Negotiations will be conducted by the

Fire Chief or his or her authorized designee(s), hereinafter referred to as “District negotiators.”

- i. If the District is unable to negotiate a satisfactory contract with the firm considered to be the most qualified at a price the District determines to be fair, competitive, and reasonable, negotiations with that firm must be formally terminated. The District will then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the District must terminate negotiations. The agency will then undertake negotiations with the third most qualified firm. If the District is unable to negotiate a satisfactory contract with any of the selected firms, the District will select additional firms in the order of their competence and qualification and continue negotiations in accordance with this Policy until an agreement is reached.
 - ii. The negotiated contract, including scope of project and fees, will be submitted to the Chief Financial Officer for administrative approval by the Fire Chief and preparation of recommendation to the Board. Nothing in this section will prohibit the Board from rejecting the negotiated contract and directing District staff to resolicit the services.
- k) Truth-in-Negotiation Certificate. For all lump sum or cost-plus-fixed-fee professional service contracts, the District will require the firm receiving the award to execute a truth-in-negotiation certificate that meets the requirements of Section 287.055(5), Fla. Stat., as may be amended.
- l) Prohibition Against Contingent Fees. Each contract entered into by the District for professional services will contain a prohibition against contingent fees that meets the requirements of Section 287.055(6), Fla. Stat., as may be amended.
- m) Continuing Contracts. Nothing in this section will be construed to either prohibit continuing contracts for professional services between a firm and the District or waive the applicability of Section 287.055, Fla. Stat., as may be amended.

212.12 DESIGN-BUILD CONTRACTS

Design-Build contracts may be awarded in accordance with the provisions of this subsection.

- 1) Definitions. For purposes of this subsection:

- a) A “design-build firm” means a partnership, corporation, or other legal entity which:
 - i. Is certified under Section 489.119, Fla. Stat., as may be amended, to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; and
 - ii. Is certified under Section 471.023, Fla. Stat., as may be amended, to practice or offer to practice engineering; certified under Section 481.219, Fla. Stat., as may be amended, to practice or offer to practice architecture; or certified under Section 481.319, Fla. Stat., as may be amended, to practice or offer to practice landscape architecture.
 - b) A “design-build contract” means a single contract with a Design-Build Firm for the design and construction of a public construction project.
 - c) A “design criteria package” means a concise, performance-oriented drawings or specifications for the public construction project. The purpose of the design criteria package is to furnish sufficient information so as to permit design-build firms to prepare a bid or a response to the District’s competitive solicitation, or to permit the District to enter into a negotiated design-build contract. The design criteria package will specify such performance-based criteria for the public construction project including, but not limited to, the legal description of the site, survey information concerning the site, interior space requirements, material quality standards, schematic layouts and conceptual design criteria of the project, cost or budget estimates, design and construction schedules, site development requirements, provisions for utilities, stormwater retention and disposal, and parking requirements, as may be applicable to the project.
 - d) A “design criteria professional” means a firm who holds a current Certificate of Registration under Chapter 481, Fla. Stat., as may be amended, to practice architecture or landscape architecture or a firm who holds a current certificate as a registered engineer under Chapter 471, Fla. Stat., as may be amended, to practice engineering and who is employed by or under contract to the Authority for the providing of professional architect services, landscape architect services, or engineering services in connection with the preparation of the design criteria package.
- 2) The Design Criteria Package will be prepared and sealed by a design criteria professional employed by or retained by the District in accordance with this Policy. A design criteria professional who has been selected to prepare a design criteria package will not be

eligible to render services under a design-build contract executed pursuant to the design criteria package prepared by the design criteria professional.

- 3) Procedures for the award of design-build contracts. Procedures for the award of design-build contracts will include, at a minimum, the following:
 - a) Preparation of a design criteria package for the design and construction of the public construction project;
 - b) Qualification and selection of no fewer than three (3) design-build firms as the most qualified, based on the qualifications, availability and past work of the firm, including partners or members thereof;
 - c) Criteria, procedures, and standards for the evaluation of design-build contract proposals or bids, based on price, technical and design aspects of the public construction project, weighted for the project;
 - d) Solicitation of competitive proposals, pursuant to a design criteria package, from those qualified design-build firms and the evaluation of the responses or bids submitted by those firms, based upon the evaluation criteria and procedures established prior to the solicitation of competitive proposals;
 - e) Consultation with an employed or retained design criteria professional concerning: 1) evaluation of the responses or bids submitted by the design-build firms; 2) supervision or approval by the District of the detailed working drawings of the project, and; 3) evaluation of the compliance of project construction with the design criteria package provided by the design criteria professional; and
 - f) In the case of public emergencies declared by the Board, any or all of the foregoing procedures may be waived, and negotiations are authorized with the best qualified design-build firm available at the time.

