

**SECTION 9: FORMAL PROCEDURES**

**9.0 General**

- 9.0.1 Items or services which are anticipated to be over formal level will normally be acquired through formal written quotations or proposals. The splitting of purchase orders to avoid the formal level is prohibited.
- 9.0.2 Projects less than \$50,000 may, at the request of the user department, be processed as written informal quotes or proposals.
- 9.0.3 Projects \$50,001 and up to \$100,000 will be handled using one of the informal processes.
- 9.0.4 Projects that begin as a formal process but comes in below the formal level still requires the local vendor preference language in the quote package. If local vendor preference plays a part in the recommendation of the low responsive quoter the quote must go to the Board of County Commissioners for approval.  
\*This does not apply to Lee Tran.

**9.1 Master Bidder's List**

- 9.1.1 Procurement will maintain a Master Vendor/Bidder's List comprised of vendors that have requested the opportunity to quote on County purchases, and have completed a Vendor/Bidders List application and a signed W-9 form. If necessary the application may be waived by the Procurement Director.
- 9.1.2 Periodically, Procurement may run a classified advertisement to invite interested vendors to be placed on the Master Vendor/Bidders List.
- 9.1.3 The Master Vendor/Bidder's List will consist of as many categories as the Procurement Director deems necessary.
- 9.1.4 Procurement shall list vendors in the categories indicated on their application.
- 9.1.5 Periodically, Procurement may purge the Master Vendor/Bidder's List by a mailing to all listed companies. Companies who fail to respond affirmatively to the mailing will be purged from the list. Additionally, vendors/bidders with no activity over a specified period of time may become inactive.
- 9.1.6 The Master Vendor/Bidder's List will be used by Procurement for formal quotations and formal sealed proposals.

**9.2 Addendum to Quote/Proposal Package**

- 9.2.1 An addendum to a quote/proposal package shall be defined as an addition, deletion, or change in the already prepared specifications for which an invitation has been mailed.
- 9.2.2 Addenda shall be approved and signed by the Procurement Director or designee. The appropriate personnel shall insure that all prospective quoters who have received the quote/proposal package are so notified of the addenda by certified mail, electronic transmission (i.e. fax, e-mail). The addenda shall clearly point out any additions, deletions or changes to the specifications and conditions.

**9.3 Local Vendor Preference**

- 9.3.1 The Board of County Commissioners may give a preference in an amount not to exceed 3% of the bid price to local persons, firms, or corporations, in accordance with Lee County ordinance 00-10, as amended by ordinance\_08-26.
- 9.3.2 The geographic preference established in the Local Vendor Preference ordinance is applicable to all Lee County procurement activities unless otherwise specifically noted in the solicitation package. Provided, however, the Local Vendor Preference ordinance is not applicable to procurement activity or solicitations involving Federal Transit Administration grant funds.

**9.4 Outside Purchases**

- 9.4.1 These projects will be authorized as follows:
  - \$50,000.00 Department/Division Director
  - \$50,000.01 - \$100,000.00 County Manager
  - \$100,000.01 + Board of County Commissioners
- 9.4.2 **NOTE:** The authorization level required is based on the cost of the original period of award. The cost of exercising renewal options is not considered as part of the original awarded cost since they are options not guarantees. For example: a two year lease at \$60,000.00 per year requires a \$120,000.00 authorization; a one year lease with a one year renewal option at \$60,000.00 per year requires a \$60,000.00 authorization.

9.4.3 Formal projects may be processed by utilizing one of the following procedures:

- Quote
- Proposal
- Waiver
- Piggyback
- Emergency
- Exemption
- Cooperative
- Negotiation

9.4.4 To acquire items or services, which exceed the formal level, a department director or designee should prepare a memorandum or County e-mail requesting such, and submit it along with any necessary specifications to Procurement.

9.4.5 After receipt and review, Procurement will recommend any necessary adjustments to the process. Once the finalized procedure is established Procurement will follow the process for the requested item or service.