- 4) The Chief Financial Officer may develop additional procedures consistent with this Policy as may be necessary to implement the provisions of this subsection.

212.13 PROTESTS

This procedure applies to resolution of all protests arising from the competitive solicitation process. Notice of all District decisions concerning a competitive solicitation or award, will be electronically posted on the District's website. By submitting a bid/proposal, all bidders or offerors agree to the process set forth in this Policy.

- 1) Notice of Protest/Formal Written Protest
Any person adversely affected by a competitive solicitation will file a notice of protest, in writing, seventy-two (72) hours prior to the date and time on which bids/proposals are to be received and will file a formal written protest within ten (10) days after filing the notice of protest.

Any person adversely affected by the District's decision concerning a competitive solicitation or award, or any person adversely affected by the District's decision to reject all bids/proposals, will file a formal written protest within seventy-two (72) hours after the District's electronic posting of the notice of decision on its website.

No time will be added to the above time limits for mail service.

2) Contents of Formal Written Protest

The formal written protest will be printed or typewritten, and will contain:

- a) The name and address of the person or firm filing the protest and an explanation of how they are adversely affected;
- b) A statement of how and when the competitive solicitation, or notice of District decision or intended decision was received;
- c) A statement of all disputed issues of material fact, and if there are none, a statement so indicating;
- d) A concise statement of the ultimate facts alleged, as well as the rules or statutes which entitle the protestor to relief;
- e) A demand for relief; and
- f) Any other information material to the protest.

3) Filing

All notice of protests and formal written protests will be filed with the District Clerk Monday through Friday, excluding holidays, during normal business hours. Filings may be submitted via hand delivery, U.S. Mail, or other delivery/courier service. Filings will not be accepted via email. A notice of protest or formal written protest is not timely filed unless received by the District within the prescribed time limit. Failure to file a notice of protest, if required, or a formal written protest within the time prescribed in this Policy will constitute a waiver of all claims.

4) Stay of Procurement

Upon receipt of a formal written protest that has been timely filed, the bid solicitation or contract award process will be stayed until the subject of the

protest is resolved by final action by the Board, unless the Fire Chief, with the concurrence of the Board, sets forth in writing particular facts and circumstances which require the continuation of the contract solicitation process through award without delay in order to avoid an immediate and serious threat or loss to the public health, safety, property, or welfare. Notice that a contract solicitation has been stayed will be given by either electronic mail or U.S. mail to all bidders.

5) Resolution of Formal Written Protest

The Fire Chief, or authorized designee, will consider and investigate all written protests in a timely manner. The District will provide an opportunity for the protestor to meet with the Fire Chief, or his or her authorized designee, to resolve the protest by mutual agreement within seven (7) days, excluding Saturday, Sunday, and holidays, of receipt of a formal written protest. The District may grant extensions of time to conduct this meeting for good cause shown.

If the subject of a protest is not resolved pursuant to this meeting, the Fire Chief will certify in writing that there was no resolution. The Fire Chief will make a recommendation to the Board, and the Board will then make a final decision to either uphold the recommendation, reject the recommendation and send it back for further action, reject all proposals, or do something other than what the Fire Chief has recommended.

212.14 SUBSTITUTION OF GOODS

Substitution of goods requires the approval of the Chief Financial Officer, or his or her authorized designee, prior to shipment. Any products delivered that do not meet specifications, or substitute products that are shipped without prior approval, will be returned to the vendor at the vendor's expense. When a shipment or product is returned, the vendor must make immediate replacement with acceptable merchandise or the District may seek all available remedies for default.

212.15 CONTRACT RENEWALS/CONTINUING CONTRACTS

If the District contemplates a renewal of a contract, the competitive solicitation will so state and will provide sufficient information, including the contract period(s) of renewal, to enable each vendor to submit an offer on the contract, including renewal(s). In such case, the contract award will be based on an evaluation of the bid/proposal for the entire contract period, including renewal(s). Contracts for goods may be renewed for an additional term not to exceed the original contract period unless the original contract period is twenty-four (24) months or less, in which case the contract may be renewed for up to three (3) one-year periods. Renewal of the contract will be by mutual agreement in writing and will be subject to the same terms

and conditions set forth in the initial contract. If the goods are purchased as a result of a competitive solicitation, the cost of any contemplated renewals will be included in the competitive solicitation. Renewals will be contingent upon the contractor's satisfactory performance, at the District's sole discretion.

The District will provide for legal counsel to review and approve the form of all contracts prior to their execution when appropriate, as determined by the Fire Chief or authorized designee.

212.16 EMERGENCY PURCHASES

The Board recognizes that circumstances may arise which make it impossible to obtain Board approval prior to making a purchase of goods or services. Emergency purchases are the expeditious purchase of goods or services to eliminate or reduce an imminent or existing threat to the public health, safety, or welfare of persons or property within the District and may be made without taking competitive bids. If possible, emergency purchases will be made with such competition as is practicable under the circumstances, at the discretion of the Fire Chief and will be made at the best possible price. Public construction works do not qualify for this provision and must be procured pursuant to Section 255.20, Fla. Stat., as may be amended, and Section 212.10 (Contracts for Public Construction Works) of this Policy.

In the event that a state of emergency is declared for Collier County by the United States President, the Florida Governor, the Collier County Board of County Commissioners, or the Board, the Fire Chief has the authority to approve without prior Board approval, the purchase of necessary goods or services due to the emergency declaration. The Fire Chief must approve the purchase prior to disbursement of funds.

For all purchases made within this section, the Chief Financial Officer will provide the Board with a summary of emergency purchases including the conditions and circumstances requiring a purchase under this Section at the next Board of Fire Commissioners meeting, and will include complete details surrounding the event(s) which created the emergency. The emergency purchase summary will be included in the consent agenda to be retroactively approved and ratified by the Board.

This provision in no way grants the Fire Chief authority to solely and alone sign District checks as provided for in *District Policy 2.08 Check-ACH-EFT Authorization*.

212.17 SOLE SOURCE PURCHASES

"Sole source" means a purchase that occurs when research has determined that there is only one potential vendor for a good or service. A purchase may be made, or a contract may be awarded without competition when the Fire Chief determines, in writing, after conducting a good faith review of available sources, that there is only one available source for the required supply, service, or construction item. However, if the good or service is available from a sole

source and total cost is in excess of the threshold for Purchasing Category 2, the purchase may be excepted from competitive solicitation by the Board, in writing, upon the filing of a certification by the Fire Chief stating the conditions and circumstances requiring the purchase. This certification will set forth the purpose and need, and why the commodity is the only one that will produce the required results. The Chief Financial Officer will ensure that negotiations are conducted, as appropriate, as to price, delivery, and terms. A record of sole source procurements will be maintained as a public record and will list each vendor's name, the amount and type of each contract, a listing of the item(s) procured under each contract, and the number of each purchase order. Due to the uniqueness of real property, contracts for the acquisition of leasehold interests in real property will generally be considered as a sole source procurement and awarded in accordance with this provision. The Chief Financial Officer may recommend, and the Board may direct, the award of contracts in accordance with other provisions of this Policy or other procedures designed to promote competition and otherwise fulfill the intent of this Policy under appropriate circumstances. Notwithstanding, nothing in this Policy will supersede Sections 212.16 (Emergency Purchases) and 212.17 (Sole Source Purchases).

212.18 PROFESSIONAL SERVICES

Except as provided in Section 212.17 (Sole Source Purchases), because differences in price may only be a minor concern compared to qualitative considerations, professional services are exempt from competitive solicitation requirements by the Board, unless the Board determines that such services should be competitively awarded. Such services include:

- 1) appraisal services;
- 2) auditing and accounting services;
- 3) consultants (planning, management, technologic, or scientific);
- 4) financial services (bond counsel, rating and underwriting, financial advising, actuarial, and investment services);
- 5) legal and legislative services (attorneys and legal professionals); and
- 6) medical services (medicine, psychiatry, dental, hospital, and other health professionals).

212.19 PIGGYBACKING

Section 189.053, Florida Statutes authorizes the District to purchase commodities and contractual services, other than services the acquisition of which is governed by Section 287.055, (the Consultant's Competitive Negotiation Act) from the purchasing agreements of

other special districts, municipalities, or counties which have been procured pursuant to competitive bid, requests for proposals, requests for qualifications, competitive selection, or competitive negotiations, and which are otherwise in compliance with general law if the purchasing of the other special district, municipality, or county was procured by a process that would have met the procurement requirements of the purchasing special district. This process is referred to as a piggybacking process. The District is authorized to procure in accordance with Section 189.053, Florida Statutes. Additionally, if section 189.053, Florida Statutes, is amended to include purchasing agreements of other entities or types of government that the District may “piggyback” on, this provision shall automatically be amended to reflect such allowance.