9.4.6 Procurement, in agreement with the requesting department/division, will complete the award process.

9.4.7 After a vendor has been selected by the appropriate authorizing authority, the requesting department/division should prepare a requisition for the purchase.

9.4.8 Procurement will complete the order once all necessary authorizations to proceed is received.

**9.5 Formal Written Quotations (One or Two Step Process)**

9.5.1 The formal written quotation process will normally be used for purchase of items or services over formal level.

9.5.2 Formal quotations will be solicited by Procurement via one of the following methodologies:

9.5.3 One Step – Under this scenario, the formal process is followed as detailed below, and all vendors responding to the request for quotes are considered with the low quoter meeting specifications receiving the award.

- 9.5.4 Two Step – Under this scenario, the formal process is followed as detailed below, vendors are qualified in Step One of this process thru evaluation criteria; and only those deemed to be qualified proceed to Step Two where pricing is then revealed for comparison (only the pricing of qualified vendors is exposed). Award is made to the low qualified quoter meeting specifications.
- 9.5.5 The Notice to Quoter will be posted on Lee County Procurement’s web page and advertised.
- 9.5.6 Complete packages containing specifications, conditions, forms and instructions will be made available to vendors when requested. If the specifications are changed after the initial distribution the addendum procedure will be used to notify all holders of specifications. Vendor/Bidders may download the specification package as well as the addendum(s) from Lee County Procurement’s web page.
- 9.5.7 Formal quotations will be received by Procurement and opened by the Procurement Director or designee at the prescribed date, time and place.
- 9.5.8 Procurement will tabulate the formal quotations received and based on the department’s recommendation, will process an approval to award according to the standard authorization levels.
- 9.5.9 When reviewing formal quotations, the requesting department will be responsible for checking the details and calculations of the quotations received. Procurement will be responsible for auditing all details and calculations in conjunction with the requesting department for accuracy and for the quoter’s responsiveness to the quote requirements.
- 9.5.10 Procurement will, based on a recommendation from the department prepare all Agenda Item Summaries for award (blue sheet as appropriate).
- 9.5.11 The user department will be named as requestor on those recommendations requiring Board approval (over formal level).
- 9.5.12 Formal projects will be processed by routing a blue sheet, according to the standard authorization level, as follows:
- \$100,000.01 + - blue sheet (Board level)

- 9.5.13 All sheets will require review and approval by the requesting department then the County Attorney's Office in the routing. Additional review shall be as listed on the sheet as appropriate.
- 9.5.14 If a formal quotation which required a bond must be rejected, it must be rejected by the Board of County Commissioners. All other formal quotations may be rejected at the discretion of the Procurement Director or designee.
- 9.5.15 Any disputes will be handled according to the Dispute procedure in this Manual.
- 9.5.16 Procurement will then notify all quoters and the requesting department of the action taken.

## **9.6 Informal Written Quotations**

- 9.6.1 The procedure for processing an informal written quotation is similar to the formal written quotation with two exceptions: award does not require the processing of a blue sheet, and the bid/proposal protest procedure does not apply.

## **9.7 Formal Proposals**

- 9.7.1 A Proposal is a Procurement method, which due to its uniqueness is based on general written guidelines or a written description of need for a service. This method is in place of a rigid specification when no fixed criteria exist.
- 9.7.2 Formal Proposals may be used for items or services in excess of formal level.
- 9.7.3 Formal Proposals will be solicited by Procurement.
- 9.7.4 The Notice to Quoter may be posted on Lee County Procurement's web page and advertised.
- 9.7.5 Proposals may be processed as a single step procedure where qualifications and pricing are submitted and evaluated simultaneously. Or, a proposal may be processed in a multi-step procedure where vendors are first qualified and then only the qualified vendors are allowed to offer competitive pricing. After the qualification process, the pool of qualified vendors will compete on a purely cost basis. Award would be made to the "lowest qualified proposer".