212.20 DEFAULT-REPROCUREMENT

In the event that a vendor fails to perform pursuant to contract terms and is found to be in default, the District may reprocure the goods or services. Reprocurement may be accomplished by first attempting to contract with the second lowest responsible bidder/respondent. If the District fails to contract with the second lowest responsible bidder/respondent, it may attempt to contract with the next lowest responsible bidder/respondent sequentially until a vendor is found that is willing to perform at acceptable pricing under the competitive solicitation requirements. The District may also elect to reinstate the competitive solicitation process, as may be in its best interest as determined by the Fire Chief, or his or her authorized designee. The foregoing Section does not limit, waive, or exclude in any way the District’s remedies against a defaulting vendor at law or in equity.

212.21 TERMINATION OF CONTRACT AND RESCISSION OF AWARD

Termination of any contract or rescission of any award must be made by the Board; and in all cases where the Board takes action, the Board will consider the Fire Chief’s recommendation prior to termination or rescission, in consultation with the District’s legal counsel.

212.22 EQUAL EMPLOYMENT OPPORTUNITY

The District, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252), as may be amended, and the Regulations of The Department of Commerce (15 CFR, Part 8), as may be amended, issued pursuant to such act, hereby notifies all vendors that it will affirmatively ensure that in any contract entered into pursuant to a competitive solicitation, minority business enterprises will be afforded full opportunity to submit proposals in response to this RFP and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

212.23 PUBLIC ENTITY CRIMES

Pursuant to Sections 287.133(2)(a) and (3)(a), Fla. Stat., as may be amended, a person or an

affiliate who has been placed on the convicted vendor list following a conviction for public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of public building or public work, may not submit bids, proposals, or replies on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Fla. Stat., as may be amended, for category two for a period of thirty-six (36) months from the date of being placed on the convicted vendors list.

212.24 DISCRIMINATORY VENDOR LIST

Pursuant to Section 287.134(2)(a) and (3)(a), Fla. Stat., as may be amended, an entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases or real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity.

212.25 SCRUTINIZED COMPANIES

Pursuant to Section 287.135, Fla. Stat., as may be amended, a company that, at the time of bidding or submitting a proposal for a new contract or renewal of an existing contract, is on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, created pursuant to Section 215.473, Fla. Stat., as may be amended, or has been engaged in business operations in Cuba or Syria, will be ineligible for, and may not bid on, submit a proposal for, or enter into or renew a contract with an agency or local governmental entity for goods or services of \$1 million or more. A vendor may not submit a proposal if it is on the aforementioned lists. By submitting a proposal, a vendor certifies that it is not on the aforementioned lists. Any contract awarded pursuant to a competitive solicitation may be cancelled by the District if a vendor is placed on any of the aforementioned lists.

212.26 CONTRACTOR QUALIFICATIONS

In order to be eligible to submit a bid/proposal for construction, renovation, repairs, modifications, demolition, or other work on a District project, a vendor under the jurisdiction of Chapters 399, 455, 489, or 633, Fla. Stat., as may be amended, must provide to the District evidence of the following qualifications:

- 1) Current state contractor's license certification or registration, as required by law; and
- 2) Current corporate registration, if the vendor is a domestic (Florida) corporation, or authority to transact business in the state of Florida if the potential bidder is a foreign (non-Florida) corporation, as required by law.

212.27 RESPONSIBLE VENDOR DETERMINATION

Respondent is hereby notified that Section 287.05701, Fla. Stat., as may be amended, requires that the District not request documentation of or consider a vendor's social, political, or ideological interests when determining if the vendor is a responsible vendor. This applies to both formal and informal solicitations including email requests for written quotes.

212.28 PUBLIC RECORDS

Sealed bids/proposals are not subject to the public records provisions of Section 119.07(1), Fla. Stat., as may be amended, until such time as the District provides a notice of a decision or intended decision or within ten (10) days after the bid or proposal opening, whichever is earlier. The 10-day period does not include the date of the notice or opening. When the invitation to bid requires the bid or proposal to be placed in two separately sealed envelopes to be submitted simultaneously and not opened on the same date, the 10-day period begins the day after opening of the second envelope.

Once opened, all bids/proposals will become the property of the District and, at the sole discretion of the District, may not be returned to vendor. Any information, reports, or other materials given to, prepared, or submitted in response to a competitive solicitation will be subject to the provisions of the Public Records Act, Chapter 119, Fla. Stat., as may be amended. Any vendor claiming that its bid/proposal contains information that is exempt from Chapter 119, Fla. Stat., as may be amended, must clearly segregate and mark that specific information and provide the specific statutory citation for such exemption. Section 119.071(1)(b), Fla. Stat., as may be amended, exempts sealed bids/proposals from inspection, examination, and duplication until such time as the District issues a notice of intended decision pursuant to Section 120.57(3)(a), Fla. Stat., as may be amended, or within thirty (30) days after the bid/proposal opening, whichever comes first. This exemption is not waived by the public opening of the bids/proposals.

All vendors will be subject to the public records requirements of Chapter 119, Fla. Stat., as may be amended. The District has the right to request and obtain any and all documents pertaining to the purchase of goods and services. The District will require language to be included in all contracts for the purchase of goods and services that the vendor acknowledges and agrees to its responsibilities under Chapter 119, Fla. Stat., as may be amended.

212.29 COMPLIANCE WITH PROCUREMENT POLICY

By providing any goods or services to the District, a vendor agrees to comply with the provisions of this Policy. Failure of a vendor/contractor to comply with the terms of this Policy may be deemed as a default or breach of contract and provide cause for termination of the contract.

212.30 PARTICIPATION IN E-VERIFY SYSTEM

By providing any goods or services to the District, a vendor agrees to comply with Section 448.095, Fla. Stat., as may be amended. In accordance, beginning January 1, 2021, every public employer, contractor, and subcontractor will register with and use the E-Verify System to verify the work authorization status of all newly hired employees. Any arrangement or contract awarded for goods or services will be terminated by the District if the District has a good faith belief that a vendor thereof has knowingly violated this requirement.

AUTHORITY

1. Chapter 119, Fla. Stat. (Public Records)
 - a. Section 119.07(1) (Inspection and copying of records; photographing public records; fees; exemptions)
2. Section 189.053, Fla. Stat. (Purchases from purchase agreements)
3. Section 191.006(5), Fla. Stat. (Independent Special Fire Control Districts/General Powers)
4. Section 120.57(3)(a), Fla. Stat. (Administrative Procedure Act/Additional procedures for particular cases)
5. Section 215.473, Fla. Stat. (Financial Matters: General Provisions/Divestiture by the State Board of Administration; Sudan; Iran)
6. Section 255.20, Fla. Stat. (Public Property and Publicly Owned Buildings/Local bids and contracts for public construction works; specification of state-produced lumber)
7. Chapter 286.011, Fla. Stat. (Public Business: Miscellaneous Provisions/Public meetings and records; public inspection; criminal and civil penalties)
8. Chapter 287, Fla. Stat. (Procurement of Personal Property and Services)
 - a. Section 287.017, Fla. Stat. (Purchasing categories, threshold amounts)
 - b. Section 287.055, Fla. Stat. (Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties)
 - c. Section 287.05701, Fla. Stat. (Prohibition against considering social, political, or ideological interests in government contracting)
 - d. Section 287.134(2)(a) and (3)(a), Fla. Stat. (Discrimination; denial or revocation of the right to transact business with public entities)
 - e. Section 287.135, Fla. Stat. (Prohibition against contracting with scrutinized companies)
 - f. Section 287.055(6), Fla. Stat. (Acquisition of professional architectural, engineering,

- landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties)
- g. Subsections 287.133(2)(a) and (3)(a), Fla. Stat. (Public entity crime; denial or revocation of the right to transact business with public entities)
9. Chapter 399, Fla. Stat. (Elevator Safety)
 10. Section 448.095, Fla. Stat. (General Labor Regulations/Employment Eligibility)
 11. Chapter 455, Fla. Stat. (Business and Professional Regulation: General Provisions)
 12. Section 471.023, Fla. Stat. (Engineering/Qualification of business organizations)
 13. Chapter 481, Fla. Stat. (Architecture, Interior Design and Landscape Architecture)
 - a. Section 481.219, Fla. Stat. (Qualification of business organizations)
 - b. Section 481.319, Fla. Stat. (Corporate and partnership practice of landscape architecture)
 14. Chapter 489, Fla. Stat. (Contracting)
 - a. Section 489.119, Fla. Stat. (Business organizations; qualifying agents)
 15. Chapter 633, Fla. Stat. (Fire Prevention and Control)
 16. Title VI of the Civil Rights Act of 1964, 78 Stat. 252/Nondiscrimination)
 17. Regulations of The Department of Commerce, 15 CFR, Part 8 (Nondiscrimination)
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HISTORY

	Approved Date	General Order	Effective Date Start	Effective Date End
Policy Creation	January 26, 2023	23-001	March 1, 2023	May 31, 2023
Revision #1	April 27, 2023	23-007	June 1, 2023	July 31, 2023
Revision #2	July 27, 2023	23-011	August 1, 2023	March 31, 2025
Revision #3	March 27, 2025	25-006	April 1, 2025	April 30, 2025
Revision #4	April 30, 2025	25-010	May 1, 2025	Current (N/A)