- 9.7.6 Complete packages containing specifications, conditions, forms and instructions will be made available to vendors when requested. If the specifications are changed after the initial distribution the addendum procedure will be used to notify all holders of specifications. Vendor/Proposers may download the specification package as well as the addendum(s) from Lee County Procurement's web page.
- 9.7.7 Formal proposals will be received by Procurement and opened by the Procurement Director or designee, at the prescribed time, date and place.
- 9.7.8 Procurement will tabulate the formal proposals received and based on the department's recommendation, will process an approval to award according to the standard authorization levels.
- 9.7.9 Proposals require some degree of creativity from the vendor and shall be applied in the same manner, procedurally, as formal written quotations, requiring advertising when deemed necessary.
- 9.7.10 To evaluate competitive proposals, judgmental factors may be used to determine if the items being offered meet the purchase description and to evaluate competing proposals.
- 9.7.11 The effective difference between the two is, under competitive sealed quotations, once the judgmental evaluation is completed, award is made on a purely objective basis to the lowest responsive and responsible quoter. Under competitive proposals, the quality of competing products or services may be compared and trade-offs made between price and quality of the products or services offered.
- 9.7.12 Procurement will, based on a recommendation from the department, prepare all Agenda Item Summaries that go before the Board for award, and also all other project sheets. The Procurement Director or designee shall be responsible for reviewing and making final recommendations as to the responsible proposer whose proposal is in the best interest of the County.
- 9.7.13 It should be noted that when Procurement is excluded from the evaluation process; the Procurement Director is signing off on the appropriate sheet only as a facilitator of the Procurement process; and is not making a final recommendation as to a responsible proposer whose proposal is in the best interest of the County.
- 9.7.14 If a formal proposal, which required a bond, must be rejected, it must be rejected by the Board. All other formal proposals may be rejected at the discretion of the Procurement Director or designee.

9.7.15 Any bid/proposal protest will be handled according to the dispute procedure in this Manual.

9.7.16 Procurement will then notify all proposers and the requesting department of the action taken.

## **9.8 Informal Proposals**

9.8.1 The procedure for processing an informal proposal is similar to the formal proposal procedure with two exceptions: award does not require processing of a blue sheet, and the Bid/Proposal Protest procedure does not apply.

## **9.9 Waiver**

9.9.1 Certain formal purchases which are anticipated to be over Board level may be acquired through a waiver of the requirement for formal quotations. A waiver of formal written quotations may be requested when there is an urgent need for a purchase to be made as soon as possible, when there is only a single source for a purchase, or other documented special circumstances.

9.9.2 For waivers on items or services the appropriate authorizing authority will complete a Justification for Sole Source and/or Waiver Purchase form (found in the Forms Section of this Manual) and forward it to Procurement. See Section 24: Definition of Terms, for a sole source purchase and a waiver purchase.

## **9.10 Specification Safety Review**

9.10.1 Purchase descriptions and specifications will, whenever possible, attempt to identify safety and protective concerns. It will be the ultimate responsibility of the user and Risk Management to coordinate these requirements.

9.10.2 Special consideration should be given to the purchase and use of equipment that is inherently safe.

## **9.11 Negotiation**

Per Florida State Statute (287.057), if less than two responsive bids or proposals for commodity or contractual services purchases are received; the department or division may negotiate a contract on the best terms and conditions. The department/division shall document the reasons that such action is in the best interest of the County in lieu of resoliciting competitive sealed bids or proposals.

9.12 Statement of Work (S.O.W.)

9.12.1 A Statement of Work (S.O.W.) is the result of price negotiations between Procurement and the vendor whereby a detailed description of the work to be performed by the vendor – along with the monies that will be paid for that work and the time allowed for the work, are clearly delineated. This process is used only when the total cost of the project is less than the informal quoting level of \$50,000.00.

9.13 Vendor Pool

9.13.1 Certain projects, both informal and formal, are processed under a “pool” concept; as an example, janitorial quotes. Procurement maintains a list of pre-qualified janitorial vendors – which is renewed on an annual basis (vendors may apply to join the pool at any time throughout the year). This “pool” of vendors is contacted when a janitorial project goes out to quote; and only those pre-qualified vendors are allowed to quote.